

LAW ON EMPLOYMENT AND WORK OF FOREIGNERS

CONSOLIDATED TEXT **1**

CHAPTER I

GENERAL PROVISIONS

SCOPE OF THE LAW

Article 1

(1) This Law shall regulate the conditions and procedure for employment or work of foreigners in the Republic of Macedonia, unless otherwise defined by an international agreement.

(2) A foreigner shall be considered an employed person in the Republic of Macedonia if he, on the basis of an employment contract, has established a labor relation with an employer whose headquarters or place of residence is in the Republic of Macedonia or if the foreigner has acquired a status of a self-employed person in accordance with this Law.

(3) Services provided by foreigners and other forms of work performed by foreigners on the basis of employment contracts or other contracts under the civil law, implemented on the territory of the Republic of Macedonia for a definite period of time, shall be considered work performed by foreigners in accordance with this Law.

DEFINITION OF TERMS

Article 2

(1) The terms used in this Law shall have the following meaning:

1. "Foreigner" is a person who is not a citizen of the Republic of Macedonia;
2. "Foreigner is also a person without citizenship", i.e. a person who is not considered by any country as its citizen under its national laws;
3. "Asylum seeker" is a foreigner who asks for protection from the Republic of Macedonia, in accordance with the Law on Asylum and Temporary Protection;
4. "Recognized refugee" is a foreigner who, in accordance with the Law on Asylum and Temporary Protection, has been recognized the right to asylum;
5. "Person enjoying subsidiary protection" is a foreigner who does not qualify for a recognized refugee, and whose right to asylum shall be recognized by the Republic of Macedonia and shall be permitted to stay on its territory;
6. "Person enjoying temporary protection" is a foreigner who has been recognized the right to temporary protection, in accordance with the Law on Asylum and Temporary Protection;

7. "Victim of human trafficking" is a foreigner under grounded suspicions of being a victim of a criminal offence human trafficking determined by the Criminal Code and who, in accordance with the Law on Foreigners, is issued a permit for temporary stay for humanitarian reasons;
8. "Employer" is a legal entity or natural person registered to perform an activity and other persons referred to in the Law on Labor Relations who employ workers on the basis of an employment contract;
9. "Employee" is a natural person who on the basis of an employment contract has established a labor relation with an employer and on that ground has been registered in the mandatory social insurance by the employer;
10. "Seasonal work" is a form of temporary work, depending on the seasons shift;
11. "Seasonal border employee" is a foreigner who is employed or performs work in the Republic of Macedonia and returns to his permanent place of residence at least once in a week;
12. "Self-employed person" is a natural person who performs independent economic activity providing economic benefit and generating additional value (investment, innovation, technology transfer, provision of job positions) for the economy of the country where it is performed and earns a living from the independent activity he performs, registered in an appropriate legal register, and pays social insurance contributions;
13. "Representative of a foreign company (trade company)" is a natural person, who in accordance with law or acts provided by a legal entity or sole proprietor, is authorized to represent a legal entity or a sole proprietor and is registered in the appropriate register;
14. "Posted employee" is a natural person who has established a labor relation with a foreign employer during the provision of the contracted service in the territory of the Republic of Macedonia and for whom the employer pays social insurance contributions;
15. "Foreign company (trade company)" is a legal entity which performs activity for the purpose of gaining profit and is established or has headquarters out of the Republic of Macedonia;
16. "Presence at the market" is when a foreign company (trade company) is present at the country's market, when it has a branch office or other organizational form of business activities in the territory of the Republic of Macedonia, registered under the regulations of the Republic of Macedonia or if it has a commercial company (trade company) and owns minimum 50 % of the share;
17. "Transferring persons within companies" is a periodical transfer of natural persons working for a foreign legal entity with headquarters out of the Republic of Macedonia in the organizational unit of that entity registered in the Republic of Macedonia;
18. "Cross-border services" are services provided in the Republic of Macedonia by a foreign company (trade company), on the basis of a contract concluded with a domestic legal entity; and
19. "Business visitor" is a foreign natural person who stays in the Republic of Macedonia, and who does not make incomes from the Republic of Macedonia, or who does not sell or offer services on direct basis, but only participates in business meetings, establishes business contacts including negotiations for provision of services or similar activities and including those services and activities related to foreign company (trade company) preparation to gain presence at the market of the Republic of Macedonia. Those types of activities may be performed in the Republic of Macedonia for a limited period of 90 days within a period of six months commencing from the date of the first entry.

APPLICATION OF THE LAW

Article 3

(1) The provisions of this Law shall apply to all foreigners, unless otherwise defined by this Law or international agreement.

(2) The provisions of this Law shall not apply to:

- 1) foreigners who in accordance with international law enjoy privileges and immunity and possess a special document issued by or registered in the Ministry of Foreign Affairs;
- 2) foreigners who provide services in the country on the basis of appropriate bilateral or multilateral agreements or agreements on professional expert assistance, education, postgraduate studies or researches with the European Union or international organizations or who provide services as part of projects organized under aforementioned agreements and are registered in the competent ministries;
- 3) foreigners working as reporters for foreign media or foreign correspondents, accredited in the Republic of Macedonia;
- 4) foreigners who perform office work in established religious communities and religious groups and foreigners who organize and manage charitable and humanitarian activities within registered organizations and religious communities and religious groups;
- 5) foreigners who, on the basis of a contract concluded with the Ministry of Defense or Ministry of Interior, provide services for the needs of the national defense and security and persons who upskill in those areas;
- 6) foreigners who are members of a marine crew or aircrew or foreigners employed by road and rail traffic companies with headquarters registered abroad;
- 7) foreigners who, in accordance with law, are registered in the Central Register of the Republic of Macedonia as founders, partners and members of supervisory boards of companies, and who are not representatives;
- 8) business visitors;
- 9) foreigners and their accompanying technical staff, who participate in organized professional meetings as lecturers, make presentations of scientific achievements or occasionally participate in their implementation;
- 10) foreigners who reside in the Republic of Macedonia on the basis of an international agreement for the purpose of participating in international exchange programs of school students or university students, as well as foreigners who reside due to specialization, professional development or practical qualifications;
- 11) foreigners who as volunteers are engaged in the framework of organized youth camps and other forms of temporary participation of young people at international level, organized by authorized organizations, schools, institutions, ministries or units of the local self-government and the City of Skopje;
- 12) foreigners who by themselves provide creative services in the field of culture as participants in cultural workshops, meetings, colonies and other cultural events or as reporters from such events, as creators and revisers in the field of music, musical performances, folk dances, ballet and literary works, photography, video, film and art of electronic media, as accompanying staff to instructors, reporting and organizational and technical staff and as experts in the field of protection of cultural heritage, librarianship, archives and creative culture, who does not stay in the country for more than 7 days. With regard to these creative services in the field of culture, the service provider shall be obliged to obtain a prior consent from the Ministry of Culture;
- 13) foreigners who participate in sports and chess competitions.

(3) The provisions of this Law shall not apply to citizens of the member states of the European Union if reciprocity has been provided for under an international agreement in terms of free access to the labor market, employment and free flow of services by posted employees, as well as in relation to other forms of work subject to this Law.

Basic provisions

Article 4

(1) The Assembly of the Republic of Macedonia on a proposal of the Government of the Republic of Macedonia (hereinafter referred to as: the Government), by resolution, shall establish the migration policy and the basis of the policy for employment and work of foreigners to be implemented in accordance with this Law and the bilateral and multilateral international agreements. The draft resolution submitted to the Government of the Republic of Macedonia shall be prepared by the Ministry of Interior in cooperation with the Ministry of Foreign Affairs and the Ministry of Labor and Social Policy. On the basis of the established policy for work and employment of foreigners, the Government, on annual basis, by a decision, shall establish a work permit quote adopted not later than the fourth quarter in the current year for the next year.

(2) In compliance with the established policy for employment and work of foreigners, the Government shall conclude international agreements setting up the conditions for a certain category of employees, the course of the services between the signatory countries which shall be exempted from the anticipated quotas and shall adopt measures for protection of the domestic labor market determined by this Law.

(3) The foreigners, who in accordance with the provisions of this Law may be employed, self-employed, or work in the Republic of Macedonia, shall mandatory possess a work permit and regulated residence in the country, and the person responsible for registering their work, need to register it as a work of a foreigner, in accordance with the provisions of this Law. In certain cases laid down in this Law, work performed by foreigners on the basis of a work registration certificate shall be permitted in exceptional cases.

(4) Work registration certificate on a prescribed form - certificate shall be a document confirming the lawfulness of the work performed by foreigners in the country.

(5) Employment or work contract concluded between an employer and a foreigner who does not possess a work permit shall be considered null and void.

(6) The Employment Service Agency shall *ex officio* terminate the employment of a foreigner who has been issued a work permit on the basis of which a labor relation has been established using an appropriate form, upon the expiry of the validity period of the permit.

(7) Foreigners in the Republic of Macedonia may only perform the work for which they possess a work permit.

(8) When employing or granting work to a foreigner, the employer must not put the employment or job seeker in less favorable position due to race, color of skin, gender, age, health condition, i.e. disability, religious, political or other convictions, trade union membership, national or social background, family status, property status, sexual orientation or other personal circumstances. The ban on direct or indirect discrimination in these cases shall refer to discrimination of the candidate for employment and the employee, in accordance with the Law on Labor Relations.

(9) The employer shall be obliged to cover the costs for obtaining a work permit and regulation of the labor relation, pursuant to this Law and other regulations setting out the costs. The employer may not charge the stated financial costs to the foreigner. The employer shall be obliged to ensure that the foreigner he has employed shall enjoy the minimum rights concerning working hours, breaks and rest periods, night work, minimum annual leave, salaries, healthcare and safety at work and special protection of employees laid down in the legal regulations and the general collective agreement or branch collective agreement, if more favorable for the employee.

(10) The employer who, in compliance with the regulations on employment and insurance in the event of unemployment, has been issued a license to assign employees to other employers – beneficiaries,

on the basis of concession contract, may not conclude an employment contract with foreigners who do not possess a work permit valid for a certain period of time.

(11) A foreign employer, who engages posted employees for provision of services in the Republic of Macedonia, shall be obliged to comply with the Law on Labor Relations of the Republic of Macedonia when providing services.

(12) When concluding contracts with foreign contracting parties encompassing work provided by foreigners, the legal entities established in the Republic of Macedonia shall be obliged to comply with provisions of this Law related to the requirements that the foreigners must meet for the purpose of obtaining a work permit.

(13) Foreigners residing in the Republic of Macedonia on the basis of specialization, professional development or practical qualifications, as well as foreigners who reside in the Republic of Macedonia on the basis of an international agreement for the purpose of participating in international exchange programs for school or university students shall not be entitled to work or engage in work in the course of their stay.

(14) Any facilitation, stimulation or participation in illegal employment of foreigners or of Macedonian citizens abroad by an employer or responsible person shall be prohibited and contrary to the provisions of this Law.

CHAPTER II

LIMITATION OF THE NUMBER OF FOREIGNERS AT THE LABOR MARKET

ESTABLISHMENT OF WORK PERMITS QUOTAS FOR FOREIGNERS

Article 5

(1) In accordance with the migration policy, conditions and fluctuation of the labor market, the Government shall annually establish work permit quotas (hereinafter referred to as: quota) thus limiting the number of foreigners at the labor market.

(2) The minister competent for issues in the field of labor, on a proposal of the Employment Service Agency of the Republic of Macedonia (hereinafter referred to as: the Employment Service Agency), in cooperation with the ministers responsible for the relevant fields, in accordance with the legal regulations, shall submit to the Government a proposal for the quota for which the Economic and Social Council may give its opinion as well.

(3) The quota shall not include foreigners who on the basis of a reciprocity agreement with the European Union have been entitled equality with the citizens of the Republic of Macedonia, nor shall include foreigners who, in accordance with this Law, are not anticipated to have to obtain a work permit, foreigners who possess a personal work permit, representatives and posted foreign employees to attend additional training courses.

(4) The quota shall be divided into work permits groups for the following purposes:

- 1) employment of foreigners in the Republic of Macedonia;
- 2) foreigners posted to the Republic of Macedonia;
- 3) training and development;

4) seasonal work of foreigners; and
5) particular services from foreigners.

(5) The quota referred to in paragraph (4) item 1 of this Article may not annually exceed 5% of the population of the Republic of Macedonia that is legally employed, according to the data of the State Statistical Office.

(6) The quota referred to in paragraph (4) item 1 of this Article shall also include the permits granted consent by the Republic of Macedonia, in accordance with the international agreements with the countries whose citizens do not have equal status with the citizens of the Republic of Macedonia.

(7) The Government may reduce and change the quotas on employment and work of foreigners by regions, areas, companies and job positions. Furthermore, it may place limitations and bans on the flow of new foreign workers on the whole or in certain municipalities, provided that there are well grounded reasons for this being of public interest or general commercial interest.

(8) The following shall be considered grounded reasons for accepting the measures referred to in paragraph (7) of this Article:

- 1) conclusion of international agreement under which the requests for employment of foreign workers are reduced;
- 2) increased unemployment trends;
- 3) decline of the need for foreign workers resulting from the policy programs for their employment;
- 4) estimation that the foreigner concerned can not return to his country of origin upon the expiry of his work permit;
- 5) requests from the competent chamber or representative trade union at national level supported by evidence for lost jobs in particular sectors.

(9) The Government may set out special measures to limit the number of self-employed foreigners per particular activity if the growth of the number of self-employed foreigners affects the growth of the national unemployment in the activity concerned.

(10) Initiative for accepting the measures referred to in paragraph (9) of this Article may be proposed by the competent line minister, expert association, competent chamber or representative trade union at national level.

(11) Individual increases of the established annual quota during the year shall be approved in exceptional cases if the Government ascertains that it is of public commercial interest for the country. In such cases, the Government shall define the scope and duration of this kind of increase of the quota, on a proposal of the competent chamber in concurrence with the representative trade unions at national level, the ministry competent for issues in the field of labor and the ministry competent for the relevant field within which the exemption is proposed.

(12) The Government may determine, as for special cases of international tenders, that the work permits are issued out of the quota, without examining the situation on the labor market. In these cases, the Government shall determine the number of foreign employees and other necessary conditions, pursuant to this Law.

(13) The bodies deciding on foreigners' registration concerning performance of independent expert and other profitable activities performed on the basis of a sole proprietor status, when adopting the decision on registration of the foreigner in the appropriate register, shall be obliged to take into consideration the measures adopted by the Government as well.

ESTABLISHMENT OF PRIORITIES

Article 6

(1) The quota established by the Government concerning particular objectives shall be divided in compliance with the following priorities:
1) valid work permits;
2) work permits issued on the basis of international agreements covering already agreed quotas; and
3) new work permits.

(2) Priority for issuance of new work permits shall have the following:
1) foreigners having been issued work permit, regardless of the situation and conditions on the labor market;
2) close family members of Macedonian citizens and of foreigners who possess residence permit in the Republic of Macedonia; and
3) foreigners who have attained professional education in a field facing shortage of workers.

RESTRICTIONS FOR NEW EMPLOYMENTS OR WORK

Article 7

(1) New employments or works for foreigners shall not be permitted if they cause negative effect on the economy and employment rate.

(2) Applications for issuance of work permits for foreigners submitted by employers established in the Republic of Macedonia shall be rejected in the following cases:

1) if, six months prior to the submission of the application for work permit for a foreigner, the employer has dismissed the employees employed for an indefinite time;
2) if the employer has refused to employ an unemployed person referred to by the Employment Service Agency, and who has met the requirements;
3) *abolished*; **2**

3) if the employer presented negative results in the previous year of his operation, if the salaries paid to his employees were under the level determined by the respective branch collective agreement;

4) if the employer as company (trade company) or sole proprietor cannot present positive results for the previous year of his operation;

5) if the employer as a company (trade company) or sole proprietor, within one year prior to the submission of the application for work permit for a foreigner, was granted state assets from the Budget of the Republic of Macedonia for the purpose of retaining the job positions.

6) if there is a negative opinion by the Ministry of Interior regarding the issuance of the work permit.

(3) Restrictions referred to in paragraph (2) of this Article, with exception of the cases referred to in item 4 of this Law, shall exclude employment of certain scarce expert profiles.

CHAPTER III

WORK PERMITS

General provisions

Article 8

(1) Work permit shall be a document on the basis of which the domestic or foreign employer shall conclude an employment or work contract or shall perform other work with a foreigner, in accordance with the provisions of this Law.

(2) The work permit shall be issued as:
- personal work permit,

- employment permit, and
- work permit.

(3) The personal work permit shall be issued for a definite period of time up to 1, i.e. 3 years or for an indefinite period of time.

(4) The employment permit, as a rule, shall be issued for a period of up to one year, unless otherwise determined by this Law.

(5) The work permit shall be issued in accordance with various time limits depending on the purpose of its issuance.

(6) The work permit, as a rule, shall be issued on the basis of an application submitted by an employer, unless otherwise defined by this Law.

(7) Foreigner may be issued only one work permit valid for the same time period.

(8) The foreigner's work permit shall be revoked and canceled if:
1) the foreigner's temporary or permanent residence permit has expired pursuant to law;
2) the foreigner resides out of the Republic of Macedonia for a continuous period longer than six months, except in cases when the foreigner has been posted on the basis of an order by the employer in foreign country or if he has been absent for the purpose of education, illness, maternity or childcare leave;
3) the foreigner performs other work, other than the work he is issued the permit for.

(9) The provisions referred to in paragraph (8) item 2 of this Article shall not apply to foreigners who possess a personal work permit valid for an indefinite period.

(10) The minister competent for issues in the field of labor shall prescribe the procedure for work permits issuance and the form and content of certain types of work permits, as well as the form and content of the form of the certificate.

(11) The application for work permits shall be accompanied by an applicant's statement declaring that he has not been granted state assets from the Budget of the Republic of Macedonia for maintaining the productive job positions.

(12) If the employer, due to some reason, does not establish the labor or contractual relation or terminate the labor or contractual relation with the foreigner prior to the expiry of the work permit validity, he shall be obliged to return the work permit to the body that has issued the permit. The same obligation shall also apply to self-employed persons, if they discontinue their activity prior to the expiry of the permit.

COMPETENT BODIES

Article 9

(1) The issuance of work permit, extension of work permits, revocation of work permits and the procedures for issuance of certificates, prescribed in accordance with this Law, shall be carried out by the Employment Service Agency, within a period of five working days as of the day of submission of the application with the necessary documentation.

(2) The foreigner shall be entitled to file an appeal against the decision of the Employment Service Agency, as a first instance body, rejecting the foreigner's application for work permit with the ministry competent for issues in the field of labor within eight days from the day of the receipt of the decision.

(3) The minister competent for issues in the field of labor shall adopt a decision within 15 days from the day of filing the appeal.

(4) Administrative procedure may be instituted with the competent court against the decision of the minister competent for issues in the field of labor, in accordance with the Law on Administrative Disputes.

(5) If it is ascertained that the conditions laid down in Article 8 paragraph (8) of this Law exist, the Employment Service Agency shall adopt a decision on revocation of the work permit and cancellation of the issued certificate.

(6) The Employment Service Agency, when revoking the work permit, i.e. making a negative decision with regard to the work permit, shall be obliged, in the decision, to elaborate the reason for rejecting the work permit application, i.e. revoking the work permit and to give legal instruction regarding an appeal against the decision.

(7) The Employment Service Agency shall inform the Ministry of Interior on the decision on work permit revocation.

Article 9-a

(1) If the Employment Service Agency does not adopt a decision within the time period determined in Article 9 paragraph (1) of this Article, within a period of three working days after the expiry of the referred time period the submitter of the request shall have right to submit a request to the filing office of the Employment Service Agency in order the Director of the Employment Service Agency to adopt a decision.

(2) The form and content of the request Form referred to in paragraph (1) of this Article shall be prescribed by the minister competent for activities in the field of labor.

(3) The submitter of the request for adoption of the decision referred to in paragraph (1) of this Article shall also attach a copy of the request referred to in Article 8 paragraph (6) of this Law.

(4) The Director of the Employment Service Agency shall be obliged, within a period of five working days as of the day of submission of the request referred to in paragraph (1) of this Article to the filing office of the Employment Service Agency, to adopt a decision for accepting or rejecting the request. If the Director of the Employment Service Agency does not have a filing office, the request shall be submitted to the filing office in the head office of the Employment Service Agency.

(5) If the Director of the Employment Service Agency does not adopt a decision in the time period referred to in paragraph (4) of this Article, the submitter of the request may notify the State Administrative Inspectorate within a period of five working days.

(6) The State Administrative Inspectorate shall be obliged, within a period of ten days as of the day of receipt of the notification referred to in paragraph (5) of this Article, to conduct inspection supervision in the Employment Service Agency and inspect whether the procedure in accordance with law has been conducted, and notify the submitter of the request in regard to the established condition during the supervision within a period of three business days as of the day the supervision has been conducted.

(7) Upon the supervision completed in accordance with law, the inspector of the State Administration Inspectorate shall adopt a decision obliging the Director of the Employment Service Agency, within a period of ten days, to decide upon the submitted request, that is to accept or reject the request and to notify the inspector about the measures undertaken and to submit a copy of the act deciding upon the request.

(8) If the Director of the Employment Service Agency does not decide within the time period referred to in paragraph (7) of this Article, the inspector shall file a motion for initiation of a misdemeanor procedure for a misdemeanor defined in the Law on Administrative Inspection and shall define additional time period of five working days during which the Director of the Employment Service Agency is to decide upon the submitted request and within the same time period shall notify the inspector about the adopted act. Copy of the act deciding upon the submitted request shall be attached to the notification. The inspector shall inform the submitter of the request about the measures undertaken within a period of three working days.

(9) If the Director of the Employment Service Agency does not decide even in the additional time period referred to in paragraph (8) of this Article, the inspector, within a period of three working days, shall file a report to the competent public prosecutor and, in the same period, shall inform the submitter of the request in regard to the measures undertaken.

(10) If the inspector does not act upon the notification referred to in paragraph (5) of this Article, the submitter of the request shall have right to file a complaint to the filing office of the Director of the State Administrative Inspectorate within a period of five working days. If the Director does not have a filing office, the complaint shall be filed to the filing office in the head office of the State Administrative Inspectorate.

(11) The Director of the State Administrative Inspectorate shall be obliged to review the complaint referred to in paragraph (10) of this Article within a period of three working days as of the day of receipt and, if he/she establishes that the inspector has not acted upon the notification of the submitter of the request referred to in paragraph (5) of this Article or has not filed a report in accordance with paragraph (9) of this Article, the Director of the State Administrative Inspection shall file a motion for initiation of a misdemeanor procedure for a misdemeanor specified in the Law on Administrative Inspection for the inspector and shall define additional time period of five working days during which the inspector conducts supervision in the Employment Service Agency to inspect whether the procedure in accordance with law has been conducted and shall notify the submitter of the request about the measures undertaken, within a period of three working days as of the day the supervision has been conducted.

(12) If the inspector does not act even in the additional time period referred to in paragraph (11) of this Article, the Director of the State Administrative Inspectorate shall file a report to the competent public prosecutor against the inspector, and shall inform the submitter of the request about the measures undertaken within a period of three working days.

(13) In the case referred to in paragraph (12) of this Article, the Director of the State Administrative Inspectorate shall immediately, and in a period of one working day at the latest, authorize another inspector to conduct the supervision immediately.

(14) In the case referred to in paragraph (13) of this Article, the Director of the State Administrative Inspectorate shall inform the submitter of the request about the measures undertaken within a period of three working days.

(15) If the Director of the State Administrative Inspectorate does not act in accordance with paragraph (11) of this Article, the submitter of the request may file a report to the competent public prosecutor within a period of eight working days.

(16) If the Director of the Employment Service Agency does not decide in the time period referred to in paragraph (8) of this Article, the submitter of the request may initiate an administrative dispute with the competent court.

(17) The procedure with the Administrative Court shall be urgent.

PROCEDURE FOR WORK PERMITS ISSUANCE ON THE BASIS OF AN APPLICATION BY A FOREIGNER

Article 10

(1) The foreigner shall submit an application for work permit issuance to the diplomatic and consular mission of the Republic of Macedonia abroad, in the country of citizenship or in the country he resides in on the basis of residence permit.

(2) If there is no diplomatic and consular mission of the Republic of Macedonia in the country the foreigner lives, i.e. resides on the basis of a residence permit, the foreigner shall submit the work permit application to the diplomatic and consular mission of the country with which the Republic of Macedonia has concluded a joint representation agreement.

(3) Provided that there is no diplomatic and consular mission in the country where the foreigner lives or resides on the basis of a residence permit as referred to in paragraphs (1) and (2) of this Article, the foreigner shall submit the application to the diplomatic and consular mission of the Republic of Macedonia in the nearest country.

(4) The application referred to in paragraphs (1), (2) and (3) of this Article need to contain data, documents and evidence on the type of activity to be performed by the foreigner in the Republic of Macedonia, the place, as well as the period during which it shall be performed and the qualification capacity (specialty).

(5) The diplomatic and consular mission of the Republic of Macedonia in the relevant country shall deliver the received application to the competent services of the Ministry of Foreign Affairs which after the conducted examination shall deliver it to the Ministry of Interior and the Employment Service Agency for further actions, in accordance with their competencies, in the Republic of Macedonia.

(6) The Ministry of Interior, after the conducted examination of the application referred to in paragraph (5) of this Article, shall deliver the opinion about the application to the Employment Service Agency.

(7) The Employment Service Agency shall issue a work permit to the foreigner who has been given a positive opinion by the Ministry of Economy and the Ministry of Interior concerning his self-employment in the Republic of Macedonia, and shall deliver it to the Ministry of Foreign Affairs to be forwarded to the diplomatic and consular mission of the Republic of Macedonia in the relevant country.

(8) The Employment Service Agency shall prepare a decision for the foreigner who has been given a negative opinion concerning his self-employment in the Republic of Macedonia rejecting the application for work permit and shall delivered it to the Ministry of Foreign Affairs to be forwarded to the diplomatic and consular mission of the Republic of Macedonia in the relevant country.

(9) Upon obtaining a long-term residence visa, i.e. decision on approval of the temporary residence in the Republic of Macedonia, the foreigner may enter the Republic of Macedonia and shall be obliged, within five days from the day of the entry in the Republic of Macedonia, to register in the Ministry of Interior for the purpose of issuing a temporary residence permit for the Republic of Macedonia.

(10) Upon obtaining the temporary residence permit by the Ministry of Interior, the foreigner shall be obliged to register the commencement and discontinuation of the work with the Employment Service Agency – Employment Center, in the headquarters where the company is registered (trade company).

(11) The foreigner may file the application for issuance of a work permit to the Employment Service Agency as well.

(12) The Employment Service Agency shall provide an opinion from the Ministry of Interior upon the application filed in accordance with paragraph (11) of this Law.

(13) It is not necessary to provide an from the Ministry of Interior upon the application filed to the Employment Service Agency, if the foreigner possesses:

- temporary residence permit on the basis of family reunion,
- temporary residence permit of a close family member, citizen of the Republic of Macedonia,
- temporary residence permit due to humanitarian reasons – victim of human trafficking, and
- recognized refugee identity card, identity card for a person under humanitarian protection and identity document pursuant to the Law on Asylum and Temporary Protection.

(14) In order to continue his/her work permit the foreigner, in accordance with Article 12 paragraph (9) of this Law, has to submit an opinion issued by the Ministry of Economy to the Employment Service Agency.

(15) In order to obtain an opinion from the Ministry of Economy, the foreigner has to submit information about the economic and financial situation of the legal entity for the previous year and business plan with indicators for economic self-employment eligibility of the foreigner.

(16) The opinion issued by the Ministry of Economy referred to in paragraph (13) of this Article, shall be submitted to the foreigner within 15 days from the receipt of the request for such an opinion.

(17) The Employment Service Agency, for the foreigner having received a negative opinion by the Ministry of Economy, concerning his/her self-employment in the Republic of Macedonia, shall prepare a decision rejecting the application for the work permit extension.

(18) Procedures for the conditions for registration or deletion of a foreigner who performs a registered expert or other commercial activity shall be conducted by the bodies defined in relevant laws.

PROCEDURE FOR WORK PERMITS ISSUANCE ON THE BASIS OF AN APPLICATION BY AN EMPLOYER AND A SERVICE BENEFICIARY

Article 11

(1) The application for establishment of work relation with a foreigner in the Republic of Macedonia shall be submitted by the employer to the Employment Service Agency – Employment Center.

(2) The application referred to in paragraph (1) of this Article shall include data on the number of employees, qualification structure (specialty), type of business and the period of employees' engagement, description, conditions, place of work, labor cost expressed in hours, as well as a statement declaring his consent that if the needed labor force is lacking at the domestic labor market, to be provided by a foreign citizen.

(3) The employer shall certify and verify the application for which it has received an answer from the Employment Service Agency that the labor force he has requested can not be provided at the domestic labor market, and through the Employment Service Agency, shall forward it to the diplomatic and consular mission of the Republic of Macedonia in the country from where he wants to employ workers.

(4) The diplomatic and consular mission of the Republic of Macedonia abroad shall forward the application received by the Employment Service Agency of the Republic of Macedonia to the

competent employment service of the relevant country for the purpose of conducting a procedure for selection of workers, according to the employer's application.

(5) The competent employment service of the foreign country, following the selection of workers from its country, shall deliver the list of selected workers with the data referred to in paragraph (2) of this Article to the diplomatic and consular mission of the Republic of Macedonia to be forwarded to the competent services of the Ministry of Foreign Affairs and the Ministry of Interior in the Republic of Macedonia.

(6) The Ministry of Interior, after the completed examination, shall deliver the list of workers to the Employment Service Agency, which shall summon the employer to make a selection from the list of workers and to fill in and sign employment contracts.

(7) After the employer has made the selection, completed and signed the employment contract, the Employment Service Agency shall issue to the employer a work permit for the persons he has signed employment contract with and together with the employment contract shall be delivered by the employer to the diplomatic and consular mission of the Republic of Macedonia in the relevant country.

(8) The diplomatic and consular mission of the Republic of Macedonia in the relevant country shall inform the competent employment service of the country concerned in order to notify and direct the persons to the diplomatic and consular mission of the Republic of Macedonia in the country concerned for the purpose of obtaining a long-term residence visa (visa "D"), i.e. receiving a decision on temporary stay in the Republic of Macedonia, defined in accordance with law.

(9) The application of a domestic or foreign employer having a branch office or other organizational business unit at the market in the Republic of Macedonia who wants to engage foreign workers, and upon a received answer from the Employment Service Agency that the labor force can not be provided at the domestic labor market, shall certify the application and in accordance with the Law on Labor Relations may publish a public advertisement on the basis of which shall make a selection out of the applied candidates.

(10) After the employer has made the selection and signed the employment contract, the Employment Service Agency shall issue a certified copy of the submitted application to the employer.

(11) The certified application for work permit issuance, accompanied by the rest of the necessary documents, in accordance with the Law on Foreigners, shall be submitted by the foreigner to the diplomatic and consular mission of the Republic of Macedonia abroad, in the country he is the citizen of or resides on the basis of a residence permit for the purpose of commencing the procedure for obtaining a work permit.

(12) The application for work permit by a foreign employer to engage workers in the Republic of Macedonia in accordance with Article 15 of this Law, and who have already established a labor relation in a foreign company (trade company) shall be submitted to the diplomatic and consular mission of the Republic of Macedonia, in the country where the company has been registered (trade company).

(13) The application for obtaining a work permit for provision of services by a foreigner shall be submitted by the services beneficiary in the Republic of Macedonia to the diplomatic and consular mission of the Republic of Macedonia in the country of citizenship or in the country of residence on the basis of a residence permit.

(14) The application referred to in paragraphs (11), (12) and (13) of this Article shall include data on the number of workers, qualification structure (specialty), type of work and engagement period of the workers in the Republic of Macedonia, description, conditions, place of work, labor cost expressed in hours, as well as the contract of the work to be performed.

(15) The diplomatic and consular mission of the Republic of Macedonia shall deliver the application to the competent services of the Ministry of Foreign Affairs and the Ministry of Interior in the Republic of Macedonia, which, in accordance with law, shall examine the data.

(16) The Ministry of Interior, upon the completed examination, shall deliver the application to the Employment Service Agency, which upon the completed examination, shall issue a work permit to the employer, i.e. service beneficiary for the persons he has signed with the contract for work engagement in the Republic of Macedonia, and through the competent bodies, in accordance with law, shall be delivered to the diplomatic and consular mission of the Republic of Macedonia in the relevant country.

(17) As an exception to paragraphs (11), (12) and (13) of this Article, the application may be filed to and taken from the Employment Service Agency.

(18) The Employment Service Agency shall provide an opinion from the Ministry of Interior upon the application filed in accordance with paragraph (17) of this Article.

(19) The foreigner, upon obtaining the work permit, shall submit an application for a long-term visa issuance (visa "D"), i.e. for receiving a decision on temporary residence in the Republic of Macedonia under the procedure defined by law.

(20) Upon obtaining the long-term visa, the foreigner may enter in the Republic of Macedonia and shall be obliged, within 5 days from the date of the entry in the Republic of Macedonia, to register in the Ministry of Interior for the purpose of issuing a temporary residence permit for the Republic of Macedonia.

(21) The employer shall be obliged, upon obtaining the temporary residence permit by the Ministry of Interior, to certify the commencement and discontinuation of the work performed by foreigners in the Employment Service Agency – Employment Center in the place of employer's headquarters.

PERSONAL WORK PERMIT

Article 12

(1) Personal work permit shall be a renewable or permanent form of a work permit, which during its validity period allows the foreigner free access to the labor market.

(2) Application for a personal work permit may be submitted by a foreigner who fulfills the requirements set out in this Law, as well as by an asylum seeker.

(3) The personal work permit shall be issued for the period laid down in this Law regardless of the situation and conditions on the labor market. The personal work permit valid for a period of one year shall be issued to:

- close family member of Macedonian citizens who possesses a valid temporary residence permit,
- close family member of a foreigner who possesses a personal work permit for indefinite period of time,
- foreigner originating from the Republic of Macedonia or his successor to third generation who does not have Macedonian citizenship,
- foreigner who resides in the Republic of Macedonia on the basis of a temporary residence permit due to family reunion,
- foreigner asylum seeker whose application for recognition of the right to asylum has not been resolved within a period of one year, upon the expiry of the period of one year (the work permit shall be issued for a period of three months with a possibility of extension),
- foreigner having a recognized refugee status,

- foreigner under subsidiary protection, and
- foreigner under temporary protection.

(4) The personal work permit shall be issued to victims of human trafficking who have been granted a temporary residence permit due to humanitarian reasons for duration as the validity period of the temporary residence permit.

(5) The foreigners referred to in paragraph (3) of this Article, in case their labor relation has been terminated through no fault of their own, may register in the records of unemployed persons in the Employment Service Agency.

(6) Close family members of a citizen of the Republic of Macedonia, in accordance with this Law shall mean:

- 1) spouse;
- 2) children of the unwed parents up to age of 18;
- 3) children of the unwed parents of his spouse up to age of 18;
- 4) children of the unwed parents over the age of 18 and their parents who a Macedonian citizen is obliged to support in accordance with law of the country of citizenship;
- 5) children of the unwed parents over the age of 18 and the parents of the spouse who the spouse of the Macedonian citizen is obliged to support, in accordance with the law of the country of citizenship; and
- 6) parents of Macedonian citizens up to the age of 18.

(7) Close family members of a foreigner shall be considered:

- 1) spouse;
- 2) minors of the foreigner not married;
- 3) minors of the spouse not being married;
- 4) minor foreigner's parents; and
- 5) adult unmarried children and parents of the foreigner or spouse who the foreigner or the spouse is obliged to support, in accordance with the law of the country of citizenship.

(8) In accordance with this Law, close family members of the foreigner shall be also considered the other relatives who have been issued a residence permit for the Republic of Macedonia by the competent body due to family reunion.

(9) Foreigner who intends to establish or co-establish a private commercial company (trade company) pursuant to the Law on Trade Companies and to represent that company (trade company) on the basis of the right to establishment, as well as a foreigner who intends to perform the activity as a sole proprietor or a foreigner who intends to independently perform expert activity, in accordance with this Law, shall be obliged to obtain a personal work permit for self-employment issued for the purpose of representing the company (trade company), performing the activity as a sole proprietor or performing professional business activities. In accordance with this Law, the permit shall be valid within a period of one year from its obtaining.

(10) Personal work permit issued for the purpose of performing independent activity as a sole proprietor valid for one year may be obtained by a foreigner registered in the Central Register of the Republic of Macedonia.

(11) The personal work permit referred to in paragraph (8) of this Article may be extended if the foreigner may prove that he has performed his activity during the validity period of the previous work permit, provided that he submits a positive opinion from the Ministry of Economy concerning the implementation of the business plan.

(12) Application for a personal work permit valid for a period of three years may be submitted by a foreigner representing the company (trade company) on the basis of the right to establishment, as well as by a foreigner performing his activity as a sole proprietor or by a foreigner who independently

performs expert activity in the Republic of Macedonia continuously for a period of one year. The application shall be also accompanied by a positive opinion from the Ministry of Economy about the implementation of the business plan.

(13) The personal work permit valid for a period of three years may be reissued to a foreigner for the same period if the foreigner encloses a positive opinion from the Ministry of Economy about the implementation of the business plan.

(14) Application for a personal work permit valid for an indefinite period of time may be submitted by a foreigner who possesses a permanent residence in the Republic of Macedonia and a person with a recognized refugee status.

(15) The persons obliged to register the commencement and discontinuation of the work performed by foreigners shall be the employers who establish a labor relation with the foreigner or the foreigners themselves if they are self-employed.

(16) The personal work permit shall cease to be valid:


- 1) upon the expiry of the validity of the personal work permit;
- 2) upon the expiry of the validity of the residence permit;
- 3) if the foreigner renounces his personal work permit;
- 4) if the foreigner is granted citizenship of the Republic of Macedonia; and
- 5) in the case of death of the foreigner.

EMPLOYMENT PERMIT

Article 13

(1) Employment permit shall be a form of work permit issued for the purpose of permanent employment with employers on the basis of job systematization. A foreigner who has regulated the residence in the Republic of Macedonia and possesses this type of permit may only be employed with an employer who has submitted an application for a work permit.

(2) The employment permit may be only issued on the basis of an application if:

- 1) the employer fulfills the legally prescribed conditions;
- 2) the quota applied for this form of employment is not filled up;
- 3) the foreigner's employment does not have a negative impact on the labor market, in particular on the domestic unemployment situation, employment structure or regional needs for creation of new job positions in industries;
- 4) *abolished.* 

(3) In accordance with the provisions referred to in paragraph (2) of this Article, the employment permit, as a rule, shall be issued if domestic job seekers do not look for that particular job or the persons who in the view of their rights to employment enjoy an equal status with the citizens of the Republic of Macedonia are registered in the Employment Service Agency records, and taking into consideration the priorities laid down in Article 6 of this Law.

(4) The employment of foreigners in the cases related to athletes, workers in the field of culture, scientists, editors, staff in the diplomatic offices without privileged status, and foreigners who work with the same employer and at the same job position for one year, shall not be connected to the labor market due to the nature of the job in question, and the employment permits concerning the above mentioned cases shall be issued regardless of the conditions referred to in paragraph (3) of this Article.

(5) The transfer of foreigners who are already employed at a legal entity in the Republic of Macedonia from one legal entity into another legal entity shall not be related to the labor market.

(6) The employment permits of foreigners referred to in paragraph (5) of this Article shall be issued without meeting the requirements referred to in paragraph (3) of this Article. The issued work permit of the foreigner referred to in paragraph (5) of this Article shall be revoked, and the new work permit shall have a validity period up until the expiry of the validity period of the previously issued work permit, and the foreigner must submit proofs that all charges up until the last fiscal month at the employer where he has been engaged are paid.

(7) If the employment does not have a seasonal character, in accordance with the provisions of this Law, the employment permit shall be issued for the period indicated in the employer's application. This period may not exceed one year, unless otherwise determined by this Law.

(8) The employment permit may not be renewed if the validity period has expired, except in the case of first employment of a foreigner who has been issued a permit with six months limitation. Upon the expiry of this period, the permit shall be renewed for one year without checking the conditions referred to in paragraph (3) of this Article.

(9) As an exception to paragraph (6) of this Article, the period of validity of the work permit for the first time employment can be issued for a period of up to one year, if the foreigner requires to be accompanied by the members of his close family, by submitting a written statement to the Employment Service Agency, stating the close family members accompanying him/her.

(10) The employment of a foreigner who does not possess a residence permit in the country shall be considered as first employment of the foreigner in the country. In case of seasonal workers, first employment shall be considered if the foreigner, when applying, does not possess a valid work permit.

(11) Before the expiry of the employment permit validity, the employer may re-apply for a permit, in accordance with the conditions laid down in this Law.

(12) If the Employment Service Agency determines that it is impossible to eliminate the deficit in particular expert profiles of workers at the labor market within a period of two years, it may, in exceptional cases, issue a work permit valid for a period of two years provided the application for the permit is submitted by the same employer where the foreigner works continuously for two years.

(13) Close family members of Macedonian citizens or of foreigners who possess work permits shall be issued employment permits with the same validity period as their residence permits provided that they are recorded as unemployed in the Employment Service Agency and fulfill the requirements established by the employer.

(14) The employment permit shall be issued as part of the quota determined for employment of foreigners in the Republic of Macedonia.

(15) Employers employing foreigners shall be the persons obliged to register the commencement and discontinuation of the work performed by the foreigners in accordance with this Law.

(14) The employment permit shall cease to be valid: 4

- 1) upon expiry of the period the permit has been issued for;
- 2) upon expiry of the validity period of the residence permit;
- 3) if the labor relation is terminated;
- 4) if the foreigner has been granted citizenship of the Republic of Macedonia; and
- 5) in the case of death of the foreigner.

WORK PERMIT

Article 14

(1) Work permit shall be a type of a work permit with previously determined time limit, on the basis of which the foreigner may temporary work in the Republic of Macedonia in line with the purpose the permit has been issued for.

(2) With regard to the purpose, the work permit shall be related to:
1) work performed by posted foreign workers;
2) training and professional development of foreigners;
3) seasonal work of foreigners;
4) work performed by foreign representatives; and
5) individual services by foreigners.

(3) A foreigner shall be issued a work permit on the basis of an application submitted by the employer or other legal entity, in accordance with this Law.

(4) The work permit shall be issued within the quota determined for particular purposes.

(5) Upon expiry of the work permit, the foreigner must not be issued an employment permit or personal work permit unless he temporary discontinues with the performance of the work in the country, unless the request is submitted prior to the expiry of the validity period of the work permit and the foreigner meets the requirements referred to in Article 4 of this Law, the issued work permit shall be revoked, and the new employment permit, that is, the personal work permit shall have the same validity period as of the previously issued work permit.

(6) Upon expiry of the work permit, it may be renewed only in exceptional circumstances, in accordance with the provisions of this Law.

(7) The person obliged to register the commencement and discontinuation of the job performed by a foreigner who possesses a work permit shall be the employer where the work is performed, unless otherwise determined by this Law.

(8) The work permit shall expire:
1) upon expiry of the period it has been issued for;
2) upon termination of the labor relation or employment contract; and
3) in the case of death of the foreigner.

CHAPTER IV

CROSS-BORDER SERVICES PROVISION BY FOREIGN COMPANIES THROUGH POSTED WORKERS

CONDITIONS FOR CROSS-BORDER SERVICES PROVISION

Article 15

(1) Cross-border services may be provided in the Republic of Macedonia by foreign companies through transferred workers if the conditions laid down in this Law are fulfilled.

(2) Provision of cross-border services through posted workers shall not be permitted if presence of foreign companies at the market is required, in accordance with the international agreements and the laws of the Republic of Macedonia

(3) Foreign company (trade company) providing services in its own name and account, on the basis of a contract concluded with a client, service beneficiary, from the Republic of Macedonia, may be a provider of foreign services in the Republic of Macedonia.

(4) The foreign company (trade company) may provide services through posted workers employed in the foreign company (trade company) for at least one year. A posted worker may be issued a work permit several times, separately, but for three months the longest in one calendar year. If the contract is extended due to objective reasons, the work permit may be renewed for a period of up to one month the longest.

(5) Work permit of a foreigner shall be issued on the basis of an application submitted by a foreign employer – service provider. In accordance with this Law, the service provider shall be obliged to register the job performed by posted foreign workers.

(6) A foreign employer may apply for a work permit for posted workers if he meets all legally prescribed conditions for performing an activity in the Republic of Macedonia. The foreign employer shall be obliged to submit a written statement that he shall comply with the conditions laid down in the Law on Labor Relations of the Republic of Macedonia in the course of services provision in the territory of the Republic of Macedonia.

(7) In accordance with the provision referred to in paragraph (6) of this Article, the foreign employer shall be obliged to ensure that the posted workers have the minimum rights to working hours, breaks and rest periods, night shift work, minimum annual leave, salaries, healthcare and safety at work and special protection to workers laid down in the legal regulations and the general collective agreement or in the branch collective agreement, if more favorable for the worker.

(8) The Employment Service Agency shall perform an inspection of the contract for performing of services and the timetable plan and the proof of appropriate registration of the contracting parties. The inspection shall involve: the value of the contract, time of implementation of the contract, number of foreign workers engaged under the contract, locations where the contract shall be implemented, subject of the contract and the appropriateness of the registered activity which shall be carried out on the territory of the Republic of Macedonia on the basis of the contract.

(9) The particular contract referred to in paragraph (3) of this Article may be implemented no longer than three months. The implementation of the contract may be extended under exceptional circumstances if the service provider and the client provide evidence that, due to well grounded reasons (state of emergency, delay in the implementation of the work connected to the work under the contract, etc.) the contract cannot be implemented for a period of three months.

(10) In exceptional cases, when the service is of particular importance for the state and the client is a state administration body and other state body or body of the local government or holder of public function, the service may be provided for a longer period as determined in paragraph (9) of this Article. Before submitting the application for a work permit, the client shall have to provide, on the basis of well grounded argument, a written consent by the minister competent for issues in the field of labor that, in concurrence with the minister competent for issues in the field of the particular activity, he shall decided on the justification of the extension of the period for services provision and on the determination of the period for the services provision, as well as on the number of posted workers - service providers.

(11) The minister competent for issues in the field of labor, provided there is no reciprocity (real reciprocity), may diminish or change cross-border provision of foreign services through posted workers on the basis of previously obtained opinion by the minister competent in the field of the particular activity, the competent chamber and trade unions at national level, provided that the further provision of services may affect the employment situation or the possibility of competition of the domestic service providers at the foreign markets or due to other harmful effects on the labor market.

(12) It shall be considered that reciprocity exists unless counter evidence is provided, and if there is a suspicion, an opinion shall be requested from the minister competent for issues in the field of labor.

EXCEPTIONS

Article 16

(1) The services defined in Article 15 of this Law may, in exceptional cases, be provided without work permits in the cases defined by this Law.

(2) In the cases referred to in paragraph (1) of this Article, the client of the service established in the Republic of Macedonia shall be the person obliged to register the commencement and discontinuation of the work performed by a foreigner.

WORKERS POSTED TO ADDITIONAL TRAINING IN MACEDONIAN COMPANIES

Article 17

(1) Additional training of posted workers may be carried out if the Macedonian company (trade company) owns share capital of at least 10% in a foreign company (trade company) or in case of business and professional cooperation or technology transfer between companies (trade companies), and based on the mutual agreement between the companies (trade companies) they should make an annual turnover of at least Euros 50.000 in Denars counter-value.

(2) The additional training of posted foreign workers shall be carried out in a company (trade company) established in the Republic of Macedonia on the basis of an agreement on additional training signed by the Macedonian and foreign company.

(3) The agreement on additional training must include provisions for the amount and manner of salary payment of the foreign posted worker, manner of covering the costs for accommodation and food, as well as additional training programs. The training program must include: list of foreign workers, by stating the job positions in the foreign company and their professional education, way of additional education – individual or group, where separate groups may have maximum five foreign workers, field of additional education, profession or job position where the foreigner shall be additionally trained, rights and obligations of the foreigner during the additional training, venue of conducting the additional training activity and manner of training check.

(4) The Macedonian company (trade company) shall be obliged to ensure that the posted workers have the minimum rights regarding the working hours, breaks, rest periods, night work, health care and safety at work and special protection of workers as laid down in the provisions of the Law on Labor Relations and the general collective agreement.

(5) The foreign company (trade company) may post individual worker to additional training several times, but maximum for three months within a period of two years.

(6) The work permit of the posted workers referred to in paragraph (1) of this Article shall be issued on the basis of an application submitted by the foreign company (trade company) that is obliged to register the foreigner's job, in accordance with the provisions of this Law.

(7) During the additional training, the posted foreign worker shall be provided with appropriate health insurance in accordance with the regulations of the Republic of Macedonia.

POSTED FOREIGN WORKERS TO CARRY OUT ADDITIONAL TRAINING OF MACEDONIAN WORKERS IN MACEDONIAN COMPANIES

Article 18

(1) Additional training of Macedonian workers in Macedonian companies may be carried out by posted foreign workers if a Macedonian company has a share capital of at least 10% in a foreign company or in case of business and professional cooperation or technology transfer between companies, and based on the mutual agreement between the companies they should make an annual turnover of at least Euros 50.000 in Denars counter-value.

(2) Additional training of Macedonian and foreign workers shall be carried out in a company (trade company) established in the Republic of Macedonia, on the basis of an agreement on additional training signed by the Macedonian and foreign company (trade company).

(3) The agreement on additional training must include provisions of the amount and manner of salary payment of the foreign posted worker, manner of covering the expenses for accommodation and food, as well as additional programs. The training program shall include: list of foreign workers with the job positions in the foreign company and their professional education, way of additional education – individual or group, where the groups conducted by foreign posted workers may have five Macedonian workers the most, field of additional education, profession or job position where the foreigner shall be additional trained, rights and obligations of the foreigner while at additional training, venue of conducting the additional training and ways of training check.

(4) The Macedonian company (trade company) shall be obliged to ensure that the posted workers have the minimum rights regarding the working hours, breaks, rest periods, night shift work, health care and safety at work and special protection of workers as laid down in the provisions of the Law on Labor Relations and the general collective agreement.

(5) The foreign company (trade company) may post individual worker to additional training several times, but maximum three months within a period of two years.

(6) The work permit of the posted workers referred to in paragraph (1) of this Article shall be issued on the basis of an application submitted by the foreign company (trade company) that is obliged to register the foreigner's job, in accordance with the provisions of this Law.

(7) In the course of the additional training, the posted worker must be provided with appropriate health insurance, in accordance with the regulations of the Republic of Macedonia.

CHAPTER V

DESIGNATION OF WORKERS

GENERAL PROVISIONS ON DESIGNATION OF WORKERS

Article 19

(1) A foreign legal entity, in accordance with the conditions laid down in this Article, may temporary post its workers from their permanent job location abroad to a branch office or other organizational

unit so as to be present at the market of the Republic of Macedonia for the purpose of accomplishing some specific tasks or providing contractual services in the territory of the Republic of Macedonia.

(2) The foreign employer must obtain a work permit concerning the designation of the workers referred to in paragraph (1) of this Article, which shall be issued without inspection of the situation and conditions on the labor market, as a part of the quota determined for posted foreign workers and must register the job performed by the foreign workers, in accordance with the provisions of this Law. The work permit shall be issued provided that the foreign employer or foreign worker has not been imposed a misdemeanor sanction for a committed misdemeanor in the previous three years before submitting of the application, in accordance with this Law.

(3) A foreign legal entity may designate workers he has employed provided that the workers have been employed by that legal entity for at least one year. The foreign workers may be designated to work in the Republic of Macedonia up to one year the longest, unless otherwise determined by this Law or international agreement. The foreign workers may be re-designated to work in the Republic of Macedonia after temporary discontinuation of the work, because of the validity of the previously issued work permit, but no more than three years for a period of five years, except for the persons referred to in Article 20 paragraph (2) of this Law.

(4) The right to designation of workers shall be subject to the principle of reciprocity. The existence of reciprocity shall be determined in accordance with the provisions referred to in Article 15 paragraph (11) of this Law.

(5) The Government may determine cases that are subject to exemption of the principle of reciprocity, taking into consideration the general economic interest expressed in a form of opinions given in the competent chambers, representative trade unions at national level and in the competent ministries. With regard to international tenders, the Government may precisely determine the maximum number of designated workers, designation period and other conditions to be taken into account so as to hinder the harmful effect to the market concerning the employment of the domestic population.

(6) Employers shall be obliged to provide the foreign workers temporary designated in the Republic of Macedonia with the appropriate conditions as laid down in the Law on Labor Relations, in accordance with the provision referred to in Article 15 paragraph (7) of this Law.

(7) In the course of performing their work in the Republic of Macedonia, the foreign workers designated in organizational units in the Republic of Macedonia must possess an appropriate health insurance, in accordance with the regulations of the Republic of Macedonia.

POSTING PERSONS WITHIN ASSOCIATIONS OF THE COMPANY (TRADE COMPANY)

Article 20

(1) Posting foreign persons within associations of the company (trade company) shall be permitted if the legal entity has registered a branch office or other affiliated trade company (hereinafter referred to as: organizational unit) in the Republic of Macedonia. In such cases, the foreign employers may temporary post workers residing abroad, who have been previously employed by the employer for at least one year, to work in the Republic of Macedonia for the purpose of performing special tasks within the organizational unit.

(2) The foreigner employer, in accordance with the provision referred to in paragraph (1) of this Article, may temporary post the following persons to work in the Republic of Macedonia:
1) persons holders of major functions, but are not registered in the Trade Register of the Republic of Macedonia, mainly in charge of general supervision of the organizational unit managers, on the basis

of instructions supplied by the company's (trade company's) managing board or general assembly of the company, as well as managing the organizational unit, sector or subsector of the organizational unit and supervision and control by other experts engaged for supervision, expert and operational work, authorized hiring of trainees and dismissal of employees or other personnel matters, and 2) natural persons working for a legal entity and are of, or have special importance for the services provision, research equipment, methods and management of the company (trade company). The assessment of the need for such special knowledge shall take into account not only the particular knowledge for the company (trade company), but also the fact that the person in question has higher education diploma valid for the type of work or job position for which special expert knowledge and membership in professional associations are necessary.

(3) The designation period of the workers referred to in paragraph (2) of this Article shall be determined in line with the acts of the foreign legal entity. The designated person, as a rule, shall retain the status of posted worker for a period of one year. The work permit shall be issued on the basis of the application submitted by the foreign legal entity.

(4) If international agreements provide for any extension of the posted worker status or if the authorized body in the country has not extended this status, the foreigner may not renew his work permit. The employer may apply for employment permit for the foreigner, which shall be issued without inspecting the situation and conditions on the labor market, by fulfilling the requirements referred to in the other provisions of this Law related to obtaining a work permit.

CHAPTER VI

TRAINING AND ADVANCED TRAINING OF FOREIGNERS

CONDITIONS FOR TRAINING AND ADVANCED TRAINING

Article 21

(1) The work permit issued for training and advanced training of a foreigner, as a rule, shall refer to cases where the Republic of Macedonia has concluded such agreement with the country of foreigner's citizenship. Unless otherwise determined by this Law, the training and advanced training program shall be carried out on the basis of the employment contract with the foreigner for a limited period, concluded for a period of up to one year the most. Provided that the training or advanced training programs cannot be completed within that period, the work permit may be extended for six months or one year the most, in case the training is carried out in the field of medicine.

(2) The training or advanced training of foreigners in exceptional cases may be carried out without prior conclusion of international agreement, and in that case the activities should be presented through developing programs or projects for cooperation at interstate level which, in return, shall be verified following the issuance of the work permit. The training or advanced training of foreigners, which may be carried out without prior conclusion of interstate agreement, need to be of a particular interest to the economic sector, ministry or the units of the local self-government and the City of Skopje.

(3) The permit for work performed by a foreigner shall be issued on the basis of an application submitted by the training and advanced training program organizer such as company (trade company), authorized institution or state body in the Republic of Macedonia. The organizer must register the work performed by the foreigner in accordance with the provisions of this Law.

(4) The training and advanced training may be carried out without conclusion of an employment contract provided that it is determined in other laws.

(5) In the case referred to in paragraph (4) of this Article, a written contract must be concluded between the provider of the training program and the organization where the foreigner shall carry out the training and the advanced training program. The contract must include provisions applicable to mutual relations concerning the obligations and responsibilities undertaken by the responsible parties, and are related to the implementation of the program.

(6) In the course of implementation of the training program, the foreigner must be provided with appropriate health insurance in accordance with the legal regulations in the Republic of Macedonia.

(7) Under the specified conditions, the foreigner may participate in the program of individual or advanced training only once.

(8) The work permit, in accordance with this Article, shall be issued as part of the quota distributed for training and advanced training, regardless of the situation and conditions of the labor force and with regard to other provisions of this Law applicable to obtaining work permits.

CHAPTER VII

SEASONAL WORK FOR FOREIGNERS

General provisions

Article 22

(1) Seasonal work for foreigners shall be permitted within the activities having seasonal character, only if the demand on the labor market temporary surpasses the offer serving as a basis for determination of the annual quota for these purposes.

(2) A foreigner with a permanent residence in a foreign country shall be issued a work permit upon application submitted by the employer. In accordance with this Law, the employer shall be also obliged to register the commencement and discontinuation of the job performed by the foreigner. A natural person not registered for performance of such activity cannot be an employer of seasonal foreign workers.

(3) The work permit shall be issued as part of the quota determined for seasonal work.

(4) The employer may apply for seasonal work permit for a foreigner valid for up to six months, and for seasonal work in civil engineering for up to nine months, and only once in the calendar year, unless otherwise determined by this Law.

(5) For the purpose of performing the seasonal work, the employer shall conclude a definite-term employment contract with the foreigner.

(6) The foreigner performing seasonal work may be reissued the work permit for any purpose for the following calendar year. Upon expiry of the permit for seasonal work in civil engineering, the work permit may be reissued for any purpose after seven months.

SEASONAL WORK IN AGRICULTURE AND FORESTRY

Article 23

(1) As an exception to the provision referred to in Article 22 paragraph (4) of this Law, the work permit in the field of agriculture and forestry may be extended or reissued to the same employer or to other employer, but up to three times per year, provided the complete duration of the work does not exceed six months in one calendar year. On the basis of the opinion by the chamber competent for agriculture and forestry, about the occurrence of emergency conditions for production (extension of the vegetation period), the employer may require exceptional extension of the work permit up to one month the most.

(2) The employer may be a legal entity or natural person registered for performance of activity and natural person who is the owner or lessee of the farm, forest or agricultural land.

SEASONAL WORK IN CIVIL ENGINEERING

Article 24

(1) The validity of the seasonal work permit in the field of civil engineering shall be limited to maximum of nine months within a period of twelve months.

(2) The seasonal work permit may be reissued to the same foreigner upon the expiry of the period referred to in Article 22 paragraph (6) of this Law, no matter whether the application is submitted by the same or another employer.

CHAPTER VIII

WORK BY FOREIGN REPRESENTATIVES OF COMPANIES

CONDITIONS OF WORK

Article 25

(1) Companies or sole proprietors, established in accordance with law applicable to trade companies, shall be obliged to obtain a work permit for a foreigner appointed as their representative, in accordance with the provisions of this Law.

(2) Company (trade company) employing ten or fewer workers may obtain one work permit for a foreign representative of a company and one work permit for a foreign representative of a branch office, regardless of the number of branch offices.

(3) Sole proprietor employing ten or fewer workers may obtain one work permit for one foreign representative of the sole proprietor and one work permit for a foreign representative of a branch office regardless of the number of branch offices.

(4) Foreign company (trade company) performing business operation in the Republic of Macedonia, and has one or more branch offices, may obtain one work permit for the representative of a particular branch office if the branch office employs ten or fewer workers.

(5) Foreign representatives shall be issued a work permit on the basis of an application submitted by the employer, no matter the situation and conditions on the labor market, for a period of one year with a possibility of its extension.

(6) The work permit may be re-extended provided that the employer proves that the company (trade company) or the proprietor has performed their activities in the course of the validity of the previous work permit.

(7) The employer shall be the person obliged to register the commencement and discontinuation of the job performed by the foreigner.

CHAPTER IX

CONTRACTUAL SERVICES PROVIDED BY FOREIGNERS ON THE BASIS OF A WORK PERMIT

REQUIREMENTS FOR INDIVIDUAL SERVICES PROVIDED BY FOREIGNERS

Article 26

(1) Foreigners who are not registered for performance of an activity, and have permanent residence out of the Republic of Macedonia, may obtain work permit for provision of contractual services only under justified conditions when the service provider compulsorily possesses expert knowledge that cannot be provided through the domestic market offer.

(2) The work permit shall be issued by the Employment Service Agency on the basis of an application submitted by a client performing the work and as part of the quota of work permits distributed for individual services provided by foreigners. The client must register the commencement and discontinuation of the work performed by the foreigner, in accordance with the provisions of this Law.

(3) The work permit may be issued more than once within one calendar year, but for a total period of up to 90 days. The foreigners providing services in the field of science, culture, sports, health and education may be issued work permits valid for one year if conditions for establishing a labor relation do not exist. The foreigners providing services in the field of health must also fulfill the requirements referred to in the provisions on health protection.

(4) The Employment Service Agency shall determine whether grounded reasons for issuance of a permit for provision of individual services exist, taking into consideration the situation and conditions on the labor market and the quota of permits on disposal. The Employment Service Agency, in case of suspicion whether the issuance of the permit is justified, shall decide on the basis of a prior opinion provided by a competent sector, professional association or ministry in charge of the particular activity or by another competent body.

(5) Provided that the contract related to the work performed by a foreigner is concluded for a period of more than one year, the work permit may be renewed on annual basis, up to the contract's termination date.

CHAPTER X

SERVICES PROVIDED BY FOREIGNERS BASED ON REGISTRATION OF THE WORK

CONTRACTUAL SERVICES PROVIDED BY FOREIGN ARTISTS AND PROFESSIONAL AUTHORS

Article 27

(1) Foreigners who as artists (actors, directors, costume designers, set designer, sculptors, painters, graphic artists, designers, illustrators, vocally instrumental soloists, conductors, composers, writers, scriptwriters, choreographers, photographers, dance and folk dancers and other persons) who create, perform, exhibit or promote drama, music, stage music, folklore, audiovisual, literary works, artistic works, and works of applied art, professional workers for protection of cultural heritage that perform activities for the protection of cultural heritage, professionals, who as experts or artists participate in art colonies, seminars, workshops and meetings in the field of culture or an activity of organizing cultural events and developments and other service programs for entertainment, for carrying out the activities in the Republic of Macedonia can perform their services without a work permit, provided that the overall period for the provision of such services is no longer than seven days. Exceptions are the performances in a circus and amusement parks where the activity shall be performed without work permits for the entire approved stay in the country.

(2) The foreigners referred to in paragraph (1) of this Article need to obtain consent by the Ministry of Culture regarding their creative services in the field of culture in order to regulate their stay. The application for consent submitted to the Ministry of Culture shall be accompanied by a plan and program of activities to be implemented, a list of previously implemented activities, an invitation to participate or a contract concluded with the organizer registered in the Republic of Macedonia, provided that the activity the foreigner tends to conduct is conditioned with cooperation with the Macedonia organizer, whereupon the Ministry of Culture keeps records of the applications and opinions issued to foreigners. Exceptions are the performances in a circus and amusement parks that for regulating their stay need to obtain consent from them municipality which gave an approval for setting on their territory.

(3) The requirement for provision of services in accordance with paragraph (1) of this Article shall be the registration of the work with the Employment Service Agency. The organizers or the clients in the place the services are to be provided, or if the work is performed on a number of locations, in the place where organizer's or client's headquarters are located, shall be responsible for registration of the work with the Employment Service Agency.

(4) If the work performed on the basis of a contract last longer than the period laid down in paragraph (1) of this Article, the foreigners shall be obliged to obtain a work permit in accordance with the type of work they perform.

(5) The services stated in paragraph (1) of this Article may be provided several times on the basis of a certificate for job registration, but up to 30 days within one calendar year the most.

SERVICES RELATED TO COMMERCIAL FAIRS

Article 28

(1) Foreign workers posted to a country for the purpose of installation, mounting and displaying equipment and items for commercial fairs and exhibitions participated by their employer, shall not need to obtain a work permit, provided that they complete their services within the period not surpassing the duration of the commercial fair.

(2) With regard to the cases referred to in paragraph (1) of this Article, the foreign employer displaying his products and items shall be obliged to register the work performed by the foreigners with the Employment Service Agency in the place the service is to be provided.

SHORT-TERM SERVICES PROVIDED BY FOREIGNERS

Article 29

(1) The work permit shall not be required in the following cases:
1) if the services provided by foreign workers are related to supply of goods and installation of machines, devices and equipment, if the service provider gives initial instructions to the client's staff and if the services are accompanied by dismantlement of machines, devices and equipment;
2) if regular services related to maintenance are required if those services have been agreed under the contract for purchase of machines, devices or equipment and if they are provided by workers employed by the manufacturer;
3) if, under the contract for purchase of machines, devices or equipment from abroad, the supplier is obliged on his own account to fix the defects of the machines, devices or equipment purchased; and
4) if the work lasts up to 60 days and the person responsible for registration registers the work performed by foreigners.

(2) The person who is responsible for registration of the beginning of the work of the foreigner should be a local client to whom the foreign employer and its workers or the foreigner as a natural person provide services.

WORK PERFORMED BY FOREIGNERS RESIDING IN THE REPUBLIC OF MACEDONIA FOR THE PURPOSE OF STUDYING

Article 30

(1) Foreigners residing in the Republic of Macedonia for the purpose of studying may perform short-term or ancillary activities without work permit, if the total period for the performance of those activities is not longer than 10 working hours during the week.

(2) Condition for performance of short-term or ancillary activities, in accordance with paragraph (1) of this Article, shall be registration of the work with the Employment Service Agency. The organizer, clients or employer in the place where the work is to be performed shall be obliged to register the work with the Employment Service Agency.

(3) The employer shall be obliged to cover the expenses for social insurance of the foreign students for the period during which the short-term or ancillary works are performed by them.

EMERGENCY SERVICES

Article 31

(1) If at request of a local client such as trade company, state body, local self-government units and the City of Skopje or an authorized organization, it is necessary to immediately provide services by a foreign provider for the purpose of establishing or preventing economic damage or other consequence as a result from natural catastrophe or other disasters or collisions, or carrying out rescue operations or undertake measures necessary to prevent threats to population health, or during special diagnostic,

that is, inspection of aircraft, it shall not be necessary to obtain a work permit for the foreign workers or for suitably qualified foreign natural persons.

(2) The client for whom the services referred to in paragraph (1) of this Article are intended for shall register the service with the Employment Service Agency in the place where client's headquarters are located, within 3 days from the date of the arrival of the foreigners in the country.

(3) The provision of the services pursuant to this Article must not last longer than 30 days. If longer presence of the foreigners is needed, the client must require work permit for the registered foreigners, which shall be issued regardless of the situation and conditions on the labor market.

CHAPTER XI

REGISTRATION OF THE COMMENCEMENT AND DISCONTINUATION OF THE WORK PERFORMED BY FOREIGNERS

General provisions for registration of the commencement and discontinuation of the work performed by foreigners

Article 32

(1) The registration of the work performed by foreigners shall be conditional and shall apply to all foreigners who are employed or work in the Republic of Macedonia on the basis of the provisions of this Law.

(2) Persons who according to this Law are responsible to register the work performed by foreigners shall be obliged to mandatory register the commencement and discontinuation of the work performed by foreigners, in accordance with the provisions of this Law.

(3) If the responsible person fails to register the beginning of the work of the foreigner within a period of five days as of the regulation of the stay in the country based on the issued employment permit, the Employment Service Agency shall *ex officio* register the foreigner who has acquired a personal identification number of a foreigner in the systems for mandatory health and pension insurance at a gross salary stated in the employment contract before the Employment Agency.

(4) The Employment Service Agency shall issue to the person responsible for registering the work performed by foreigners a certificate in a written form.

(5) The person responsible for registration need to keep the certificate during the entire period of the performance of the work in the main place of the activity, and in case of field work, on the site where the foreigner works. If the registration is based on a work permit, the responsible person shall be obliged to keep the certificate for the same period he is responsible to keep the other prescribed documents as well.

(6) The person responsible for registration of the work performed by foreigners shall be obliged to provide the certificate for registration of the work at a request of a supervisory body. If the person fails to do so, it shall be considered that he does not possess such certificate.

(7) In case the certificate has been lost, the person responsible for registration shall be issued a copy thereof by the Employment Service Agency.

(8) Detailed instructions on the registration procedure and completion of the work performed by foreigners, the evidence enclosed to the application, as well as the exchange of data on particular

registrations between particular bodies and services shall be prescribed by the minister competent for issues in the field of labor by a rulebook.

CHAPTER XII

SUPERVISION

AUTHORIZED SUPERVISORY BODIES

Article 33

(1) The supervision over the implementation of this Law shall be carried out by the Ministry of Labor and Social Policy.

(2) The inspection supervision over the implementation shall be carried out by the State Labor Inspectorate of the Republic of Macedonia (hereinafter referred to as: the Labor Inspectorate).

(3) The supervision may be carried out in a legal entity and natural person *ex officio* or at a request of the Employment Service Agency.

(4) The Labor Inspectorate shall be obliged to regularly communicate reports concerning instituted procedures and imposed misdemeanor sanctions to the Employment Service Agency which shall be obliged to keep records of committed misdemeanors by and imposed misdemeanor sanctions to the employers and foreigners.

OBLIGATIONS TOWARDS SUPERVISORY BODIES

Article 34

(1) Foreigners and employers employing or posting foreigners shall be bound to cooperate with the authorized supervisory bodies and act in compliance with the measures imposed by these bodies. They must ensure that the competent bodies have access to the entire available documentation, serving as a basis for issuance of a document permitting employment or work in the Republic of Macedonia.

(2) The foreigner shall be obliged to keep the work permit at his place of work and at a request of the authorized control body to produce it as evidence in the procedure.

(3) If the work permit has been issued on the bases of an application submitted by the employer, the employer shall be obliged to cooperate in the supervisory procedure by providing the complete necessary documentation. The employer shall be obliged to keep constantly one copy of the work permit in the headquarters of the company or on the building site, if the activity is performed out of the headquarters of the company.

(4) The employer shall be obliged to keep the complete documentation related to the work and payments to the foreigners within a period of 5 years from the date of discontinuation of the employment or work performed by foreigners in the Republic of Macedonia.

CHAPTER XIII

PROTECTION OF PERSONAL DATA

RESPONSIBILITIES OF THE BODIES

Article 35

(1) The personal data collected in compliance with this Law, may be processed only for the purposes defined by law.

(2) The personal data which are collected and submitted in accordance with this Law shall be kept in a form that allows identification of the data subject until fulfillment of the aim they have been collected for.

(3) Transfer of personal data between the organs and bodies may be carried out for the purposes determined by law, on the basis of previously concluded agreement guaranteeing the personal data protection.

(4) National and other bodies and organizations possessing data significant for establishing possible irregularities related to the implementation of this Law shall be obliged to cooperate and deliver the data requested by the competent body referred to in Article 33 of this Law.

CHAPTER XIV

ADMINISTRATIVE FEES AND SPECIAL COST FEES

FEES

Article 36

Pursuant to the Law on Administrative Fees, the fees shall be paid for all application forms for documents and for all activities completed according to this Law.

SPECIAL COST FEES

Article 36-a

(1) The fee for special costs should be paid for the issuance of the appropriate type of work permit and for the services rendered by the Employment Service Agency.

(2) The fee for special costs should be paid by the employer for the costs incurred by the Employment Service Agency in the procedure for issuance of the work permit, related to the examination of the labor market conditions, gathering the necessary data in the course of the procedure by other institutions, and keeping of the records in accordance with this Law.

(3) The fee for special costs for additional services that, based on a written request, are required by the party should be paid by the employer for the costs incurred by the Employment Service Agency in the procedure for rendering the additional services.

(4) The fee for special costs for electronic reminder of the party or the employer regarding the expiry of the validity period of the work permit, the service required by the party or the employer based on a written request, should be paid by the party, that is, the employer for the costs incurred by the Employment Service Agency in the procedure for rendering services.

(5) The amount of the special costs shall be the actual costs for the documents and the additional services rendered by the Employment Service Agency.

(6) The amount of the costs referred to in paragraphs (2), (3) and (4) of this Article, on a proposal of the Employment Service Agency, by a special act, shall be prescribed by the Government of the Republic of Macedonia.

(7) The special costs shall constitute an income source of the Employment Service Agency.

Article 37

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CHAPTER XV

RECORDS

RECORDS ON FOREIGNERS' WORK PERMITS

Article 38

(1) The records of foreigners employed or working in the territory of the Republic of Macedonia in accordance with this Law, shall be kept in the Employment Service Agency.

(2) The foreigners' data collected and recorded by the Employment Service Agency related to the applications for work permits shall include:

- 1) first name, father's name and surname;
- 2) gender;
- 3) date of birth;
- 4) foreigner's ID card number and personal identification number;
- 5) passport number, issuing body and expiry date;
- 6) place of birth and country of origin;
- 7) nationality;
- 8) last place of residence abroad, permanent or temporary, or in the Republic of Macedonia (country, place of residence, address);
- 9) present permanent or temporary place of residence in the Republic of Macedonia (place of residence, address);
- 10) passport type and number, date and place of issuance and validity period;
- 11) type of residence permit, issuance date and validity period;
- 12) level of professional education;
- 13) occupation;
- 14) expert knowledge; and
- 15) working experience.

(3) The Employment Service Agency may collect, exchange and record data on foreigners from the record files kept in:

- 1) the Ministry of Interior, related to the residence in the Republic of Macedonia, and the Ministry of Foreign Affairs which is responsible for the visas issued for foreigners' work in the Republic of Macedonia;
- 2) the Health Insurance Fund of the Republic of Macedonia, in relation with the health insurance, and the Pension and Disability Insurance Fund of Macedonia, related to foreigners' pension and disability insurance in the Republic of Macedonia.

(4) The records data referred to in paragraphs (2), (3) and (4) of this Article shall be kept within a period of two years from the expiry date of the work permit and then they shall be archived.

(5) The Employment Service Agency shall also keep records concerning rejected applications for work permit issuance, revoked work permits and cancelled certificates for work commencement. The data in the evidence indicated shall be kept within a period of five years from the date of their issuance, revocation, i.e. cancellation and then they shall be archived.

Article 38-a

The Employment Service Agency shall submit monthly reports to the State Labor Inspectorate for the persons and companies that have been issued a work permit, but have not registered the beginning of the work or have not returned the issued work permit within the deadline set out by law.

CHAPTER XVI

MISDEMEANOR SANCTIONS

Article 39

(1) Fine in the amount of Euros 1.500 in Denars counter-value shall be imposed for a misdemeanor to an employer as legal entity that has facilitated, induced or participated in illegal employment of foreigners in the Republic of Macedonia or of Macedonian citizens abroad. Fine in the amount of Euros 1.000 in Denars counter-value shall be imposed for a misdemeanor to a responsible person in the legal entity that has facilitated, induced or participated in illegal employment of foreigners in the Republic of Macedonia or of Macedonian citizens abroad.

(2) Fine in the amount of Euros 500 in Denars counter-value shall be imposed for a misdemeanor to a foreigner who has performed work without to be issued a work permit (Article 4 paragraph (6)).

Article 40

(1) Fine in the amount of Euros 3.000 to 5.000 in Denars counter- value shall be imposed for a misdemeanor to an employer (legal entity) or sole proprietor performing an activity of assigning employees to other employers – beneficiaries in accordance with law, by concluding an employment contract with a foreigner who does not possess a personal work permit valid for a definite period of time, i.e. during the performance of the work (Article 4 paragraph (9)).

(2) Fine in the amount of Euros 400 in Denars counter- value shall be imposed to a responsible person with the employer for the misdemeanor referred to in Article 4 paragraph (8) of this Law.

Article 41

(1) Fine in the amount of Euros 3.000 to 5.000 in Denars counter-value shall be imposed for a misdemeanor to an employer (legal entity or sole proprietor) for concluding an employment contract or work contract with a foreigner who does not possess a work permit (Article 8 paragraph (1)).

(2) Fine in the amount of Euros 500 in Denars counter-value shall be imposed to a responsible person with the employer for the misdemeanor referred to in Article 8 paragraph (1) of this Law.

(3) Fine in the amount of Euros 500 in Denars counter-value shall be imposed for a misdemeanor to an employer (natural person) for concluding an employment contract or work contract with a foreigner who does not possess a work permit (Article 8 paragraph (1)).

Article 42

(1) Fine in the amount of Euros 2.000 to 3.000 in Denars counter-value shall be imposed for a misdemeanor to an employer (legal entity or sole proprietor) for giving a false statement about receiving state funds from the state budget for the purpose of protecting the productive job positions (Article 8 paragraph (11)).

(2) Fine in the amount of Euros 800 to 1.200 in Denars counter-value shall be imposed to responsible person with the employer for the misdemeanor referred to in Article 8 paragraph (11) of this Law.

(3) Fine in the amount of Euros 500 in Denars counter-value shall be imposed for a misdemeanor to an employer (natural person) for giving a false statement about receiving state funds from the state budget for the purpose of protecting the productive job positions (Article 8 paragraph (11)).

Article 43

(1) Fine in the amount of Euros 1.500 to 2.000 in Denars counter-value shall be imposed for a misdemeanor to an employer (legal entity or sole proprietor) for not returning the work permit of a foreigner with whom he did not establish an employment or contractual relation or terminated the labor relation or employment contract prior to the expiry of the work permit (Article 8 paragraph (12)).

(2) Fine in the amount of Euros 800 to 1.200 in Denars counter-value shall be imposed to a responsible person with an employer for the misdemeanor referred to in Article 8 paragraph (12) of this Law.

(3) Fine in the amount of Euros 800 to 1.200 in Denars counter-value shall be imposed for a misdemeanor to a self-employed person for not returning the personal work permit valid for the period it has been issued for, provided that the person has completed the activity prior to the expiry date of his work permit (Article 8, paragraph (12)).

(4) Fine in the amount of Euros 300 to 500 in Denars counter-value shall be imposed for a misdemeanor to an employer (natural person) for not returning the work permit of a foreigner with whom he did not establish an employment or contractual relation or terminated the labor relation or employment contract prior to the expiry of the work permit (Article 8 paragraph (12)).

Article 44

(1) Fine in the amount of Euros 1.200 to 2.000 in Denars counter-value shall be imposed for a misdemeanor to a foreign employer for not providing the conditions of the Labor Law defined in Article 15 paragraph (7) and Article 19 paragraph (6) of this Law.

(2) Fine in the amount of Euros 800 to 1.200 in Denars counter-value shall be imposed to a responsible person with an employer for a misdemeanor referred to in Article 15 paragraph (7) and Article 19 paragraph (6) of this Law.

Article 45

(1) Fine in the amount of Euros 1.200 to 2.000 in Denars counter-value shall be imposed for a misdemeanor to a person responsible for registration (legal entity or sole proprietor) provided that he has not registered the commencement and discontinuation of the foreigner's job (Article 32, paragraph (2)).

(2) Fine in the amount of Euros 800 to 1.200 in Denars counter-value shall be imposed to a responsible person with an employer for the misdemeanor referred to in Article 32 paragraph (2) of this Law.

(3) Fine in the amount of Euros 500 to 800 in Denars counter-value shall be imposed for a misdemeanor to a self-employed person provided he has not registered the commencement and discontinuation of his job (Article 32, paragraph (2)).

(4) Fine in the amount of Euros 500 to 800 in Denars counter-value shall be imposed for a misdemeanor to a person responsible for registration (natural person) provided he has not registered the commencement and discontinuation of the foreigner's job (Article 32, paragraph (2)).

Article 46

(1) Fine in the amount of Euros 800 to 1.200 in Denars counter-value shall be imposed for a misdemeanor to an employer (legal entity or sole proprietor) if he has not provided an access to the complete available documentation on which basis the documents permitting foreigner's employment or work have been issued (Article 34 paragraph (1)).

(2) Fine in the amount of Euros 400 to 800 in Denars counter-value shall be imposed to a responsible person with an employer for the misdemeanor referred to in Article 34 paragraph (1) of this Law.

(3) Fine in the amount of Euros 300 to 600 in Denars counter-value shall be imposed for a misdemeanor to a self-employed person if he has not provided access to the complete available documentation on which basis the documents permitting foreigner's self-employment or work have been issued (Article 34 paragraph (1)).

(4) Fine in the amount of Euros 300 in Denars counter-value shall be imposed for a misdemeanor to an employer (natural person) if he has not provided access to the complete available documentation on which bases the documents permitting foreigner's employment or work have been issued (Article 34, paragraph (1)).

Article 47

Fine in the amount of Euros 300 in Denars counter-value shall be imposed for a misdemeanor to a foreigner for not submitting the work permit at a request of the supervisory body (Article 34 paragraph (2)).

Article 48

(1) Fine in the amount of Euros 800 to 1.500 in Denars counter-value shall be imposed for a misdemeanor to an employer (legal entity or sole proprietor) for not keeping the work permit in the headquarters of the company (trade company) or on the construction site out of the headquarters of the company (trade company) (Article 34, paragraph (3)).

(2) Fine in the amount of Euros 200 to 500 in Denars counter-value shall be imposed to a responsible person with an employer for the misdemeanor referred to in Article 34 paragraph (3) of this Law.

Article 49

(1) Fine in the amount of Euros 800 to 1.500 in Denars counter-value shall be imposed for a misdemeanor to an employer (legal entity or sole proprietor) if he has not kept the foreigner's documentation relating to his work and compensations (Article 34 paragraph (4)).

(2) Fine in the amount of Euros 400 to 800 in Denars counter-value shall be imposed to a responsible person with an employer for the misdemeanor referred to in Article 34 paragraph (4) of this Law.

(3) Fine in the amount of Euros 300 in Denars counter-value shall be imposed for a misdemeanor to an employer (natural person) if he has not kept the foreigner's documentation relating to his work and compensations (Article 34 paragraph (4)).

CHAPTER XVII

TRANSITIONAL AND FINAL PROVISION

Article 50

The minister competent for issues in the field of labor, within a period of 3 months from the date of entry into force of this Law, shall adopt the by-laws anticipated by this law.

Article 51

The procedures that have commenced in accordance with the provisions of the Law on the Conditions for Establishment of Labor Relation with Foreigners before this Law enters into force, shall be completed in accordance with this Law, provided that this Law is more favorable for the persons included in those procedures.

Article 52

The documents issued as work permits pursuant to the Law on the Conditions for Establishment of Labor Relation with Foreigners before this Law enters into force shall be valid up to the expiry date.

Article 53

The Law on the Conditions for Establishment of Labor Relation with Foreigners (Official Gazette of SFRY no. 11/78 and 64/89 and the Law Amending the Law on the Conditions for Establishment of Labor Relation with Foreigners "Official Gazette of the Republic of Macedonia" no. 12/93) shall cease to be applied as of the date of application of this Law.

Article 54

This Law shall enter into force on the eighth day from the date of its publication in the "Official Gazette of the Republic of Macedonia", and shall be applied three months after the date of its entry into force.

PROVISIONS	OF	OTHER	LAWS
Law Amending the Law on Employment and Work of Foreigners ("Official Gazette of the Republic of Macedonia" no. 148/2011):			
Article			3
The bylaw anticipated by this Law shall be adopted within a period of 30 days as of the day of entry into force of this Law.			
After the entry into force of the bylaw referred to in paragraph 1 of this Article, it shall be published on the web site of the Ministry of Labor and Social Policy, forthwith and within 24 hours at the latest.			

Law Amending the Law on Employment and Work of Foreigners ("Official Gazette of the Republic of Macedonia" no. 148/2013):

Article 4

The bylaw foreseen by this Law shall be adopted within a period of 60 days as of the day of entry into force of this Law.