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PARLIAMENT OF THE REPUBLIC OF MACEDONIA

Based on article 75 paragraphs 1 and 2 of the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia and the President of the Parliament of the Republic of Macedonia hereby pass

A DECREE
FOR PROCLAMATION OF THE LAW ON GENERAL ADMINISTRATIVE PROCEDURE

The Law on General Administrative Procedure is hereby proclaimed,
as adopted by the Parliament of the Republic of Macedonia at the session held on May 18, 2005

No. 07-1872/1
May 18 2005
Skopje

President
Of the Republic of Macedonia
Branko Crvenkovski, *signed*

President
Of the Parliament of the Republic of Macedonia,
d-r **Ljupco Jordanovski**, *signed*

LAW
ON GENERAL ADMINISTRATIVE PROCEDURE

FIRST PART

GENERAL PROVISIONS

CHAPTER I

BASIC PRINCIPLES

Article 1

(1) The Ministries, the other authorities of the state administration, organizations specified by law and other state authorities shall be obligated to act in accordance with this law when, in administrative matters, directly applying the regulations, they decide on the rights, obligations and legal interests of individuals, legal entities or other parties (hereinafter in the text: parties).

(2) Legal entities and other entities, entrusted with performing public authorities by law, shall be obligated in accordance with this law when deciding on matters stipulated in paragraph (1) of this law.

(3) The municipal authorities, the authorities of the City of Skopje as well as the authorities of the municipalities within the city of Skopje, shall also be obligated to act in accordance with this law, when, during the performance of their responsibilities, they decide in administrative matters regarding rights, obligations, or legal interests of the parties in accordance with the law.

Administrative matters

Article 2

(1) Within the meaning of this law, administrative matters shall be all acts and activities through which authorities of the public administration are represented and executed.

(2) Administrative acts in the sense of paragraph (1) of this article shall be all acts and activities whereby the rights, obligations and the interests of the parties are decided in an administrative procedure.

Subsidiary application of the law

Article 3

(1) In the administrative areas where a special procedure is prescribed by law, the provisions of that law shall apply.

(2) The provisions of this law shall apply with regard to all issues which have not been regulated with a special law.

Principle of legality

Article 4

(1) The authorities stipulated in article 1 of this law, when acting in administrative matters, shall decide on the basis and within the framework of the law, international agreements and other regulations of state authorities and the legal and other entities when performing public authorizations.

(2) In the administrative matters where the authority, which, by law or by a regulation based on law, has been authorized to decide according to its free assessment, the decision must be within the framework of the authorizations specified by law and in accordance with the objective for which that authorization has been provided.

(3) The provisions of this law shall also apply for the cases in which the authority has been authorized, in the administrative matters to decide according to its free assessment.

Protection of the rights of the parties and protection of the public interest

Article 5

(1) The authorities stipulated in article 1 of this law shall be obligated, when performing matters of public interest, to comply with the rights and interests of the parties which have been protected by law.

(2) When implementing the procedure and making the decision, the authorities stipulated in article 1 of this law shall be obligated to enable the parties to easily protect and administer their rights, making sure that the administration of any such rights is not to the detriment of other parties, nor is contrary to the public interests specified by law.

(3) When an officer, during the implementation of the procedure, finds out or assesses that certain party has a basis for having a certain right administered, the officer shall be obligated to indicate this to the party.

(4) If, on the basis of a law, certain obligations have been imposed to the parties, they shall be subject to those measures specified by law which are more favorable for them, if the application of these measures achieves the objective of the law.

Principle of equality, impartiality and objectivity

Article 6

The authorities, within the administrative procedure, shall be obligated to provide equal, impartial and objective application of the laws and other regulations when deciding administrative matters.

Principle of service orientation of the authorities

Article 7

When the authorities stipulated in article 1 of this law decide with regard to administrative matters, they shall be service oriented towards the administration of the rights and interests of the parties.

Principle of efficiency

Article 8

When the authorities stipulated in article 1 of this law decide with regard to administrative matters, they shell be obligated to provide for an efficient administration of the rights and interests of the parties in the administrative procedure.

Principle of material truth

Article 9

In the administrative procedure, the factual state of the matters must be determined and therefore all the facts must be determined which are of significance for making a legal ad right solution.

Principle of hearing of the parties

Article 10

(1) Before passing the decision the party must be given the opportunity to express itself with regard to the facts and circumstances of significance to the passing of the decision.

(2) A decision may be passed without the previous expression of the party, only in cases specified by law.

Principle of accountability

Article 11

(1) The authorities stipulated in article 1 of this law, when deciding in administrative matters, shall be accountable for the damages caused by undertaking illegal actions or by illegally refusing to take an appropriate action.

(2) The authorities stipulated in article 1 of this law shall be also accountable for the written information which they have submitted to the parties, even if the giving of information is not mandatory in the procedure.

Evaluation of evidence

Article 12

Which facts shall be taken as proven shall be decided by the authorized official entity in accordance with its own conviction and based on a careful and thorough evaluation of each piece of evidence individually and all of the evidence together, as well as on the basis of the result from the entire procedure.

Independence in deciding

Article 13

(1) The authority shall conduct the administrative procedure and shall pass a decision independently within the framework of the authorizations specified by law or by another regulation.

(2) An authorized official entity of the authority charged with implementation of the procedure, shall independently determine the facts and circumstances and based on such determined facts and circumstances shall apply the laws and other regulations to the particular case.

Right to an appeal

Article 14

(1) The party shall have the right to an appeal against the decision made in the first instance.

(2) Under conditions specified by this law, the party shall have the right to an appeal even when the first instance authority has failed to pass a decision regarding the party's request, within the specified deadline.

(3) An appeal shall not be allowed against the decision passed in the second instance.

Final decision

Article 15

(1) A decision against which no appeal has been filed in the administrative procedure, or the appeal has been used, and which decision provides to the party with a certain right, or which imposes to the party a certain obligation, shall be final in the administrative procedure.

(2) The final decision in the administrative procedure may be nullified, revoked or modified only in cases specified by law.

Legal effectiveness of the decision

Article 16

(1) A decision against which an appeal may not be filed, nor an administrative dispute may be initiated, and whereby the party has acquired certain rights, or whereby certain obligations have been imposed onto the party, shall be a legally effective decision.

(2) The decision shall also become legally effective if the party waives the right to an appeal.

(3) A legally effective decision in an administrative procedure may be nullified, revoked or modified in cases specified by law.

Economy and urgency of the procedure

Article 17

The procedure shall be implemented economically and urgently without delay, with as fewer costs and as less wasting of time as possible for the party and the other entities participating in the procedure, but by securing everything which is necessary to rightfully determine the factual situation and pass a legal and rightful decision.

Assistance to unskilled party

Article 18

(1) The authority which implements the procedure shall ensure that the ignorance and lack of skills of the party and the other entities participating in the procedure are not to the detriment of the rights which rightfully belong to them in accordance with the law.

(2) The authority which implements the procedure shall ensure that the party is well informed about the course of the administrative procedure.

Use of languages and alphabet

Article 19

(1) The official language in the administrative procedure shall be the Macedonian language and its Cyrillic alphabet.

(2) In the administrative procedure implemented in the authorities of state administration, other state authorities, municipal authorities, authorities of the City of Skopje and the municipalities within the City of Skopje, the legal and other entities authorized by law to perform public authorizations, another language which is spoken by at least 20% of the citizens and its alphabet, shall be used in accordance with this law.

(3) The parties and other participants in the procedure which do not have the citizenship of the Republic of Macedonia and do not understand the Macedonian language and its Cyrillic alphabet shall have the right to an interpreter.

Use of the word "Authority"

Article 20

Authority implementing the administrative procedure or deciding in administrative matters shall mean: the ministries, the other authorities of the state administration, other state authorities, the authorities of the municipality, of the City of Skopje and of the municipalities within the City of Skopje, legal and other entities which by law have been authorized to perform public authorizations, unless otherwise regulated by law.

CHAPTER II

JURISDICTION

Real and local jurisdiction

Article 21

(1) The real jurisdiction for deciding in an administrative procedure shall be determined by law which regulates the administrative area or determines the jurisdiction of the authorities deciding in an administrative procedure.

(2) The local jurisdiction shall be determined in accordance with the acts of internal organization of the authorities deciding in an administrative procedure.

Article 22

For deciding in the first instance the authorities with real jurisdiction shall be the authorities stipulated in article 20 of this law, unless a jurisdiction for other authorities has been specified by law.

Article 23

In the administrative matters the authority with the jurisdiction is the relevant authority of the state administration within the framework of its jurisdiction specified by law.

Article 24

(1) No authority may take on a certain administrative matter from the jurisdiction of another authority.

(2) The authority charged to decided in a certain administrative matter, may transfer the authority to decide on the matter to another authority, only on the basis of an explicit authorization given by law.

(3) The real and local jurisdiction may not be modified with an agreement between the parties, with an agreement between the authorities and the parties, nor with an agreement between the authorities, unless otherwise regulated by law.

Article 25

(1) Within the framework of the regulations envisaged in article 21 paragraph (2) of this law, the local jurisdiction shall be determined:

1) in the matters related to real estate – according to the locality where the real estate is located;
2) in the matters related to the jurisdiction of the authorities of the state administration, other state authorities and authorities of municipalities, of the City of Skopje and the municipalities in the City of Skopje – according to the location of their headquarters, in the matters related to the activities of legal and other entities which have been entrusted by law with public authorizations – according to the location of their headquarters, and if they have branch offices – according to the location of the branch office;
3) in the matters related to running a store or a professional activity by certain entities, which is performed or will be performed in a certain place – according to the headquarters of the store or the location where the activity is performed;
4) in other matters – according to the place of living of the party. When there are multiple parties, the jurisdiction shall be determined according to the party to whom the request is directed. If the party does not have a place of living in the Republic of Macedonia, the jurisdiction shall be determined according to the place of stay of the party, and if there is no place of stay, according to the last known place of living, or stay in the Republic of Macedonia.
5) If the local jurisdiction can not be determined in accordance with items 1, 2, 3 and 4 of paragraph (1) of this article, it shall be determined in accordance with the location where the reason for the implementation of the procedure has occurred.

(2) In patters related to a ship or an aircraft, or where the reason for implementation of the procedure has occurred in a ship or upon an aircraft, the local jurisdiction shall be determined according to the mother port of the ship or the aircraft.

(3) The provisions stipulated in paragraphs (1) and (2) of this article shall apply unless otherwise regulated by special regulations.

Article 26

(1) If according to the provision of this law, two or more authorities have been determined to have the local jurisdiction, the authority which has first initiated the procedure shall have the jurisdiction.

(2) The authority which has initiated the procedure and which has the local jurisdiction, shall keep the jurisdiction even if circumstances arise during the procedure whereby the local jurisdiction should belong to a different authority. The authority which has initiated the procedure may relinquish the case to the authority which, according to the newly arisen circumstances has the local jurisdiction, if this significantly facilitates the procedure, particularly for the party.

Article 27

(1) Every authority shall ex officio, during the course of the procedure, be careful regarding its real and local jurisdiction.

(2) If the authority finds that it is not within its jurisdiction to act upon a certain administrative matter, it will act in accordance with article 63 paragraphs (3) and (4) of this law.

(3) If an authority which does not have the jurisdiction has performed an activity in the procedure, the authority which has the jurisdiction and to whom the matter has been relinquished shall assess whether any such activity should be repeated.

2. Parties with diplomatic immunity

Article 28

(1) If in an administrative procedure, one of the parties is a foreign person enjoying the right to diplomatic immunity in the Republic of Macedonia, a foreign country or an international organization, the rules of international law recognized by the Republic of Macedonia shall apply.

(2) In the event when there is doubt regarding the existence and the scope of the right to diplomatic immunity, an explanation shall be provided by the authority of the state administration in charge of foreign affairs.

(3) The official duties related to the persons enjoying the right to diplomatic immunity shall be performed with mediation of the authority of the state administration in charge of foreign affairs.

3. Spatial limitation of the jurisdiction

Article 29

(1) Every authority shall perform its official business within the boundaries of its area.

(2) If there is a threat of delay, and the official activity needs to the performed outside of the boundaries of the authority, the authority may perform this activity outside of the boundaries of its area. However, it shall be obligated to immediately inform the authority on whose area it has performed the activity.

(3) If the official activities need to be performed in a structure used by the authorities of defense and security, as well as in the penitentiary and correctional facilities, the activities shall be performed after having reported them to the responsible person of the structure and in agreement with that person.

(4) The official activities which are performed on an exterritorial area, shall be performed with the mediation of the authority of the state administration in charge of foreign affairs.

4. Conflict of jurisdictions

Article 30

(1) The conflict of jurisdictions between state administration authorities shall be resolved by the Government of the Republic of Macedonia.

(2) The conflict of jurisdictions between state administration authorities and legal and other entities who, by law, have been entrusted with public authorizations, shall be resolved by the Government of the Republic of Macedonia.

(3) The conflict of jurisdictions between organizational units, established for the purpose of performing certain administrative matters from the jurisdiction of the state administration authority – shall be resolved by the state administration authority which has the jurisdiction to perform the matters performed by the organizational units.

Article 31

(1) When two authorities express that they both have or do not have the jurisdiction to decide on an administrative matter, a proposal for resolving the conflict of jurisdictions shall be filed by the authority which decided last on its jurisdiction, or the proposal may be also filed by the party.

(2) The authority which resolves a conflict of jurisdictions, shall at the same time nullify the decision related to the administrative matter passed by the authority which has been found not to have the jurisdiction, and shall nullify the conclusion whereby the authority which has been found to have the jurisdiction has stated that it does not have the jurisdiction and shall submit the writs of the case to the authority which has been found to have the jurisdiction.

(3) The party may not file a separate appeal nor may lead a separate administrative dispute against the decision resolving the conflict of jurisdictions.

Article 32

(1) If the authority involved in the conflict of jurisdictions thinks that the decision whereby the conflict of jurisdictions has been resolved, has violated some of its rights, the authority may file an appeal.

(2) If the authority charged with deciding upon the appeal stipulated in paragraph (1) of this article, finds that the decision on the conflict of jurisdictions had not been based on a law or a regulation, shall resolve the relations which have therefore occurred between the authority filing the appeal and the authority which has been found to have the jurisdiction with the decision on the conflict of jurisdictions, being careful about the rights that, in accordance with the law or another regulation, belong to the authority filing the appeal. The decision passed on the appeal shall be considered as a first instance decision regarding the relations it resolves.

(3) The appeal stipulated in paragraph (1) of this article and the decision passed on the appeal, shall not have an impact on the administrative procedure related to the particular case.

5. Official authorized to conduct the procedure and make a decision

Article 33

(1) In an administrative matter where a state administration authority has the jurisdiction, the decision in the administrative procedure is passed by the official managing the authority.

(2) The official managing the state administration authority, may authorize another officer from the same authority to pass a decision in administrative matters of certain type.

(3) The authorization stipulated in paragraph (2) of this article, shall also include the implementation of the procedure prior to passing the decision.

Article 34

In collective authorities, the decision on administrative matters shall be passed by the collective authority, unless a law or another regulation specify that a member of the collective authority shall pass decisions in the administrative procedure.

Article 35

(1) if the jurisdiction for deciding on the administrative matter is in the Government of the Republic of Macedonia, an authority of the municipalities, of the City of Skopje and the municipalities within the City of Skopje, the procedure shall be implemented by the administration authority whose scope of work includes the particular matter, unless a law or another regulation specify that the procedure shall be implemented by another authority.

(2) In the event stipulated in paragraph (1) of this article, the authority or the other officer implementing the procedure shall submit a written report to the authority in charge for deciding on the matter, as well as a proposed decision, unless other regulations stipulate that such reports shall be submitted by a committee or another authority.

Article 36

In the administrative matters where the decision is passed by a legal or other entity entrusted by law to perform public authorizations, the decision shall be passed by the individual authority, i.e. the person performing the relevant function, unless a law or a general act of the legal entity stipulate that different authority or person shall decide on the administrative matter.

Article 37

(1) The official managing the authority or another holder of the public function may authorize another officer of that authority to undertake activities in the procedure before the decision is passed.

(2) If the provided authorization is not subject to limitations, the officer shall be authorized to perform all activities in the procedure, except the passing of decisions or conclusions which will prevent the further implementation of the procedure.

6. Legal assistance

Article 38

(1) Regarding the performance of certain activities in the procedure which have to be performed outside of the area of jurisdiction of the authority, this authority shall ask the authority in whose area of jurisdiction the particular activities have to be performed.

(2) The authority in charge to decide in the administrative matter may, in order to facilitate and accelerate the performance of the activity or in order to avoid unnecessary costs, entrust the performance of the particular activity in the procedure, to a different authority authorized to perform such activities.

Article 39

(1) The authorities of the state administration, other state authorities, the authorities of the municipalities, of the City of Skopje and the municipalities within the city of Skopje, legal and other entities which have been publicly authorized to decide in administrative matters, shall be obligated to provide one another with legal assistance in the administrative procedure. This assistance shall be requested through filing a special request.

(2) The authority which has been requested to provide the assistance shall be obligated to act upon the request within the framework of its area of work and jurisdiction without delay, within 15 days from the day of receipt of the request.

(3) Legal assistance with regard to the performance of certain activities in the procedure may be requested from the courts, only if this has been envisaged by law or another regulation. As an exemption, the authorities stipulated in paragraph (1) of this article may ask the courts to submit to them the writs necessary for the implementation of the administrative procedure. The courts shall be obligated to act upon any such request if this does not disrupt the court procedure. The court may specify the deadline in which the writs must be returned to the court.

(4) Regarding legal assistance to the authorities of a foreign country, the provisions of the international agreements shall apply, and if there are no agreements the principle of reciprocity shall apply. In the event when there is a doubt concerning the existence of reciprocity, an explanation shall be given by the state administration authority in charge of foreign affairs. In such an event the relevant authority shall ask for an explanation through the state administration authority in charge of justice.

(5) The authorities of the Republic of Macedonia shall render legal assistance to the authorities of foreign countries in a way specified by the laws of the Republic of Macedonia. The authority shall refuse to render any legal assistance whereby it is asked to perform an activity contrary to the legal order of the Republic of Macedonia. The activity which is the subject of the request may be performed in the manner requested by the authority of a foreign state, if this activity is not contrary to the legal order of the Republic of Macedonia.

(6) If the international agreements do not stipulate a possibility for a direct communications with foreign authorities, the authorities shall communicate with the foreign authorities through the state administration authority in charge of foreign affairs.

7. Recusal

Article 40

The officer authorized to decide or to perform certain activities related to the procedure, shall be recused from the case:

1) if the officer is a party, co-owner, witness, expert legal assessor, authorized person or legal representative to the party, in the case for which the procedure is conducted;
2) if the officer is related to the party, its representative or the authorized person of the party, by a blood relation in a straight line and laterally to the forth degree, spouse, or a relative of the spouse to the second degree even if the marriage had terminated.
3) If the officer is a guardian, adopter, adoptee or a caretaker of the party, its legal representative or the authorized person of the party;
4) If the officer has participated in the first instance procedure or the making of the decision in the first instance procedure.

Article 41

The officer which should decide in a specific administrative procedure or perform an activity in the procedure, as soon as he/she finds out that there exists some reason for recusal stipulated in article 40 of this law, shall be obligated to terminate any further work on the case and to inform the authority in charge on deciding on the recusal. If the officer thinks that there exist other circumstances which would justify his/her recusal, the officer shall also inform the authority thereof, without interrupting the work.

Article 42

(1) The party may ask for a recusal of an officer because of the reasons stipulated in article 40 of this law, as well as when there exist other circumstances which bring into question the officer's impartiality. In the request for recusal the party must list the circumstances because of which it thinks that there exist some reasons for recusal.

(2) The officer for which the party has requested a recusal due to the reasons stipulated in article 40 of this law, may not perform any activity until a decision has been made regarding the request, except the activities which must not be delayed.

Article 43

(1) The decision regarding a recusal of a member of a collective body of the Parliament of the Republic of Macedonia, shall be made by the body itself and the decision for recusal of the president of the collective body shall be made by the Parliament of the Republic of Macedonia

(2) The decision for recusal of the officer in the state administration authority shall be made by the official who manages that authority.

(3) The decision for recusal of the official who manages the state administration authority shall be made by the Government of the Republic of Macedonia.

(4) The decision for recusal of the member of a collective authority of the Government of the Republic of Macedonia shall be made by that collective authority and the decision for recusal of the president of the collective authority shall be made by the Government of the Republic of Macedonia.

(5) The decision for recusal of the officer in the authorities of the municipality, the City of Skopje and the municipalities in the City of Skopje, shall be made by the Mayor.

(6) The decision for recusal of the Mayor from deciding in the administrative procedure shall be made by the Minister managing the Ministry of the relevant area.

(7) The decision on recusal shall be made with a conclusion that has to be passed within eight days after the request for recusal has been filed.

Article 44

(1) The conclusion on the recusal shall stipulate another officer to decide or perform certain activities in the procedure with regard to the case which referred to the recusal.

(2) An appeal may not be filed against the conclusion stipulating the recusal.

Article 45

(1) The provisions of this law referring to recusals shall equally apply to the recording person.
(2) The conclusion on the recusal of the recording person shall be passed by the official person that administers the procedure.

CHAPTER III

THE PARTY AND LEGAL REPRESENTATION OF THE PARTY

1. Party

Article 46

A party is a person that requires administering of a procedure or a person against whom a procedure is being administered, or who has the right to participate in a procedure in order to protect his/her rights or interests.

Article 47

(1) Any person or legal entity may be a party in an administrative procedure.
(2) Any state authority, business unit of an enterprise, association, settlement, group of persons and others which are not considered as legal entities may be a party if they can be considered as holders of the rights and responsibilities subject to the administrative procedure

(3) A union organization may be a party, if the administrative procedure refers to a right or legal interest of a member of that organization.

Article 48

(1) Parties in the administrative procedure may be associations of citizens, foundations and political parties, whose goal**,** in accordance with the general act is to protect certain rights and interests of their members, who may, in agreement with its member, on his/her behalf, file a request referring to any such rights and interests as well as become involved in an already initiated procedure bearing all rights pertinent to a party.

(2) The entities stipulated in paragraph (1) may represent the member upon his/her request, if this has been envisaged in the general act of the entities.

Article 49

(1) If the public prosecutor, the public attorney and other public agencies are authorized by law to represent the public interests in the administrative procedure then they, within the limits of their authorizations, shall have the rights and liabilities of a party.

(2) The authorities stipulated in paragraph (1) of this article, shall not have wider authorizations in the administrative procedure than those of the parties, unless such authorizations are stipulated by law.

2. Procedural Capacity and Legal Representation

Article 50

(1) Any party which has full business capacities may, by itself, perform all the activities in the procedure (procedural capacity).

(2) Entity without procedural capacity, shall be represented by a legal counsel who shall perform all the activities. The legal representative shall be determined on the basis of a law or by an act of the competent state authority, passed on the basis of a law.

(3) The legal entity shall perform the activities in the procedure through its legal representative or counsel. The legal representative or counsel to the legal entity shall be determined with the general act of the legal entity, unless otherwise determined by law or an act of the competent state authority, passed on the basis of a law.

(4) The state authority shall perform the activities in the procedure through the representative determined by law; the business unit of the organization or the community – through the person managing the work of the business unit; settlement or groups of people that do not have the status of a legal entity – through the person that they will determine, unless otherwise regulated by special regulations.

(5) In the event that the authority implementing the procedure finds that a legal representative of a person under guardianship does not demonstrate the necessary attention to the representation, the authority shall inform the guardianship authority.

Article 51

(1) During the course of the procedure the authority shall have an official duty to monitor whether the person appearing as a party can actually be a party to the procedure and whether the party is represented by its legal representative.

(2) In case of death of the party during the course of the procedure, the procedure may be stopped or continued, depending on the nature of the administrative matter subject to the procedure. If according to the nature of the matter the procedure may not be continued, the authority shall stop the procedure with a conclusion against which a special appeal may be filed.

3. Temporary representative

Article 52

(1) In case the party has no procedural capacity and no legal counsel, or in case an action has to be taken against a person whose residence is unknown and who does not have an authorized person, the authority that administers the procedure shall appoint a temporary legal counsel for the party if the case is urgent and the procedure must be administered. The authority shall immediately inform the guardianship authority, and if a temporary legal counsel is appointed to a person whose residence is unknown, the final resolution of the authority shall be made known in the usual way.

(2) In case a legal entity does not have a legal representative, counsel or a authorized person, the authority implementing the procedure, under the conditions stipulated in paragraph (1) of this article, shall appoint a temporary legal representative to such party and, as a rule, it shall be chosen from among the officers within the legal entity and the authority shall immediately inform the legal entity thereof.

(3) A temporary representative shall be also appointed in the way stipulated in paragraphs (1) and (2) of this article if an activity should be performed which can not be delayed, while the party or its authorized person or representative can not be called on time. The party, the authorized person or the representative shall be immediately informed thereof.

(4) The appointed person is obliged to accept the representation, and such representation may be denied only in cases stipulated by special rules. The temporary representative shall participate only in the procedure for which he/she was explicitly appointed, and only until the appearance of the legal counsel or representative or the party itself or its authorized person.

4. Joint Representative

Article 53

(1) Two or more parties may appear jointly in the same case, unless otherwise stipulated by special rule. In such case, they are obliged to designate who of the either shall act as joint representative, or they should appoint a joint authorized person.

(2) The authority that administers the procedure may, unless prohibited by special rule, bring a resolution by which the parties that participate in the procedure and have the same requests shall be obliged to designate, within a determined term, who among them will represent them, or to appoint a joint authorized person. If the parties do not act accordingly, the representative may be appointed by the authority that administers the procedure. In such case, the joint representative or authorized person shall have that capacity until the parties appoint another. The parties shall have the right to lodge an appeal against the resolution of the authority which shall not suspend the enforcement.

(3) Even in the case of appointing a joint representative i.e. authorized person, each party shall have the right to act as a party in the procedure, to give statements and independently lodge appeals or use other legal remedies.

5. Authorized person

Article 54

(1) The party or its legal counsel may appoint an authorized person who shall act as representative in the procedure, except in cases when it is necessary the party itself to give statements.

(2) The actions in the procedure that are taken by the authorized person, within the limits of the authorization, shall have the same effect as if taken by the party itself.

(3) In addition to the authorized person, the party itself may give statements, both directly as well as upon a request from the authority.

(4) If the party is present when its authorized person gives a verbal statement, may, immediately after the statement has been given, to change or cancel the statement of its authorized person. If there are discrepancies related to the facts, between the written or verbal statements provided by the party and its authorized person, the authority implementing the procedure shall assess both statements in accordance with article 13 of this law.

Article 55

(1) Any person with full business capacity may be an authorized person, except persons that are unauthorized lawyers.

(2) If it is determined that an authorized person is a person that is an unauthorized lawyer, the authority shall deprive any such person of any further representation and shall immediately inform the party thereof.

(3) A special appeal may be filed against the decision to deprive a person of further representation. The appeal shall not suspend the enforcement of the decision.

Article 56

(1) The authorization may be written or verbal. The verbal representation shall be noted in the case file.

(2) An illiterate party or a party that is not able to sign, shall put an index fingerprint on the written authorization instead of a signature.

(3) As an exception, the official that administers the procedure or performs certain activities during the procedure may allow the members of the party's family or household, persons that work together with the party or officials, to perform certain activities on behalf of the party even without authorization, if those persons are well known and there is no doubt of the existence and scope of the authorization. In case such person requests administering a procedure or if during the procedure such person gives a statement that is contrary to the previously given statement, then he/she shall be asked to present a document for authorization within a specified deadline.

Article 57

(1) If the authorization was given in a form of a private document, then a notarization of the such authorization shall be required.

(2) A lawyer does not file a notarized authorization.

Article 58

(1) The provisions of the authorization determine its contents and scope. The authorization may be valid for the whole procedure or only for separate activities and it may be limited in time.

(2) The validity of the authorization shall not stop in case of death of the party, loss of its legal capacity or change of its legal counsel, however, the party's legal successor i.e. its new legal counsel may annul the previous authorization.

(3) The issues regarding the authorization that are not covered by the provisions of this law, shall be governed in accordance to the provisions of the Law on Civil Procedure.

Article 59

The provisions of this law that refer to the parties shall also apply to their legal counsels, authorized persons, temporary representatives and joint representatives.

Article 60

(1) The party shall be allowed to bring an expert (expert assistant) who will give information and advice regarding issues requiring expert knowledge in the procedure. Such person does not represent the party.
(2) The party shall not bring as an expert assistant a person who has no working capabilities or who is an unauthorized lawyer.

CHAPTER IV

COMMUNICATION BETWEEN THE AUTHORITIES AND THE PARTIES

1. Documents

Article 61

(1) Filings shall mean requests, forms used for automatic data processing, proposals, applications, requests, appeals, complaints and other information that the parties file to the authority.

(2) Generally, the filings shall be submitted directly or sent by mail in a written form, or verbally presented and entered into minutes, and may, unless otherwise stipulated, be submitted by telegraph of fax. Brief and urgent information may be given by phone, if the nature of the work allows that.

(3) The right stipulated in article 19 paragraph (2) of this law, may be used by any citizen living in the unit of local self government in which at least 20% of the citizens speak an official language different from the Macedonian language, when communicating with the branch offices of the ministries, may use any one of the official languages and its alphabet. The branch offices in charge of those units of local self government shall respond in the Macedonian language and its Cyrillic alphabet as well as in the official language and alphabet used by the citizen. Every citizen, when communicating with the ministries, may use one of the official languages and its alphabet and the ministries respond in the Macedonian language and its Cyrillic alphabet, as well as in the official language and alphabet used by the citizen.

(4) The parties in the procedure which speak a language different than the Macedonian language, which is also an official language, may file the filings in that language and alphabet. The authorities administering the procedure shall translate any such filings into the Macedonian language and its Cyrillic alphabet and then shall act upon them.

(5) The authorities administering the administrative procedure, when deciding on administrative matters, shall respond in the official Macedonian language and its Cyrillic alphabet as well as in the official language and alphabet used by the party.

Article 62

(1) The filing shall be submitted to the authority responsible to receive filings during the working hours of each working day.

(2) The verbal filings that do not stipulate a deadline or are not urgent may be given only during pre-determined hours during the working day.

(3) The time determined for submission of the verbal filings stipulated in paragraph (2) of this article shall be published by the authority on a clearly visible spot within its premises.

Article 63

(1) The authority responsible to receive the filings or verbal information shall be obliged to receive the submitted document i.e. to register the verbal information.

(2) The officer receiving the filing shall, upon a verbal request from the submitter certify the receipt of the filing.

(3) In case the authority is not authorized to receive the written document, i.e. the registered verbal information, the official person in that authority shall warn the submitter thereof and refer him/her to the responsible authority. However, if the submitter, despite the warning, requests his/her filing to be received, the employee shall be obliged to accept such a filing or verbal information. If the authority finds that it is not authorized to take any action regarding the document, then the authority shall adopt a conclusion whereby it shall reject the document.

(4) If the authority receives a filing by mail and if it is not authorized to receive this filing and if the authority responsible to receive the filing is beyond any doubt, then the first authority shall immediately send the filing to the responsible authority or to the court and shall inform the party thereof. In case the authority that received the filing cannot determine which authority is responsible is authorized to act according to the filing, then the unit shall adopt a conclusion for rejecting the document and submit the conclusion to the party without delay.

(5) The conclusion stipulated in line with paragraphs (3) and (4) of this article may be appealed through a special appeal.

(6) In case the authority receives a complaint for initiating an administrative dispute by mail, then it shall submit the complaint to the relevant court immediately and advise thereof the plaintiff stipulated in the complaint.

Article 64

(1) The filing shall be clear and include all the data necessary to be acted upon. The filing shall especially state: the authority to which it was addressed, the case referred to in the request or the proposal, the name of the legal representative or authorized person, if any, as well as the name and residence (address) of the submitter i.e. the legal representative or the authorized person.

(2) The plaintiff shall personally sign the filing by hand. In exceptional cases, instead of the submitter, the document may be signed by his/her spouse, either of his/her parents, his/her children, if they are of legal age, or the attorney that has been authorized by the party to write the filing. The person that signed the filing shall write his/her full name and address on the filing.

(3) In case the submitter is illiterate or unable to sign the document, then the filing shall be signed by another, literate person stating his/her full name and address.

Article 65

(1) The filing may not be rejected only for the fact that it contains a formal fault that prevents any action pursuant to the filing, or if the filing is unclear or incomplete. The authority that received such document shall take all necessary steps to have the faults corrected and shall determine a time period in which the party is obliged to remove the faults. The party may be informed of this by phone, or verbally if he/she happens to be present when the authority determines the faults. The authority shall make a note on the document that the party has been advised of the fault.

(2) If the party corrects the faults within the specified time, then the filing shall be considered as correct at start. In case the plaintiff fails to remove the faults within the specified deadline, and therefore the filing can not be acted upon, the filing shall be considered as not having been submitted, consequently, the authority shall adopt a resolution against which a special appeal can be filed. The party shall be explicitly informed of such a consequence in the notice for correction of the fault.

(3) If the document has been sent by telegraph, by fax or if an information was given over the phone and there is some doubt that the filing has actually been submitted by the person stated on the filing, or that it originates from a person whose name has been indicated over the phone, the responsible authority shall administer a procedure to determine these facts, and if these faults are not corrected the provisions pursuant to the provisions stated in paragraph (2) of this Article shall apply.

Article 66

If the submitted filing stipulates several requests that have to be resolved separately, the authority that receives the filing shall administer a procedure to resolve the requests that are within its jurisdiction, while regarding remaining requests, the authority shall act pursuant to the provisions of article 63, paragraph (4) of this law.

2. Summons

Article 67

(1) The authority that administers the procedure shall be authorized to summon the person that needs to attend during the procedure and resides within the region of the authority. Generally, the purpose of the summons may not be delivery of copies of written decisions and resolutions or for notifications that can be submitted by mail or some other way which is more convenient for the person to whom the information should be given.

(2) In exceptional cases, the person who resides outside the region of the authority administering the procedure, may be summoned to participate in a hearing if such summoning would accelerate or facilitate the procedure and if the coming of the summoned person would not cause significant expenses or waste of time for that person.

(3) The summoning shall be done by written invitation, unless otherwise regulated by law or another regulation.

Article 68

(1) The written invitation shall state the name of the authority that issued the summons, name and address of the summoned person, place, date and, if possible, the hour of his/her arrival, the case for which the person is being summoned and in what capacity (as a party, witness, expert legal assessor, etc.) and what documents or evidence the summoned person should bring with him/her. The invitation must state whether the summoned person is obligated to come in person or he/she can send an authorized person to represent him/her, and shall further warn that in case the summoned person is prevented to come he/she is obliged to inform the authority that issued the summons. The summoned person must also be warned of the legal consequences in case of not responding to the summons or in case of not informing the authority of his/hers prevention to come.

(2) The party may be asked to submit written or other evidence when summoned regarding a hearing, and may be informed that he/she may call witnesses.

(3) If the nature of the case allows, the summoned person may choose to submit a written statement, within a specified time, instead of coming personally.

Article 69

(1) When summoning, the authority shall be careful to summon the person whose presence is required, to come at a time which would least disturb the regular work of the summoned person.

(2) No person can be summoned during the night, except in urgent cases.

Article 70

(1) The summoned person shall be obliged to respond to the summons.

(2) In case the summoned person is prevented to come due to illness or other justifiable circumstances, the person is obliged to immediately after having received the summons, inform the authority that issued the summons and if such circumstances occurred later, the person shall advise the authority immediately upon the occurrence of such circumstances.

(3) If the person to whom the summons was served in person (Article 80) fails to respond or fails to give justifiable reasons for not responding or not coming, the person may be apprehended and may also be liable of 1000 denars. Such measures shall be taken only if they were indicated on the summons. In case when additional charges have incurred in the procedure due to the unjustified absence of the summoned person, such charges may be imposed on the summoned person. The conclusion for apprehension, payment of costs or

instigating a misdemeanor procedure shall be passed by the official administering the procedure in agreement with the official authorized deciding on the matter, and in case of an authority asked to help - in accordance with the officer of that authority, or the official authorized to make decisions in similar matters. A special appeal can be filed against such resolution.

(4) In case a military officer or an employee in the police is summoned and fails to respond, the authority shall address the commander of that person and request that he/she be brought and may, pursuant to paragraph (3) of this article, impose a fine or order payment of the expenses.

3. Minutes

Article 71

(1) Minutes shall be made on any hearing or other important activities in the procedure, as well as on important statements given by the parties or third persons in the procedure.

(2) Generally, no minutes shall be made on less important activities and statements of the parties and third persons that do not affect significantly the decision, the administering of the procedure, the information, the official records, verbal instructions and findings, as well as the circumstances that concern only the internal activities of the authority that administers the procedure. In such cases a note shall be made in the case file itself signed by the employee that made the note and the date shall be indicated. Minutes do not have to be kept on the verbal requests of the parties that shall be decided in an abridged procedure. Such requests shall be just recorded.

Article 72

(1) The minutes shall include: the name of the authority that performs the activity, the place where the activity is performed, the date and hour, the case, the names of the officials, the present parties and their legal representatives or authorized persons.

(2) The minutes shall state correctly and briefly the course and the contents of the procedure, the activities performed and the statements given. The minutes shall be limited to matters related to the matter which is subject to the procedure. The minutes shall state all documents used for any prupose during the hearing. If necessary, such documents shall be enclosed to the minutes.

(3) The statements of the parties, the witnesses, the expert legal assessors and other persons that participate in the procedure that are important for the decision, shall be entered into the minutes, as precisely as possible, and, if necessary, in their exact words. Any conclusions adopted during the procedure shall also be entered in the minutes.

(4) If the hearing is performed through an interpreter, the minutes shall indicate what was the language of the person that gave the statement and who was the interpreter.

(5) The minutes shall be made during the course of the hearing. If the hearing was not completed the same day, the minutes shall contain all activities of the day, and the minutes shall be duly signed.

(6) If the activity for which record is made could not be performed without an interruption, the minutes shall indicate that the activity had been interrupted.

(7) If designs, sketches, drawings, photographs and alike were provided during the course of the activity, they shall be registered and enclosed in the minutes.

(8) Rules may be adopted so that the minutes on certain activities may be made in the form of a book or other kinds of records.

Article 73

(1) The minutes shall be clear and nothing may be erased from the minutes. The parts that have been crossed out before the minutes signing shall stay legible and verified by the signature of the official that administers the activities of the procedure.

(2) Nothing shall be added or changed in the already signed minutes. Any changes or additions to the minutes shall be entered in the annex to the minutes.

Article 74

(1) Prior to signing, the minutes shall be read to the persons at the hearing and to the other persons that participated in the procedure. The persons shall have the right to review the minutes personally and to give their remarks. At the end of the minutes, it shall be stated that the record has been read and that no remarks were made, or, in case there were any remarks, the content of the remarks shall be briefly described. The minutes shall then be signed by the person that participated in the activity and certified by the official that administered the activity and by the recording clerk, if any.

(2) If the record includes hearings of several persons, each of these persons shall sign the minutes under the part of the minutes containing their statement.

(3) If there have been confrontations, the persons that have been confronted shall sign their respective statements in the minutes.

(4) If the minutes contains several pages, each page shall be indicated by sequential numbers, and each page shall be signed by the official that administers the procedure and the person whose statement is written at the end of that page.

(5) Any annexes to the minutes shall be signed and certified.

(6) In case the person that has to sign the record is illiterate or is not able to write, the minutes shall be signed by another person that shall also sign the minutes. The official that administers the procedure or the record clerk cannot sign the record instead of the illiterate person.

(7) In case any of the persons is not willing to sign the minutes or leaves prior to the conclusion of the record, then this shall be indicated together with the reason for which the record was not signed.

Article 75

(1) The minutes prepared in accordance with the provisions of Article 74 of this Law shall be considered as public document. The minutes are proof of the course and the contents of the procedure and of the statements given, except for those parts of the minutes for which the person has made remark that they are not correctly prepared.

(2) The correctness of the minutes record may be contested by filing an appeal against the act which has decided the administrative matter.

Article 76

(1) If the decision on the administrative matter is taken by a collective authority, minutes shall be prepared on the counseling and the voting.

(2) The minutes on the counseling and the voting shall indicate, in addition to the information related to the composition of the collective authority, the case which is being considered as well as brief description of what has been decided and any different opinions that were made. The minutes shall be signed by the chairperson, the present members of the collective authority and the recording clerk.

(3) If the administrative procedure is decided by the Parliament of the Republic of Macedonia, the Government of the Republic of Macedonia, the authorities of the municipality, of the City of Skopje and of the municipalities in the City of Skopje, no special minutes shall be kept of the counseling and voting, but the conclusion passed in the administrative matter shall be entered in the minutes as well as the other conclusions of those authorities.

4. Examination of Documents and Reporting on the Course of the Procedure

Article 77

(1) The parties shall have the right to examine the documents of the case and to copy the documents they need at their own expense. The examination and the copying of the documents shall be made under the supervision of an official person.

(2) Any person who has a justifiable legal interest in the documents shall have the right to do examine them and copy them at his/her own expense.

(3) The request to examine and copy the documents may be made verbally. The authority may require the person stipulated in paragraph (2), to give a written or verbal statement and thereby justify his/her legal interests.

(4) The following documents may not be examined nor copied: the minutes of the counseling and voting, official documents and draft decisions, and other documents that are considered confidential, if such action would defeat the purpose of the procedure, or if it is against the public interest, or the interest of the party or third persons.

(5) The party or any other person that shall have justifiable interest in the procedure, as well as the interested government authorities shall have the right to be informed on the course of the procedure.

(6) In case when the request stipulated in the above paragraphs has been rejected and when the conclusion has not been published in written form, a special appeal shall be allowed. The appeal may be filed immediately.

CHAPTER V

SERVICE OF PROCESS

1. Method of service

Article 78

(1) The service of the writs (summons, decisions, conclusions and other official documents) shall be done in the following ways:

- directly submitted by the authority
- by mail; and
- by public announcement

(2) The documents shall be served in accordance with the order of the items stipulated in paragraph (1) of this article.

Article 79

(1) Once the parties have been served properly, they shall be bound, in the course of the procedure, to ensure a smooth and efficient flow of the administrative procedure.

(2) If the party has been properly served with a summons or a notification about a specific activity, decision, conclusion and other official document, and he/she fails to appear before the authority or fails to act in accordance with the documents, the authority shall have no further obligations to communicate with the party, nor to be responsible for the negative consequences that might occur for the party.

1.1. Servicing by direct delivery

Article 80

(1) The writ shall be generally served by delivering the writ directly to the person to whom it has been addressed.

(2) The serving shall be done by the authority.

Article 81

(1) The writ shall be served every working day between 06:00 and 21:00 hours.

(2) The authority whose writ needs to be served may, due to exceptionally important reasons, choose to have the writ served during non-working days, state and other holidays as well as after 21:00 hours if this is unavoidably necessary.

Article 82

(1) The authority shall be obliged to make two attempts for proper servicing by delivering to the party, within 15 days counting from the day when the need for servicing occurred.

(2) The servicing authority shall explain the failure to deliver the document and shall sign the explanation.

Article 83

(1) The serving done by direct delivery of the writ shall be confirmed by a receipt signed by the recipient and the servicing authority. The recipient shall indicate on the receipt the date of the receipt in letters.

(2) If the recipient is illiterate and can not sigh, the servicing authority shall indicate the recipient’s name and the day of receipt and shall note why has the recipient not out their signature.

(3) If the recipient refuses to receive the writ, the servicing authority shall indicate that on the receipt, shall leave the writ at the address of the recipient and shall indicate the date, with letters, and the recipient shall be considered to have been properly served.

(4) If the writ has been served to some of the persons stipulated in article 89 of this law, the servicing authority shall indicate the person receiving the writ to the receipt and the relation of that person with respect to the intended recipient of the writ.

1.2. Serving by mail

Article 84

The writ shall be served by mail if the authority fails to serve the parties by direct delivery within the time frame specified in article 82, paragraph (1) of this law.

Article 85

(1) The serving by mail shall be done by way of registered mail. The serving is considered proper if the party signs and thereby confirms the receipt of the writ indicating also the date of delivery, and the post office returns the receipt to the authority requesting the service.

(2) If the postal service fails to serve the writ in two consecutive attempts, the authority shall serve the writ through regular mail.

(3) If the party, after the expiration of 30 days from the day when the parcel has been sent through the mail, fails to appear before the authority or fails to undertake any actions referred to in the writ, the authority shall serve the writ by way of public announcement.

1.3. Serving by way of public announcement

Article 86

(1) If the place of living, or the headquarters of the party is not known to the authority serving the writ, or the authority could not have properly served the writ to the party by direct delivery or by mail, or when the serving writs referring to multiple parties, the authority shall serve any such wrist by way of public announcement.

(2) The authority shall make the announcement through the daily press which is distributed on the whole territory of the Republic of Macedonia, during two consecutive days.

(3) After the announcements stipulated in paragraph (2) of this article, the authority at its own expense shall make a one time announcement in the “Official Gazette of the Republic of Macedonia” or the official journal of the municipality, the City of Skopje and the municipalities in the City of Skopje.

(4) After having made the announcements stipulated in paragraphs (2) and (3) of this article, the party shall be considered as properly served.

Article 87

(1) The announcement shall contain: the name of the authority, the name of the party, the name of the company, the last known address of the place of living / headquarters of the legal entity, the case number, a short description of the grounds of the case and the period in which the party should respond to the authority.

(2) The announcement shall also contain a warning for the party that this way of serving is considered as proper service and that the party shall be liable for any negative consequences that may occur.

2. Who, where and how is being served

2.1. Serving an individual

(1) An individual shall be served, generally in the apartment of the person at the address registered in the person's identity card, in a business office or a workshop, where the person works and to the lawyer in the lawyer's office, and if there are no such premises, such a person may be served wherever they may be found.

(2) If the person that needs to be served has not been found in their apartment, they shall be served by delivering the writ to any of the adult members of their household.

(3) If an attempt is made to serve the person at the place of work, and the person has not been found there, the writ may be served to a person that works at the same place if he/she agrees to receive the writ.

(4) The writ may be served to a lawyer by delivering the writ to a person working at the office of the lawyer.

(5) The writ may not be served in accordance to paragraphs (2) and (3) to a member participating in the same procedure but with an opposite interest.

Article 89

The writ must be served personally to the person to whom the writ has been intended, when such a method of serving is stipulated in this law or another regulation, if the day of serving is the beginning of a certain deadline that may not be extended, or if the authority ordering the serving has required it. If the writ is delivered to a person employed at the office of the lawyer, it shall be considered that the writ has been served personally.

2.2. Serving a legal entity

Article 90

(1) A writ shall be served to a legal entity in the business premises of the legal entity or to the address indicated as headquarters of the entity in the company / court register.

(2) The writ shall be served by directly delivering the writ to the person responsible for receiving writs, unless otherwise regulated in special cases.

2.3. Serving the legal representative or the authorized person

Article 91

(1) If the person that needs to be served has a legal representative or an authorized person, the writ shall be served in the method prescribed in articles 78 to 88 of this law.

(2) If several parties have a common legal representative or authorized person in the same case, the writs shall be served to the legal representative and/or the authorized person. If the party has several authorized persons, it would be sufficient to serve only one of them.

2.4. Serving to the authorized person for receiving writs

Article 92

(1) The party may authorize a person to whom all writs addressed to the party shall be served. When the party informs the authority administering the procedure of any such authorization, the authority shall serve all writs to this authorized person (an authorized person for receiving writs).

(2) The authorized person for receiving writs shall be obligated to forward every act to the party without delay.

Article 93

(1) If the direct serving to the party, to the authorized person or the legal representative would significantly delay the procedure, the officer administering the procedure may instruct the party, with reference to a specific case and within a specified time period to appoint an authorized person for receiving writs within the headquarters of the authority. If the party fails to do as instructed, the authority may act in accordance with article 52 of this law.

(2) When the party or its legal representative are abroad and they do not have an authorized person in the Republic of Macedonia, for the serving of the first writ, they shall be instructed to appoint an authorized person for receiving writs in a specified time, and they will be warned that if, during the specified time they fail to appoint the authorized person, an authorized person for receiving writs, or a temporary representative shall be appointed for them ex officio.

Article 94

By serving the writ to the authorized person for receiving writs, the party to whom the writ had been intended, shall be considered as properly served.

Article 95

(1) If several parties jointly participate in the procedure, with identical requests, and they do not have a common authorized person, they shall, during the first activity in the procedure, to inform the authority of a common authorized person for receiving writs, preferably living in the headquarters of the authority. Up until the time the authority is informed of the common authorized person for receiving writs, such an authorized person shall be considered to be the party which has first signed or which is first indicated on the first jointly filed document. If no authorized person can be selected in this way, the officer administering the procedure may appoint any of the parties as an authorized person for receiving writs. If the number of parties is large and they come from different places, the parties may appoint, or the officer administering the procedure may appoint several authorized persons and appoint which parties will be represented by each of the authorized persons.

(2) The joint authorized person for receiving writs shall be obligated without delay to inform all of the parties about the writ that he/she has received and to enable the parties to review, copy or notarize the writ and the authorized person should keep the writ.

(3) The writ served to the authorized person for receiving writs shall indicate all the persons being thereby served.

2.5. Serving state authorities, municipal authorities, authorities of the City of Skopje and the municipalities within the City of Skopje, legal and other entities entrusted by law to perform public authorizations

Article 96

(1) State authorities, municipal authorities, authorities of the City of Skopje and the municipalities within the City of Skopje, legal and other entities entrusted by law to perform public authorizations shall be served by

delivering the writ to an officer or the officer appointed to receive writs, unless otherwise regulated in special cases.

(2) If entities stipulated in article 47 paragraph (2) participate in the procedure, the writ shall be served by delivering it to the person appointed by them (article 50, paragraph (4)).

(3) If the servicing authority, during the working hours fails to find a person appointed to receive writs, the writ may be served to any person employed in the authority, or organization, that may be found on the premises.

2.5. Serving to other persons

Article 97

(1) Writs may be served to persons and institutions abroad, as well as to people which enjoy diplomatic immunity in the Republic of Macedonia, through the state administration authority in charge of foreign affairs, unless otherwise regulated by international agreements.

(2) Writs issued upon a request may be served to the citizens of the Republic of Macedonia abroad, directly and indirectly through the diplomatic and consular representative offices of the Republic of Macedonia.

Article 98

(1) Writs may be served to military persons, police officers and persons employed in the land, lake and air traffic, through their command or the authority or enterprise where they are employed.

(2) Writs to imprisoned persons shall be served through the administration of the institution in which they are imprisoned.

3. Refusal of receipt

Article 99

(1) If the person to whom the writ has been addressed, or an adult member of their household, without any legal reason refuses to receive the writ or if the writ is refused by a person employed in a state authority, legal or other entity or in a lawyer's office, or if the writ is refused by a person appointed to receive writs by the settlement, group of people or others (article 47, paragraph (2)), the serving authority shall leave the writ in the apartment or the premise where the person intended to be served lives, or where they are employed or shall hang the writ on the door of the apartment or the premise.

(2) When the writ has been served in a way envisaged in paragraph (1) of this article, the serving authority shall indicate on the receipt the day, hour and the reason for refusal of receipt, as well as the place where they left the writ, whereby the party is considered to have been properly served.

4. Change of the place of living, apartment or headquarters

Article 100

(1) When the party or its legal representative shall during the procedure change their place of living / apartment or headquarters, they shall immediately inform the authority administering the procedure.

(2) If the party or its legal representative fail to act in accordance with paragraph (1) of this article, the authority shall not be held liable for the negative consequences that may occur for the party.

5. Serving errors

Article 101

(1) If an error has been made during the serving, the party shall be considered as served on the day when the person to whom the writ has been addressed has actually received the writ.

(2) If the receipt is missing, the proper serving may be proved by other means.

CHAPTER VI

TERMS

Article 102

(1) Terms may be established for performance of certain actions in the procedure.

(2) If such terms are not established by law or other regulations, the official that administers the procedure shall determine the terms depending on the circumstance of the case.

(3) The terms determined by the official that administers the procedure and the terms established by the regulations may be extended at the request of the interested party, if submitted prior to expiration of the term and if there are justifiable reasons.

Article 103

(1) The terms shall be counted in days, months and years.

(2) If the term is determined in days, the day on which party has been served or the announcement was made, or the day on which the event was performed which should be used as starting point for counting of a term, such day shall not be counted in the term, but the day that follows shall be considered as starting point for expiration of the term. If a term is determined in months or years, such term shall expire on the day, month or year that by its number matches the day when the party had been served or the announcement was made, or the day on which the event, used as starting point for the term, took place. If there is no such day in the last month, the term shall expire on the last day of that month.

(3) The expiration of a term may be determined by certain calendar day.

Article 104

(1) The beginning and the course of a term shall not be interrupted by the non-working days, the days of the national holidays, and other non-working days declared s holidays.

(2) In case the last day of the term falls on any of the days stipulated in paragraph (1) of this article then the term shall expire on the next working day.

Article 105

(1) A document shall be considered as submitted in time, if it was received at the adequate authority prior to expiration of the term.

(2) If the document was mailed by registered mail or by other electronic means, the day when the document was mailed or the day it was sent electronically shall be considered as a day of submission of such document to the intended authority.

(3) The day that persons who are in the Army of the Republic of Macedonia submitted the document to the military authority or institution or the Headquarters shall be considered as day of submission to the authority to which it was addressed.

(4) The day that imprisoned persons submitted the document to the administration of the institution in which they are imprisoned shall be considered as a day of submission to the authority to whom it was addressed.

(5) If the responsible authority has determined the hearing date regarding a document that the party has to submit, and if the party was asked to submit such document within a previously determined term, the authority shall be obligated to consider such document that was received prior to the hearing.

CHAPTER VII

RETURN TO A PREVIOUS STATE

Article 106

(1) In case the party, due to justifiable reasons, has failed to perform an action in the procedure within a specified term, and if such omission was the reason for exclusion of the party from that action, the party shall have the right to request and be approved to return to the previous state.

(2) The party that omitted to submit a document in time shall be allowed, at his/her proposal, to return to the previous state also in cases when the party unknowingly or by mistake submitted a document in time by mail or personally to a authority which is not authorized for the case.

(3) A return to a previous state shall be allowed in cases when the party made an obvious mistake and failed to submit the document in time, if the document was received by the authorized authority within 3 days after the expiration of the term, and if the party could loose some of the rights pertaining to him/her because of the delay.

Article 107

(1) In the proposal to return to the previous state, the party is obliged to state and justify the circumstances that had lead to the delay (Article 106).

(2) The proposal to return to the previous state cannot be based on circumstances that were previously assessed by the authority as insufficient for extension of the term or for postponement of the hearing.

(3) If the return to the previous state is requested due to failure to submit certain document, such document shall be enclosed together with the proposal submitted by the party.

Article 108

(1) The proposal to return to the previous state shall be submitted within 8 days counting from the day of the termination of the circumstances that lead to the omission, and in case the party realized the omission even later, then counting from the day when he/she learned about the omission.

(2) A return to previous state cannot be requested upon expiration of three months from the day of the omission.

(3) In case of failure to comply with the term determined for submitting the proposal to return to the previous state, the return to the previous state may no longer be requested.

Article 109

(1) The request to return to the previous state shall be submitted to the authority where the omitted action had to have taken place.

(2) The authority that had to perform the omitted action shall adopt a conclusion on the request to return to the previous state.

(3) A proposal that was not submitted within the specified term shall be rejected without any further procedure.

(4) In case the facts that were used as basis for the proposal are generally known, the authorized authority shall adopt the resolution without a statement and explanation of the opposing party.

Article 110

(1) No appeal shall be filed against a resolution allowing a return to a previous state, except if the return was approved on the basis of a proposal that was submitted late or which was not allowed (Article 108, paragraph (3)).

(2) A special appeal can be filed against a resolution rejecting the proposal to return to a previous state, only if such resolution was passed by a first instance authority.

(3) An appeal cannot be filed against a resolution rejecting the proposal to return to a previous state if such resolution was passed by an authority authorized to decide in the second instance.

Article 111

(1) The proposal for returning to a previous state shall have no influence on the course of the procedure, however, the authority authorized to decide on such a proposal may temporarily suspend the procedure until the resolution regarding a proposal becomes final.

(2) In case when a return to a previous state is allowed, the procedure shall be returned to the state in which it was prior to the omission, and all decisions and resolutions passed by the authority regarding the omission, shall be annulled.

CHAPTER VIII

MAINTENANCE OF ORDER

Article 112

(1) The official that administers the action of the procedure shall be responsible for the maintenance of order during the work.

(2) For that purpose, the official shall have the right to warn the persons that interrupt the work and to determine the necessary steps for proper maintenance of the order.

(3) The persons that participate in an action of the procedure must not carry any weapons or dangerous objects.

Article 113

(1) If any person, despite the warning, keeps disturbing the work and acts unbecomingly during the performance of the action of the procedure, such person may be removed. The person that participates in the action of the procedure may be removed only after a warning that he/she will be removed and after explanation of the legal consequences of such act. A removal, resulting from a disturbance of the order or indecency, shall be determined by the official that administers the action of the procedure.

(2) If any of the parties removed on the basis of the provision stated in paragraph (1) of this article, has no authorized person, or if the authorized person is removed and the authorizer is not present, the official that administers the action of the procedure shall ask the person that is being removed to designate his/her authorized person. If such person fails to give authorization, the official may postpone the action at expense of the person that refused to give authorization and the official may designate an authorized person if considered necessary. Such authorized person may represent the party only for that action of the procedure from which the party was removed.

Article 114

(1) Any person that causes a major disturbance of the order or a serious inconvenience, may, besides the removal, be punished with a fine of up to 1,000.00 denars.

(2) Such penalty shall not exclude the criminal or disciplinary responsibility.

(3) The penalty stated in paragraph (1) of this article may be imposed on a person that, by his/her submitted document, shall cause a serious violation of the customary conduct towards the authority or the official that administers the procedure.

Article 115

The monetary fine imposed for actions stated in Article 114, paragraphs (1) and (3) of this Law, shall be determined by the relevant court upon a request for instigation of a misdemeanor procedure submitted by the authority administering the procedure.

CHAPTER IX

EXPENSES OF THE PROCEDURE

1. Costs to the authority and the parties

Article 116

(1) The special expenses in cash of the authority that administers the procedure, such as: travel expenses of the officials, the expenses for witnesses, expert legal assessors, interpreters, inspection, announcement and the like,

that occurred during the administering of the procedure regarding an administrative issue shall be generally covered by those persons who caused the whole procedure.

(2) In case a person that participates in a procedure, by his/hers own fault or impudence, causes expenses in certain actions of the procedure, such person shall be responsible for covering the expenses.

(3) If the procedure was initiated by official duty and if such procedure was completed favorably for the party, the expenses of the procedure shall be covered by the government authority that initiated the procedure.

Article 117

(1) Generally, each party shall cover his/her own expenses that occurred during the procedure, such as: travel expenses, loss of working days, expenses for taxi, legal representation, expert advice and other.

(2) If two or more parties with opposed interests are involved in the procedure, the party that caused the procedure and lost the case, shall compensate the justifiable expenses incurred by the opposite party by participating in the procedure. In case some of the parties partly succeeds in their request, that party shall compensate for the expenses of the opposing party proportionally to that part of the request that such party did not succeed. The party that by an unbecoming behavior caused expenses to the opposed party in the procedure, shall be obliged to compensate such expenses to the other party.

(3) The expenses for legal representation shall be compensated only in cases when such representation was necessary and justified.

(4) The request for compensation of the expenses, pursuant to the provisions of paragraphs (2) and (3) of this Article, must be lodged on time so that the authority that administers the procedure may decide on the request. Otherwise the party looses the right to have his/her costs compensated. The official that administers the procedure shall warn the party thereof.

(5) Each of the parties shall cover their own expenses if the procedure was solved by settlement, unless otherwise stipulated by the settlement agreement.

(6) The expenses of the party and other persons incurred in a procedure instituted officially or for the public interest, and such expenses were not caused by the conduct of the party or the other persons, shall be covered by the authority that instituted the procedure.

Article 118

The expenses of the procedure regarding enforcement shall be covered by the party against which the case is enforced. If such expenses cannot be charged from that party, the expenses shall be covered by the party that proposed the enforcement.

Article 119

If the procedure is initiated at the request of the party and it can be anticipated with certainty that such procedure shall cause special cash expenses regarding the inspection, expert legal assessment, arrival of witnesses, etc., the authority that administers the procedure may adopt a resolution according to which the party shall be obliged to deposit in advance an adequate amount of money that shall cover such expenses. If the party does not deposit that amount within a determined term, the authority may waive that evidence or may suspend the procedure, unless further performance of the procedure is in the public interest.

Article 120

(1) In the decision by which the procedure is terminated, the authority that adopts the decision shall determine who shall cover the costs of the procedure, the amount of the costs, to whom they should be payed and the term for payment of the costs.

(2) The final decision shall also stipulate whether the person that will cover the costs shall also compensate the costs of the other party (Article 117, paragraphs (2) and (3)).

(3) In case the costs of the procedure have to be covered by several persons, such costs shall be divided equally among them, or according to adequate proportions.

(4) In case the authority does not decide on the costs, it shall make a note in the final decision that special conclusion shall be adopted regarding the costs.

Article 121

(1) The witnesses, legal assessors, interpreters and officials shall have the right to a compensation of their expenses, such as: travel expenses, costs of stay at the place and if they do not receive any earning during that time, they shall be entitled to have their lost earning compensated. The legal assessors and the interpreters, beside compensation of the expenses, shall have the right to a special reward.

(2) The witnesses, legal assessors and interpreters shall make their requests for compensation or fee at the hearing, interpretation or during the expertise assessment. Otherwise they will loose that right. The official that administers the procedure shall inform the witnesses, the legal assessor or the interpreter of that consequence.

(3) The amount of the compensations shall be determined by a special conclusion of the authority that administers the procedure, by also stating who is responsible to pay the compensations and what is the term for payment. A separate appeal may be filed against such resolution. This conclusion shall be enforceable.

Article 122

(1) The compensation for the costs, expenses and lost earning of the witnesses, legal assessors and interpreters, and the special rewards of the legal assessors and interpreters, the way of payment and collection of the compensation and rewards, as well as exemption from payment of expenses shall be determined in accordance with the law.

(2) Regarding the compensations of the officials, the regulations that refer to such persons shall be applied.

2. Exemption from payment of costs

Article 123

(1) The party may be, partly or completely, exempted from payment of the costs if the authority that administers the procedure finds that the party cannot cover such costs without prejudice to the essential support of the party and his/her family. Upon a proposal of the party, the authority shall pass a conclusion on the exemption, using the certificate on the possessions and earnings of the party, issued by a relevant authority.

(2) The exemption from payment of costs shall refer to exemption from fees, charges of the authority that administers the procedure, such as the traveling expenses of the officials, expenses for the witnesses, legal assessors, interpreters, inspection, advertisements, as well as exemption from security for covering the expenses.

(3) Foreign citizens shall be exempted from payment of the expenses only on the condition of reciprocity. In case of any doubt regarding the existence of the reciprocity, an opinion shall be given by the administrative authority in charge of foreign affairs.

Article 124

The authority that administers the procedure may cancel, during the course of the procedure, its resolution on exemption of the party for covering of the expenses if the authority determines that the reasons for such exemption of the party no longer exist.

Article 125

The party shall have the right to file a separate appeal against the conclusion by which the authority rejected exemption of the party from covering the expenses, as well as against the conclusion stated in Article 124 of this Law.

SECOND PART

FIRST INSTANCE PROCEDURE

CHAPTER X

INSTITUTION OF THE PROCEDURE AND REQUESTS OF THE PARTIES

1. Institution of the Procedure

Article 126

The administrative procedure shall be instituted by the authorized authority ex officio or upon a request from the party.

Article 127

(1) The responsible authority shall institute a procedure ex officio in cases stipulated by law and in cases when it finds that the existing circumstances are such that impose institution of a procedure in order to protect the public interest.

(2) When an administrative procedure is instituted ex officio, the responsible authority shall take into consideration the documents submitted by citizens and other entities.

Article 128

(1) The administrative procedure shall be considered as instituted if the responsible authority has performed any act with the purpose to administer the procedure.

(2) If the responsible authority determines that according to the existing regulations the request of the party des not contain conditions for instituting a procedure, the authority shall adopt such a conclusion against which a separate appeal may be filed.

Article 129

If according to the law or the nature of the matter an administrative procedure can be initiated and administered only based on request from a party, the authorized authority can initiate and administer it only if such request exists.

2. Joining of matters into a single procedure

Article 130

(1) If the rights or responsibilities of the parties are based on the same or similar circumstances and facts and on the same legal grounds, and if the authority that administers the procedure has a genuine authority, then one procedure may be instituted and administered even if such procedure will cover the rights and responsibilities of several parties.

(2) One or more parties, under the same conditions, may present several requests in one procedure.

(3) In such cases, the responsible authority shall adopt separate conclusion for administering one procedure, against which an appeal may be filed, unless the conclusion was passed by a second instance authority.

Article 131

The responsible authority may institute an administrative procedure by public announcement against a larger number of persons that are unknown to the authority or cannot be determined, but may have the status of parties in the procedure, if the request against them is basically the same.

Article 132

(1) In case one procedure is administered, as stated in Article 130 above, or if the procedure was instituted by a public announcement, as stated in Article 131 of this Law, each of the parties shall act independently in the procedure.

(2) The conclusions adopted in such a procedure by which certain measures shall be taken against the parties, must clearly state what measures shall be valid for each of the parties, unless the parties jointly participate in the procedure with identical claims or if otherwise stipulated by law.

3. Amendment of the claim

Article 133

(1) After the procedure has been instituted and before the passing of the first instance decision, the party may expand the claim or file a claim different than the previous, regardless of weather the expanded or modified claim is based on the same legal grounds, provided that the claim is based on essentially same factual situation.

(2) The authority that administers the procedure shall adopt a conclusion in case it does not allow the claim to be expanded or changed. An appeal may be filed against such a conclusion.

4. Abandonment of the claim

Article 134

(1) The party may abandon his/her claim during the course of the entire procedure.

(2) If the procedure has been instituted upon a request of the party and the party abandons his/her claim, the authority that administers the procedure shall adopt a conclusion for termination of the procedure. The opposing party shall be informed of the termination of the procedure.

(3) In case any further administering of the procedure is necessary due to the public interest, or if the opposing party requests further administering of the procedure, the responsible authority shall continue to administer the procedure.

(4) In case the procedure was instituted ex officio, the authority may terminate the procedure. If such procedure could have been instituted upon a request of a party, the procedure shall continue if the party requests that.

(5) An appeal may be filed against a conclusion to terminate the procedure.

Article 135

(1) The party shall abandon his/her claim by a statement given to the authority that administers the procedure. The party may revoke the abandonment of the claim until the moment the authority adopts a conclusion for termination of the procedure and informs the party of such a conclusion.

(2) Certain acts or omissions of the party may be considered as his/her abandonment of the claim only in cases when this is stipulated by law.

(3) In case the party abandoned its claim after the final decision has been made by the first instance authority, and prior to expiration of the term for appeal, the resolution for termination of the procedure shall annul the final decision of the first instance authority, if decision was made, completely or partly, in favor of the party. If the party abandoned its claim after an appeal has been filed, and prior to making the decision regarding the appeal has been submitted to the party, the conclusion for termination of the procedure shall also annul the final decision of the first instance authority by which the claim of the party was, partly or completely, settled in favor of the party, if the party completely abandoned the claim.

Article 136

The party that abandoned the claim shall be obliged to cover all costs that occurred up to the moment of the termination of the procedure, unless otherwise stipulated by special regulations.

5. Settlement

Article 137

(1) In case two or more parties participate in the procedure having opposing claims, the official that administers the procedure shall endeavor, during the course of the whole procedure, to arrange a settlement for the parties, completely or at least on certain disputed issues.

(2) The settlement must always be precise and clear and not to the detriment of the public interest, ethics or the legal interests of third persons. The official person that administers the procedure shall be obliged to observe these conditions ex officio. In case it is determined that the settlement has been made to the detriment of the

public interest, ethics or against the legal interests of third persons, the authority that administers the procedure shall reject such settlement and adopt a special conclusion.

(3) The settlement shall be entered into minutes. The settlement shall be considered as concluded when the parties, after the minutes of the settlement has been read to them, sign the minutes. The certified copy of the minutes shall be submitted to the parties if they ask for it.

(4) The settlement shall have the effect of an enforceable decision in the administrative procedure.

CHAPTER XI

THE COURSE OF THE PROCEDURE PRIOR TO THE FINAL DECISION

A. General Principles

1. General Provisions

Article 138

(1) Prior to making the final decision, all facts and circumstances relevant for the final decision shall be determined and the parties shall be allowed to administer and protect their rights and legal interests.

(2) The activities stipulated in paragraph (1) of this article can be performed in an abridged procedure or in a special investigation procedure.

Article 139

(1) The official person that administers the procedure may, during the course of the whole procedure, supplement the facts and derive evidence of those facts that were previously not presented or have not been determined with certainty.

(2) The official person that administers the procedure shall ex officio instruct the derivation of each piece of evidence if he/she finds it necessary for clarification of the case.

(3) The official person that administers the procedure shall officially gather all data and facts which are kept in the official records of the authority that is authorized to adopt a decision. The official shall also gather data that are officially recorded by other government authority, or other entity.

Article 140

(1) The party shall be obliged to present precisely, correctly and truly all facts which represent a basis for his/her claim.

(2) In case the facts are not generally known, the party shall be obliged to give evidence and, if possible, present exhibits for his/her allegations. If the party does not present the evidence and exhibits, the official that administers the procedure shall ask the party to do that. The party shall not be asked to present evidence which can be more efficiently and easily gathered by the authority that administers the procedure, nor to present certificates which authorities are not obliged to issue, pursuant to article 175 of this Law.

(3) In case the party does not present the evidence within the additionally specified term, the authority shall not have the right to reject the claim of the party as if it were not submitted, but it shall be obligated to continue the

procedure and, in accordance with the rules of the procedure and the material rules, to resolve the administrative matter.

Article 141

(1) Generally, the party shall make the statements verbally, but the party may also make written statements.

(2) If the case is complex or if extensive expert explanation is needed, the official that administers the procedure may instruct the party to submit a written statement, within a specified term. In such cases the party shall also have the right to ask for a permission to submit written statement.

(3) If the party was instructed or allowed to submit a written statement, such party shall not be deprived of the right to make a verbal statement as well.

Article 142

If, during the course of the procedure, a person that previously did not participate in the procedure as a party requests to participate in the procedure as a party, the official that administers the procedure shall examine the person's right to act as a party and shall adopt a conclusion. An appeal may be filed if the conclusion does not allow such capacity to that person.

Article 143

The official that administers the procedure shall be obliged to inform the party about his/her rights in the procedure and to indicate the legal consequences regarding his/her actions or omissions in the procedure.

2. Abridged procedure

Article 144

(1) The authority may directly settle the issue in an abridged procedure if:

1) the party furnished facts or evidence in the request that will serve as a basis for determining the actual situation of the issue or if such position may be determined on the basis of generally accepted facts or facts that are known to the authority;

2) the actual situation may be determined on the basis of official data that available to the authority and there is no need for special testimony of the party for the purpose of protection of his/her rights or legal interests;

3) there are cases, stipulated by regulations, pursuant to which the issue may be solved on the basis of facts or circumstances that are not completely proven or such facts and circumstances may be proven only indirectly, so that the facts and circumstances shall be considered as probable, and all the circumstances lead to the conclusion that the request of the party should be solved positively;

4) there is a need to undertake urgent measures to protect the public interest that can not be delayed, and the facts that should be used as a basis for adopting the decision have been already determined or, at least considered probable.

(2) The decisions stipulated in paragraph (1), items 1 and 2, to this article may be prepared electronically.

Special investigation procedure

Article 145

(1) A special investigation shall be administered when certain facts and circumstances have to be determined that are significant for clarification of the case or in order to give the parties a chance to exercise and protect their rights and legal interests.

(2) The course of the investigation procedure shall be determined by the official that administers the procedure, depending on the circumstances of each individual case, in accordance with the provisions of this Law and the regulations that refer to the specific case.

(3) Within these limits, the official that administers the procedure shall: decide what activities shall be executed in the procedure and give orders for their execution; determine the order for execution of certain actions and the terms for their execution, unless the terms have been previously determined by law; set up hearings and interrogations and make all arrangements needed thereof; decide which evidence and exhibits shall be used; and decide on all proposals and statements.

(4) The official that administers the procedure shall decide whether the hearing and proving shall be made separately on each individual disputable issue or jointly for the whole case.

Article 146

(1) The party shall have the right to participate in the investigation and, for the purposes of the procedure, give necessary data, as well as protect the rights and interests pertaining to him/her according to the law.

(2) The party may present facts that might have influence on the final outcome of the case and contest the allegations that are not in accordance with his/her testimony. The party shall have the right, up to the moment of the final adoption of the decision, to supplement and elaborate his/hers allegations, and, if this is done after the hearing, the party shall be obliged to justify the reasons for not doing so on the hearing.

(3) The official that administers the procedure shall be obliged to give the possibility to the party to: elaborate on all circumstances and facts that have been furnished during the investigation and on the proposals and presented evidence; participate in presentation of the evidence and ask questions to the other parties, witnesses and legal assessors through the official that administers the procedure, or, by consent of the official, ask the questions directly, as well as learn about the results of the presentation of the evidence, and give his/her opinion. The responsible authority shall not adopt a decision prior to giving the party an opportunity to elaborate on the facts and circumstances that are relevant for the decision if the party was not previously given the chance to give his/her opinion on such facts and circumstances.

4. Previous issue

Article 147

(1) If the authority that administers the procedure finds an issue that is essential for the adoption of the decision, and such issue represents an independent legal issue that has to be decided by an authorized court or authority (previous issue), the authority may, pursuant to the provisions of this Law suspend the procedure until such issue has been decided by a responsible authority. A conclusion shall be adopted for the suspension of the procedure, against which an appeal may be filed, unless the conclusion was adopted by a second instance authority.

(2) If the authority has adopted a decision on the previous issue, such a decision shall be legally effective only in the case for which it had been adopted.

(3) In case of criminal act and criminal responsibility of the offender, the authority that administers the procedure shall be obligated by the legally valid verdict of the criminal court by which the defendant was found guilty.

Article 148

(1) The authority that administers the procedure must suspend the procedure if the previous issue refers to a criminal act, existence of marriage, identification of paternity or in cases established by law.

(2) If the previous issue refers to a criminal act, and there is no possibility for ex officio criminal prosecution, the authority that administers the procedure shall decide after the completion of the criminal procedure instigated by a private complaint.

Article 149

If there is no need to suspend the procedure due to previous issue, as stated in Article 148 in this Law, the authority that administers the procedure may consider the previous issue and adopt a decision as part of the remaining case, and based on that to decide on the case.

Article 150

(1) If the authority that administers the procedure does not consider the previous issue as stated in Article 149 in this Law, and the procedure for deciding on the previous issue that can be administered only officially has still not been initiated by the responsible authority, the authority shall require institution of a procedure by the responsible authority.

(2) In case the party requests adoption of a decision regarding a previous issue, the authority that administers the procedure may adopt a conclusion and instruct one of the parties to request responsible authority to decide on the previous issue by determining a term in which the party shall be obliged to submit the request and present an evidence of submitted request. The authority that administers the administrative procedure shall warn the party on the consequences if the party fails to act pursuant to the instruction. The term for instituting a procedure for a previous issue shall start to expire from the day when the conclusion becomes effective.

(3) In case the party does not present evidence that he/she requested institution of a procedure regarding a previous issue, it shall be considered that the party abandoned the request for the procedure and the authority that administers the administrative procedure shall terminate the procedure. If the opposing party did not act pursuant to the instructions, the authority shall continue the procedure and adopt a decision regarding the previous issue.

(4) An appeal may be filed against the conclusion adopted pursuant to paragraph (2) of this article.

Article 151

The procedure that was suspended because of a previous issue that had to be decided by an responsible authority, shall be resumed after the decision on that issue becomes final and valid.

5. Hearing

Article 152

The official that administers the procedure shall set up, on its own initiative or upon a proposal from the party, a hearing whenever this would be useful for clarification of the matter. A hearing must be set up in cases when:

1) there are two or more parties in the case having opposing interests; or
2) the witnesses or legal assessors should be interrogated or when they have to present their legal assessments.

Article 153

(1) The hearing shall be public.

(2) The official that administers the procedure may close the hearing for the public, completely or partially, if:

1) there are ethical reasons or for protection of the public security;
2) there is a serious and direct danger that the hearing shall be jeopardized;
3) the relations in certain family matters are to be heard;
4) the circumstances that have to be heard are considered to be official, business, professional, scientific or artistic secret.

(3) The proposal for closing the hearing for the public may be given by the interested party.

(4) A conclusion shall be adopted for closing of the hearing for the public, and it shall be elaborated and published.

(5) The announcement of the conclusion may not be closed to the public.

Article 154

(1) The hearing shall not be closed for the parties, their authorized persons and expert advisors.

(2) The official that administers the procedure may allow presence of certain officials, experts and public figures at a closed hearing if this is in the interest of their service or scientific work. The official that administers the procedure shall inform these persons that they are obliged to consider the hearing as confidential.

Article 155

(1) The authority that administers the procedure shall be obliged to make all necessary arrangements to set up the hearing without any delays and preferably without interruptions.

(2) The persons that shall be summoned to the hearing must be allowed a sufficient period of time in order to prepare for the hearing and come on time without additional expenses. Generally, the summoned persons shall have a period of 8 days from the submitting of the summons to the hearing.

Article 156

If certain designs, documents and materials are to be subject of the hearing, such materials shall be put at disposal of the summoned persons for perusal at the same time when the hearing is determined and the summons shall state the time and place when such materials can be examined.

Article 157

(1) The hearing shall be made public by the authority that administers the procedure when: there is a possibility that certain summons could not be submitted on time, there is a probability that there will be interested persons that have not appeared as parties yet, or if there are some other similar reasons.

(2) The public notification for the hearing shall include all the data that have to be stated in the individual summons, as well as an invitation for anyone who considers that the case refers to his/her legal interests. Such notification shall be made in the way stipulated in article 86 of this Law.

Article 158

Generally, the hearing shall be held at the offices of the authority that administers the procedure. In case when an inquiry is necessary outside of the headquarters of the authority, the hearing may be held at the place of the inquiry. The authority that administers the procedure may determine another place for the hearing if this would decrease the expenses and contribute to faster and easier resolution of the matter.

Article 159

(1) At the opening of the hearing, the official that administers the procedure shall determine who of the summoned persons are present and if there are absent persons, the official shall check whether the summons have been duly submitted.

(2) In case some of the parties that have not been previously heard fails to come to the hearing and it cannot be determined whether that party has been summoned properly, the official who administers the procedure shall postpone the hearing, except in cases when the hearing had been publicly announced.

(3) If the party that requested the institution of the procedure does not come to the hearing, although he/she had been duly summoned, and the circumstances clearly imply that the party abandoned the claim, the authority that administers the procedure shall terminate the procedure. An appeal may be filed against the conclusion for termination. In case when it cannot be assumed whether the party abandoned the claim, or if the procedure is of public interest and must be continued ex officio, the official, depending on the facts of the case, shall carry out the hearing without that person or postpone the hearing.

(4) If the party against whom the procedure has been instituted does not come to the hearing without justification, although he/she has been duly summoned, the official who administers the procedure may carry out the hearing without the party or may postpone the hearing, at the party's expense, if this would be necessary for solving the case.

Article 160

(1) If the party, despite being warned of the consequences, fails to give any comments on the activities during the hearing, it shall be considered that the party has no comments. If the party gives some comments after the hearing, the authority that administers the procedure shall take such comment into consideration if this would have an effect on the procedure and the decision, and if such comment has not been given after the hearing only to delay the procedure.

(2) In case the party that was summoned by public notification failed to come to the hearing, and gives his/her comments after the hearing, such comments shall be taken into consideration only provided that the condition stated in paragraph (1) of this article has been fulfilled.

Article 161

(1) The facts relevant for the investigation shall be considered and determined at the hearing.

(2) If the case cannot be reviewed in one hearing, the official who administers the procedure shall interrupt the hearing and schedule another one as soon as possible. The continuation of the hearing shall be made in accordance with all the provisions prescribed for setting up hearings and such provisions may be verbally

announced to the persons present at the hearing, as well as the time and place of the continuation of the hearing. When opening the continuation of the hearing, the official shall give a summary on the previous course of the hearing.

(3) If written evidence should be presented additionally, there shall be no need to schedule another hearing; however, the party shall have the possibility to give comments on the evidence.

B. Presentation of Evidence

1. General Provisions

Article 162

(1) The facts relevant for making the decision shall be established on the basis of presented evidence.

(2) Anything appropriate for determining the circumstances and that matches a particular case shall be used as evidence, such as: personal identification documents, or a microfilm copy of the document or a reproduction of the copy, witnesses, testimony of the party, legal assessors, perusals and other.

Article 163

(1) The official that administers the procedure shall determine whether certain fact should be substantiated by evidence or not, depending on the impact of such fact on the final decision. Generally, evidence shall be presented in cases where the facts are disputable and need to be substantiated.

(2) There shall be no need to prove facts that are generally known.

(3) Also, there shall be no need to prove facts that are presupposed by the law; however, it shall be allowed to prove the nonexistence of such facts, unless otherwise stipulated by law.

Article 164

In case it is not possible to present evidence to the authority administering the procedure or if such presentation implies loss of time or unreasonable expenses, certain facts may be proven or evidence may be presented in front of a different authority asked for assistance in such cases.

Article 165

If, pursuant to the regulations, the case may be solved on the basis of facts or circumstances that are not fully substantiated by evidence or the evidence only indirectly proves the facts (possible facts and circumstances), the presentation of evidence shall not be connected to the provisions of this Law referring to presentation of evidence.

Article 166

(1) In case the authority that administers the procedure is not familiar with the rules and regulations valid in a foreign country, the authority may get information with the authority in charge of justice.

(2) The authority that administers the procedure may ask the party to submit a document issued by a responsible foreign authority that shall confirm which law is valid in the foreign country. Proving of a foreign law contrary to such a document shall be allowed unless otherwise stipulated by international agreements.

2. Documents

Article 167

(1) The document issued in the proper legal form by an authorized government authority, which can be adapted for electronic data processing, as well as a document issued in such a form by a legal and other entity that performs its activities on the basis of official authorizations (official document), shall prove the facts that are certified or established by the document.

(2) Evidences presented in the form of microfilm copy or reproduction of the copy shall be considered as equal to the documents stated in paragraph (1) herein, if such microfilm copy or reproduction of the copy was issued by an authorized government authority, or a legal or other entity that performs its activities on the basis of official authorizations.

(3) It shall be allowed to prove that the document, or the microfilm copy or reproduction of the copy certifies facts that are not true or that the document itself or the microfilm copy or reproduction of the copy has been incorrectly prepared.

(4) It shall be allowed to prove that the microfilm copy or reproduction of the copy is not authentic to the original.

Article 168

If certain parts of the document have been crossed out, scratched, erased or inserted, or if there are some other obvious additional deficiencies on the document, the official that administers the procedure shall assess whether and to what extent such document presented as evidence is invalid, or the document is completely unacceptable to be presented as evidence.

Article 169

(1) The documents that are to be used as evidence shall be submitted by the parties or shall be acquired by the authority that administers the procedure. The party may present the hard copy of the document, the microfilm copy or reproduction of the copy, a certified copy or plain copy of the document, and if the party presents a certified copy of the document, the official that administers the procedure may ask the party to show the original document. If the party presents a plain copy of the document, the official shall determine whether the copy is authentic to the original. The microfilm copy or reproduction of the copy that has been duly issued by the authorized authority or by a legal or other entity that performs its activities on the basis of official authorizations, shall be valid as evidence in the administrative procedure and shall be equal to the original document, as stated in article 167, paragraphs (1) and (2) of this Law.

(2) In case certain facts or circumstances have been already established by the authority that was authorized to do so, or if such facts and circumstances are clearly proven by the document (such as personal identification card, and extract of the Registry Book), the authority that administers the procedure shall consider the facts and circumstances as already proven. If the issue refers to acquiring or losing certain rights, and there is a probability that such facts and circumstances have been changed, or have to be proven on the basis of special rules, the official that administers the procedure shall ask the party to furnish separate evidence for such facts and circumstances or the authority may acquire them by itself.

Article 170

(1) The official that administers the procedure may invite the party that refers to a certain document as evidence to present that document if he/she is in possession of the document or if he/she can acquire it.

(2) If such document is in possession of the opposing party, and the party is not willing to present or show it, the official person that administers the procedure shall invite that party to present or show the document at the hearing so that the other parties may give comments on the document.

(3) If the party invited to present or show such document fails to act according to the instruction, the authority that administers the procedure, considering all circumstances of the case, shall evaluate the significance of such document with respect to the final decision of the case.

Article 171

If the document that has to be presented as evidence can be located at a certain authority, legal or other entity that has official authorization to decide on administrative matters, and the party that referred to the document was not able to provide it, the authority that administers the procedure shall provide the document ex officio.

Article 172

(1) If the document is in possession of a third party, and such party is not willing to show it voluntarily, the authority that administers the procedure shall adopt a conclusion and invite such a person to show the document, so that the parties may give their comments on it.

(2) A third person may refuse to show the document due to the same reasons given when refusing to testify.

(3) The same procedure shall be taken against a third person that unreasonably refuses to show the document as against a person that refuses to testify.

(4) The third party shall have the right to file an appeal against the conclusion that instructs him/her to show the document. Such appeal shall suspend the enforcement of the conclusion.

(5) The party that refers to a document as evidence that is in possession of a third party shall be obliged to cover the expenses which the third party shall incur when presenting the document.

Article 173

(1) The documents that have been issued in a foreign language shall be submitted together with a certified translation.

(2) The documents issued by authorities of foreign countries, which are valid as official documents in the country where they were issued, shall have, in accordance with the conditions of reciprocity, the same probatory force as the local official documents, if they are legally certified.

Certificates

Article 174

(1) The state authorities and the authorities of the state administration shall issue certificates or other documents (certificates, attestations and other) to prove the facts that are officially filed with them.

(2) Under the conditions stated in paragraph (1) of this article, the legal and other entities shall issue certificates or other documents on the facts regarding the activities they perform pursuant to their public authorization.

(3) The certificates or other documents that prove the facts which have been officially recorded shall be issued in accordance with the data stated in the official records. Such certificates or other documents shall have the validity of an official document.

(4) Official records shall mean the records that have been established by rules, or by a general act of the legal or other entity that has public authorizations.

(5) The certificates or other documents stipulating the facts that have been officially recorded, shall be issued upon a verbal request from the party, usually, on the same day when the party has requested such a certificate or other document, and latest within 15 days after the request, unless the rule establishing the official records stipulates otherwise.

(6) If the authorities stated in paragraphs (1) and (2) of this article, reject the request for issuance of a certificate or other document, they shall be obliged to adopt a separate conclusion on that. If the authorities do not issue a certificate or other document within 15 days from the day of the request, or they do not adopt a conclusion on rejection and submit it to the party, it shall be considered that the request has been rejected.

(7) If the party, on the basis of evidence, considers that the certificate or other document has not been issued in accordance with the data listed in the official records, the party may request a correction of the certificate or other document. The authority shall be obliged to adopt a resolution in case it refuses the request of the party to correct the certificate or issue a new certificate or other document. In this case, also, the new certificate or other document shall be issued within 15 days from the day of the request, and if the new certificate or other document was not issued within this term, it shall be considered that the request has been rejected.

Article 175

(1) The authorities of the state administration, the state authorities, the legal and other entities which have public authorizations stipulated by law, shall issue the certificates or other documents regarding facts that are not recorded officially if this possibility is stipulated by law. In such cases the facts shall be determined in accordance with the procedure established by the provisions in this Chapter.

(2) The certificate or other document issued in the way stipulated in paragraph (1) of this article, shall not be binding to the authority to which the certificate was presented as evidence and the authority which needs to decide on the matter. This authority may again determine the facts stated in the certificate or other document.

(3) The certificate or other document shall be issued to the party, or the resolution regarding the refusal of the party's request shall be adopted and submitted within 15 days from the day when the request has been submitted. Otherwise, the request of the party shall be considered as refused.

3. Witnesses

Article 176

(1) A witness may be any person who was capable of noticing the fact and give a testimony regarding that fact.

(2) The person that participates in the procedure in the capacity of a civil servant cannot be a witness.

Article 177

Any person asked to act as a witness shall be obliged to respond to the summons and testify, unless otherwise stipulated by this Law.

Article 178

Any person that by his/her testimony would violate the duty to keep an information with an appropriate degree of secrecy cannot be interrogated as a witness until the moment such person is freed from the duty by the responsible authority.

Article 179

(1) The witness may refuse to testify if:

1) by giving certain answers the witness would disgrace himself or cause significant material loss or criminal action against him/her, his/her blood relative in straight line, or relative in secondary line to the third level, his/her spouse or the spouse's relative up to second level of relation, even in cases when the marriage was divorced, as well as to his/her guardian or foster child or adoptive parent or child;

2) by giving certain answers he/she would violate the obligation or the right to keep a business, professional, artistic or scientific secret;

3) he/she has to testify on facts that the party confided to him/her as an authorized person;

4) the witness is a religious confessor to whom the party confessed certain facts.

(2) The witness may be relieved of the duty to give a testimony on certain other facts if he/she provides important reasons. If necessary, the witness shall have to make the reasons plausible.

(3) The witness may not refuse to testify, stating material loss as reason, on legal proceedings in which he/she participated as witness, notary or intermediary, on actions that he/she has undertaken regarding the dispute in the capacity of a legal predecessor or representative of one of the parties, as well as on any action for which he/she is obliged to submit a report or to give a statement, in accordance with separate rules.

Article 180

(1) The witnesses shall be heard separately, without the presence of those witnesses that shall be heard later.

(2) The witness may not leave the room without the permission of the official that administers the procedure.

(3) The official that administers the procedure may hear again a witness that has already been heard once and confront the witnesses whose testimonies are contradictory.

(4) The person who cannot respond to the summons, due to illness or physical disability, shall be heard in his/her apartment.

Article 181

(1) The witness, prior to his/her testimony, shall be informed that he/she is obliged to say the truth, that he/she may not suppress anything and that his/hers testimony may be given under oath, and the witness shall also be informed of the consequences for giving a false statement.

(2) The personal data of the witness shall be taken as follows: name, profession, address, place of birth, age and marital status. If necessary, the witness shall be asked to explain his/her capacity as a witness in the case and especially his/her relations with the parties.

(3) The official that administers the procedure shall inform the witness in which cases he/she may refuse to testify.

(4) The witness shall be asked questions regarding the case and shall be invited to state what he/she knows about it.

(5) It is not allowed to ask questions that would suggest that the witness should give a certain answer.

(6) The witness shall always be asked about the source of the information he gives in the testimony.

Article 182

(1) In case the witness cannot speak the language in which the procedure is being administered, he/she shall be heard through a interpreter.

(2) If the witness is deaf, the questions shall be asked in a written form, and in case he/she is mute he/she shall give written answers. If the hearing cannot be performed in this way, the witness shall be heard through a person that can understand the witness.

Article 183

(1) After hearing the witness, the official that administers the procedure shall decide whether the witness should swear an oath regarding the testimony. A witness that is a minor or cannot understand the meaning of an oath shall not be asked to give testimony under oath.

(2) The oath shall be verbal and shall be sworn by uttering the words: “I hereby solemnly swear that I have spoken the truth and I have not suppressed anything I know regarding the case”.

(3) The deaf witnesses that can read and write shall give an oath by signing the text of the oath, and the mute witnesses shall read the text of the oath. If the mute or deaf witnesses can not read nor write they shall give an oath through an interpreter.

Article 184

(1) If the witness who has been duly summoned fails to come and fails to give any justifiable reason for his absence, or leaves the place of the hearing without any permission or justifiable reason, the authority that administers the procedure may instruct that such witness be brought by force, and may punish the witness with a fine of 1.000 denars.

(2) In case the witness comes and refuses to testify and gives no justifiable reason, despite the information on the consequences of such a refusal, the witness may be punished with a fine of 1.000 denars, and if the witness still refuses to testify he/she may be punished with another fine of 1.000. The official that administers the procedure in accordance with the official authorized to make a decision regarding the case, and in case of a authority asked to assist - in accordance with the head of that authority or with the official person authorized to decide in such cases, shall file a request for initiation of a misdemeanor procedure.

(3) If the witness gives acceptable reasons for his absence later, the official that administers the procedure shall annul the conclusion regarding the expenses.

(4) The official that administers the procedure may adopt a decision by which he/she shall instruct the witness to cover the expenses caused by his/her absence or refusal to testify.

(5) An appeal may be filed against the conclusion regarding the covering the expenses passed on the basis of this article.

4. Statements of the parties

Article 185

(1) In case there is no direct evidence to confirm certain facts or such facts cannot be determined on the basis of any other kind of evidence, the party may give a verbal statement that may be considered as evidence to prove certain facts. The party's statement may be used as evidence in some facts of minor importance, if such facts should be determined by hearing of a witness that lives in a distant place, or if the rights of the party would be impeded if some other evidence had to be provided.

(2) The law may stipulate that in cases other than those stated in paragraph (1) of this article, certain facts can be proven by a statement given by the party.

(3) The authenticity of the party's statement shall be assessed according to the principle stipulated by Article 12 of this Law.

(4) Prior to making the statement, the official that administers the procedure shall inform the party of the criminal and material responsibilities in cases of providing false statements.

5. Expert legal assessor

Article 186

If the official that administers the procedure has no expert knowledge on a fact that is important for making the decision on the matter, such a fact shall be determined or assessed by legal expert assessment.

Article 187

(1) If the costs of the legal assessment would be unreasonably high considering the importance or the value of the case, the issue shall be settled on the basis of other evidence.

(2) In the case stated in paragraph (1) of this article, the legal expert assessment shall be performed if the party requests such assessment and agrees to cover the expenses.

Article 188

(1) In order to provide evidence by legal assessment, the official that administers the procedure shall, ex officio or upon a proposal of the party, designate a legal expert assessor; however, if the official determines that the assessment is complex, then he/she may designate two or more legal expert assessors.

(2) The designated legal assessors shall be experts, especially those that have been specially authorized to give expert opinion regarding certain issues of the adequate profession.

(3) Usually, the party shall be asked to give its opinion on the person that shall be designated as legal assessor.

(4) A person that cannot act as a witness may not be designated as legal expert assessor.

Article 189

(1) Any person that has the necessary expert knowledge and education shall be obliged to accept to act as a legal assessor, unless the official that administers the procedure relieves the expert due to justifiable reasons, such as unavailability due to too many assignments as legal assessor, other assignments and other reasons.

(2) The responsible person within the employer where the legal assessor is employed may request his/her relief from the duty to give legal expert assessment.

Article 190

(1) The legal assessor may refuse to give legal expert assessment for the same reasons as the witness may refuse to testify.

(2) The legal assessor that is employed in a state administration authority or another state authority may, on the basis of special regulations, be relieved from the duty to give legal assessment.

Article 191

(1) Regarding the recusal of the legal assessors, the provisions on recusal of the official persons shall apply.

(2) The party may request the recusal of a legal assessor if he/she has reasonable doubt with respect to the expert knowledge of the legal assessor.

(3) The official that administers the procedure shall adopt a conclusion on the recusal of the legal assessor.

Article 192

(1) Prior to giving the legal assessment, the legal assessor shall be informed that he/she is obliged to carefully consider the subject of the assessment and in the report he/she should give the exact findings, as well as give his/her expert opinion impartially in accordance with the rules of science and expertise.

(2) The official that administers the procedure shall then present to the legal assessor the exhibits on which he/she should give an opinion.

(3) When the legal assessor elaborates his/her findings and expert opinion, the official that administers the procedure and the parties shall have the right to ask questions and require explanation on the findings and expert opinion of the legal assessor.

(4) Regarding the testimonies of the legal assessor, the provisions of Article 180 of this Law shall apply.

(5) The legal assessor shall not take an oath.

Article 193

(1) The legal assessor may be instructed to give an expert assessment outside of the hearing. In such case the legal assessor may be required to elaborate his/her written report and expert opinion at the hearing.

(2) If more than one legal assessors are designated, they may give their report and opinion jointly. In case there is a disagreement, each of them shall separately elaborate his/her findings and expert opinion.

Article 194

(1) If the report and the opinion of the legal assessor are not clear or complete, or if the finding and the opinion differ significantly, or if the opinion has not been entirely elaborated, or if there is a reasonable doubt in the

correctness of the given opinion, whereby such deficiencies cannot be eliminated even by a renewed hearing of the assessors, the assessment shall be renewed with the same or other legal assessors, or some other scientific or expert institution may be asked to provide an opinion.

(2) An opinion by a scientific or expert organization may also be asked in instances when the case is very complex or there is a need for an analysis in order to get an expert and a more precise opinion.

Article 195

(1) If the legal assessor who has been duly invited fails to come, and gives no justifiable reasons for his/her absence, or if he/she comes but refuses to give assessment, or does not submit his/her written report and opinion within the term determined, the legal assessor may be punished with a fine of 1.000 denars. If additional expenses of the procedure occurred because of the unreasonable absence of the legal assessor, or his/her refusal to give expert assessment or because of his failure to present the written report and opinion in time, the legal assessor may be instructed to cover any or all such expenses.

(2) The conclusion for payment of the expenses shall be adopted by the official person that administers the procedure in accordance with the official authorized to adopt a decision on the case, and if there is an authority asked to help - in accordance with the head of that authority or the official authorized to decide in such cases.

(3) In case the legal assessor gives justifiable reasons for his absence later, or if he/she gives acceptable reasons for not submitting the written report and opinion in time, the official that administers the procedure shall nullify the conclusion for expenses.

(4) An appeal may be filed against the conclusion for the expenses adopted pursuant to paragraph (1) or (2) of this article.

6. Interpreters

Article 196

The provisions stipulated in this Law regarding the legal assessors shall apply to the interpreters.

7. Inquiry on the Spot

Article 197

An inquiry on the spot shall be made when there is a need to determine certain fact or to clarify essential circumstances by direct observance of the official that administers the procedure.

Article 198

(1) The parties shall have the right to attend the inquiry on the spot. The official that administers the procedure shall determine what other persons besides the parties shall attend the inquiry.

(2) The inquiry on spot may be performed with the participation of legal assessors.

Article 199

The inquiry of an object that can be brought at the place where the procedure is being administered shall be done at that place; otherwise, the inquiry shall be made at the place where the particular object is located.

Article 200

(1) The owner, the user or holder of the objects, premises or land subject to inquiry shall be obliged to allow performance of the examination of the premises or the land that has to be observed, or where the objects are located, or the land that should be traversed.

(2) If the person stipulated in paragraph (1) of this article does not allow the inquiry on spot to be made, the provisions regarding the refusal to testify shall apply.

(3) The same measures stipulated against a witness that refuses to testify (Article 184, paragraphs (2), (3) and (4)) shall apply for the person stipulated in paragraph (1) that without any justifiable reason does not allow the inquiry on the spot to take place.

(4) If any damage occurs during the inquiry on the spot, the expenses for any such damage shall be included in the overall expenses of the procedure (Article 116, paragraph (1)) and the damage shall be compensated to the owner, user or holder, and the resolution regarding compensation of the damage shall be adopted by the authority that administers the procedure. An appeal may be filed against such a resolution.

Article 201

The official that administers the inquiry on the spot shall take care that the inquiry is not abused and that no business, professional, scientific or artistic secret are infringed upon.

8. Provision of evidence

Article 202

(1) If there is any reasonable doubt that some evidence cannot be presented at a later stage or that its presentation shall be difficult, in order to assure that the evidence shall be presented, any such evidence may be presented at any stage of the procedure, even prior to the institution of the procedure.

(2) The presentation of the evidence shall be performed ex officio or upon a proposal from the party, or a person that has a legal interest in the procedure.

Article 203

(1) The authority that administers the procedure shall be responsible for furnishing of the evidence during the course of the procedure.

(2) In case the evidence has to be furnished prior to the institution of the procedure, the authority responsible for the region where the relevant objects are located, or the region where the persons that have to be heard reside, shall be authorized to furnish the evidence.

Article 204

(1) A separate resolution shall be adopted on furnishing of the evidence.

(2) An appeal may not be filed against the resolution whereby the proposal for furnishing the evidence has been rejected.

CHAPTER XII

DECISION

1. An Authority that Adopts a Decision

Article 205

(1) The responsible authority shall adopt a decision on the basis of the facts established in the procedure.

(2) If the decision is adopted by a collective authority, such a decision can be take only if more than half of the members are present and it shall be adopted by the majority votes of its members, unless otherwise a special majority is required by law or other regulations especially regarding the majority.

Article 206

(1) If there are cases stipulated by law or other regulations based on law, when certain issue may be decided by two or more authorities, each of these authorities shall be obliged to adopt a decision regarding the matter.

(2) The authorities shall have to agree which of them shall issue the decision, and the text of the overall decision shall stipulate the decision of the other authority.

Article 207

(1) In cases when it is stipulated by law or other regulations based on law that the decision should be adopted by one authority with prior consent of another authority, the decision shall be adopted only after the consent of the other authority has been given. The authority that adopts the decision shall be obliged to state the document by which the other authority gave or refused its consent, i.e. the authority shall state that such consent was not given nor refused by the other authority within the specified term.

(2) In cases when it is stipulated by law or other regulations based on law that the decision shall be adopted by one authority with the consent of another authority, the authority that adopts the decision shall make the text of the decision and together with the case documents the authority shall send it to the other authority that shall give its consent by a confirmation of the decision itself or by issuing a separate document. In such case the decision shall be considered as adopted only after the other authority gives its consent, and the decision shall represent a document issued by the authority that adopted it.

(3) The provisions of paragraph (2) shall apply in cases when it is stipulated by law that the decision shall be adopted by one authority upon a confirmation or approval of another authority.

(4) In cases when it is stipulated by law or other regulations that the responsible authority is obliged to acquire an opinion of another authority prior to adopting the decision, such decision can be adopted only after the opinion has been acquired.

(5) The authority that has to give its opinion or consent for adoption of the decision, shall be obliged to reply within 15 days from the day the opinion or consent had been requested, unless other terms have been specified by special rules. If the authority responsible to adopt the decision does not receive any information whether the authority requested to consent has consented or has refused to consent, it shall be considered that the consent has been given, and if no opinion has been given, the responsible authority may adopt a decision even without such opinion, unless otherwise regulated by other rules.

Article 208

In case the official that administered the procedure is not authorized to adopt a decision, the official shall submit a draft decision to the authority authorized to adopt a decision. The official shall sign the draft decision.

2. Form and integral parts of the decision

Article 209

(1) Any decision shall be marked as such. In exceptional cases, it may be stipulated by special rules that the decision may have another title.

(2) The decision shall be passed in a written form. In exceptional cases, stipulated by this Law or by special rules passed on the basis of this Law, the decision may be passed verbally.

(3) The written decision shall comprise: introduction, enacting clause, explanation, instructions on the legal remedies, the name of the authority and the number and date of the decision, signature of the official and the authority's stamp. In cases stipulated by law or by regulations passed on the basis of this Law, the decision may not have to contain some of these parts. If the decision is written on a typing machine, a facsimile may be used instead of a signature and a stamp.

(4) If there is a verbal decision, such decision must be issued in a written form as well, unless otherwise stipulated by law or by a regulation passed on the basis of a law.

(5) The original or a certified copy of the decision must be submitted to the party.

Article 210

(1) The introduction of the decision shall comprise: the name of the authority that has adopted the decision, the regulation regarding stipulating the authorization of that authority, the name of the party and his/her legal representative or authorized person, if any, and summary of the subject of the procedure.

(2) If the decision was adopted by two or more authorities, or by consent, confirmation or an opinion of another authority, this shall be stated in the introduction and if the decision was adopted by a collective authority, the date of the session on which the decision was adopted shall be stated in the introduction.

Article 211

(1) The enacting clause shall include the decisions regarding the case as a whole and decisions regarding all claims submitted by the parties that have not been decided on separately during the procedure.

(2) The enacting clause must be brief and precise, and if necessary, it may be subdivided in several items.

(3) The enacting clause may include the decision regarding the expenses of the procedure, if any, it may determine their amount, who will pay them, to whom and in what time. If the enacting clause does not include a decision regarding the expenses, it shall be stated that a separate resolution shall be adopted regarding the expenses.

(4) If the decision includes instructions to perform certain actions, the enacting clause shall state the time frame for the performance of such actions.

(5) If it is stipulated that the appeal shall not suspend the enforcement of the decision, such stipulation shall be stated in the enacting clause.

Article 212

(1) Regarding simple cases in which only one party participates, as well as in simple cases with two or more parties participating, but where none of the parties object to the claim, and the claim has been approved, then the explanation of the decision shall be only a brief explanation of the party's claim and a reference to the legal regulations that were applied in deciding on the case. In such cases the decision may be issued on a prescribed form.

(2) In other cases the explanation of the decision shall contain: brief explanation of the parties' request, the facts of the case, and, if needed, the circumstances that were crucial for the assessment of the evidence, the reasons for not accepting some of the claims of the parties, the legal regulations and the principles that, considering the facts of the case, lead to the decision stated in the enacting clause. If the appeal does not suspend the enforcement of the decision, the explanation shall include the rule that stipulates that. The explanation of the decision must state the resolutions against which no appeal can be filed.

(3) In cases when, pursuant to the law or other rule based on law, the responsible authority shall have the authority to decide on the case at its own discretion, such an authority shall be obliged to state in the explanation, the reasons that led the authority to adopt the decision, as well as the data stated in paragraph (2) of this article. Such reasons do not have to be stated in cases where, for the purposes of protection of the public interest, it is explicitly stipulated by law.

(4) If the law explicitly stipulates that the decision adopted at the authority’s own discretion does not need to include the reasons that were essential for the adoption of the decision, the explanation of the resolution shall include the data stated in paragraph (2) above, the regulation by which the authority is authorized to decide on the case at its own discretion and the regulation by which the authority is authorized not to have to state the reasons that were essential for the adoption of the decision.

Article 213

(1) With the instructions on legal remedies, the party shall be informed whether he/she shall have the right to file an appeal or to institute an administrative dispute or other court proceedings against the decision.

(2) If an appeal may be filed against the decision, the instructions shall state to what authority such appeal may be filed, in what time frame, in how many copies, and the amount of the administrative fee, as well as that the appeal may be entered into minutes.

(3) If an administrative dispute may be instituted against the decision, the instructions shall state to which court the complaint should be presented and in what term, and in case when other court proceedings may be instigated, the instructions shall state what court should be addressed and in what term.

(4) If the instructions given in the decision are incorrect, the party may act according to the valid regulations or according to the instructions. There shall be no prejudice for the party if it acts according to incorrect instructions.

(5) If no instructions or incomplete instructions are given in the decision, the party may act according to the valid regulations or may require, within eight days after receiving the decision, the authority that had adopted the decision to augment the decision. In such a case the term for the appeal or complaint shall start to expire from the day of the amended decision.

(6) If an appeal may be filed against the decision and the party has been wrongly instructed that an appeal is not permitted, or that an administrative dispute may be instituted, the term for the appeal shall start to expire from the day of the court's decision by which the complaint has been rejected as illicit, if the party had previously not filed an appeal to the responsible authority.

(7) If no appeal may be filed against the decision, and the party has been wrongly instructed that an appeal may be filed against the decision, and the party has filed an appeal and therefore failed to observe the term for instituting an administrative dispute, such a term shall start to expire from the day of the decision for rejection of the party's appeal, unless the party had previously instituted an administrative dispute.

(8) The instructions on the legal remedies, as a separate integral part of the decision (Article 209, paragraph (3) of this law) shall be stated after the explanation of the decision.

Article 214

(1) The decision shall be signed by the official that adopts it.

(2) The decision adopted by a collective authority of the Parliament of the Republic of Macedonia, or a collective authority of the Government of the Republic of Macedonia, shall be signed by the president or the chairperson, unless otherwise stipulated by this Law or by special rule.

(3) If the collective authority has adopted a complete decision, the parties shall receive a certified copy of the decision, and if the case was solved by adoption of a conclusion, the decision shall be issued in accordance with such a conclusion and the parties shall receive a certified copy of such decision.

Article 215

(1) If the case refers to a larger number of individuals, one decision may be adopted for all individuals; however, the names of each person shall be stated in the enacting clause, while the explanation of the decision shall include the reasons that refer to each of the persons. Such a decision shall be submitted to each individual, except in cases stipulated in Article 95 of this Law.

(2) If the case refers to a larger number of individuals that are not known to the authority, one decision may be adopted for all individuals; however, such a decision must include some data which shall clearly imply to what persons the decision refers (for example, citizens or owners of property in particular street, etc.).

Article 216

(1) In cases of less importance, where the claim of the party is being decided, and the public interest or the interest of other persons have not been jeopardized, the decision shall include only the enacting clause stated as a note on the case file, if the reasons for such decision are obvious and unless otherwise stipulated.

(2) Generally, such a decision shall be conveyed verbally to the party, and if the party requires it, it may also be issued in a written form.

(3) Generally, such a decision shall not include an explanation of the decision, except if the nature of the case implies that it is necessary to include an explanation of the decision. Such a decision may be issued on a prescribed form.

Article 217

(1) In case of very urgent measures that have to be undertaken for protection of the public order and security or for elimination of situations that endanger the lives and health of the people or the possessions, the responsible authority, i.e. the authorized official in the authority (Article 33) of this law may also adopt a verbal decision.

(2) The authority that adopted a decision in accordance with paragraph (1) of this article may order an immediate enforcement of the decision.

(3) The authority that adopted a verbal decision shall be obliged to issue to the party the decision in a written form within eight days form the day of the adoption of the decision.

3. Partial, Supplementary or Temporary Decision

Article 218

(1) If the case includes several items and only some of them have been considered and are ready to be decided on, if reasonable, the authorized authority may adopt a separate decision regarding only these items (partial decision).

(2) The partial decision, with respect to the legal remedies and the enforcement, shall be considered as independent decision.

Article 219

(1) If the responsible authority has not decided on all issues relevant to the procedure, the authority may, upon a proposal from the party or ex officio, adopt a separate decision on the issues that have not been included in the previously adopted decision (a supplementary decision). In case the proposal of the party for adoption of a supplementary decision has been rejected, an appeal may be filed against such resolution.

(2) If the case has been elaborated sufficiently, the supplementary decision may be adopted without having to implement a new investigative procedure.

(3) The supplementary decision, with respect to the legal remedies and the enforcement shall be considered as an independent decision.

Article 220

(1) If the circumstances of the case imply that it would be necessary to adopt a decision that would temporarily settle some disputable issues or relations prior to the completion of the procedure, such a decision shall be adopted on the basis of the facts that exist at the moment of its adoption. Such a decision must explicitly state that it is a temporary decision.

(2) The adoption of the temporary decision upon a proposal of a party may be conditioned by an amount provided as collateral for the damages that might occur to the opposing party because of the enforcement of such a decision, especially if the original proposal was not accepted.

(3) The decision related to the main issue, adopted generally after completion of the procedure, shall nullify the temporary decision adopted during the course of the procedure.

(4) The temporary decision, with respect to legal remedies and enforcement shall be considered as an independent decision.

4. Term for Issuing a Decision

Article 221

(1) In cases when the procedure has been instituted upon a request of the party or ex officio, if it is in the interest of the party, and there is no need to implement an investigative procedure prior to adoption of the decision nor there are other reasons that prevent the adoption of a decision without delay (deciding on previous issue or other), the responsible authority shall be obliged to adopt a decision and submit it to the party as soon as possible, or within one month, at the latest, counting from the day the proper request has been submitted, or from the day when the procedure had been instituted ex officio, unless other shorter term has been stipulated by a special rule. In other cases when the procedure has been instituted upon a request of the party, or ex officio in the interest of the party, the responsible authority shall adopt a decision and submit it to the party within two months, at the latest, unless other shorter term has been stipulated by a special rule.

(2) If the responsible authority against whose decision an appeal may be filed, does not adopt a decision, and does not submit it within the stipulated term, the party shall have the right to lodge an appeal as if his/her claim had been rejected.

(3) If the responsible authority is not able to adopt the decision within the stipulated term (one or two months), it shall be obliged to inform the party in writing, not later than 8 days after the lapse of legally stipulated term, and state the reasons for not having adopted the decision within the stipulated term.

(4) The responsible authority shall be obliged to determine a new term for adoption of the decision, or to instruct the party to take legal action with respect to the silence of the administration.

5. Correction of errors in the decision

Article 222

(1) The authority that adopted the decision, or the official that signed it or issued it, may, at any time correct the errors made in the names or numbers, spelling or calculations, as well as other obvious errors in the decision or its certified copies. The correction of an error shall generate legal action from the day of legal effectiveness of the decision which is being corrected.

(2) A separate conclusion shall be adopted regarding the correction. The note referring to the correction shall be entered in the original of the decision and, if possible, in all certified copies submitted to the parties. The note shall be signed by the official person that signed the conclusion for the correction.

(3) An appeal may be filed against the passed conclusion for correction of the decision or against the resolution rejecting the proposal for correction of the decision.

CHAPTER XIII

CONCLUSION

Article 223

(1) Conclusions shall be adopted to decide with respect to certain issues of the procedure.

(2) The issues that incidentally occur during the implementation of the procedure, which shall not be resolved by a decision, shall be settled by a conclusion.

Article 224

(1) The conclusion shall be adopted by the official that administers that part of the procedure in which the issue that should be settled by a conclusion arose, unless otherwise stipulated by other regulations.

(2) If the conclusion instructs the execution of certain actions, the term for the execution of any such actions shall be stated in the conclusion.

(3) The interested parties shall be verbally informed about the conclusion, and a written form of the conclusion may be issued at the request of the person that may file an appeal against such a conclusion, or in cases when an immediate enforcement of the resolution may be required.

Article 225

(1) A special appeal may be filed against a conclusion only when strictly stipulated by law. Such a resolution must be elaborated and it must contain instructions for an appeal.

(2) The appeal shall be lodged within the same time period, in the same way and to the same authority as the appeal against the decision.

(3) The resolutions against which an appeal is not allowed can be refuted by the interested parties if they file an appeal against the decision, unless an appeal against a conclusion is not allowed according to this law.

(4) The appeal does not suspend the enforcement of the resolution, unless otherwise stipulated by law or by the conclusion itself.

PART III

LEGAL REMEDIES

CHAPTER XIV

APPEAL

1. Right to an appeal

Article 226

(1) The party shall have a right to file an appeal against a decision passed at the first instance.

(2) The Public Prosecutor, Public Attorney and other state authorities, when legally authorized, can file an appeal against a resolution that violates the law in favor of individuals or legal entities, to the detriment of the public interest.

2. Jurisdiction of the authorities to decide upon an appeal

Article 227

(1) The appeal against a first instance decision of the state administration authorities shall be resolved by a Second Instance Commission for Deciding in an Administrative Procedure at the Government of the Republic of Macedonia.

(2) The appeal against a first instance decision of an authority within a state administration authority, shall be resolved by the official managing the state administration authority.

(3) The appeal against a first instance decision of a legal or other entity having public authorizations, shall be resolved by the authority specified by law.

(4) An appeal against a decision by the Government of the Republic of Macedonia may not be filed

Article 228

The appeal against the decisions passed by the mayor shall be resolved by the line ministry.

Article 229

(1) The appeals against a decision passed on the basis of article 207 and 208 of this law, shall be resolved by the authority responsible to resolve the appeal against the authority that issued it or passed the refuted decision, unless a special regulation stipulates that the appeal shall be resolved by some other authority. The second instance authority may only nullify the refuted decision, but it can not reverse it.

(2) If the authority which, according to paragraph (1) of this article should resolve the appeal, has given its consent, approval or confirmation with respect to the first instance decision, the appeal shall be resolved by the authority specified by law, and if such an authority has not been specified, an administrative dispute may be instigated against such a decision.

3. Time period for an appeal

Article 230

(1) An appeal shall be lodged within 15 days from the day when the decision was received, unless otherwise stipulated by law.

(2) The time period for filing an appeal shall be counted with respect to each individual and each authority to whom the decision is submitted, from the day of the submission of the decision.

Article 231

(1) Within the time period determined for the appeal, the decision cannot be enforced. When the appeal is properly filed, the decision cannot be enforced until the decision on the appeal has been previously submitted to the party.

(2) As an exception, the decision can be enforced within the term determined for an appeal as well as after the appeal is lodged, if this is stipulated by law, in case of emergency measures (Article 144 item 4), or, if due to a delay of the enforcement some of the parties would incur damages which cannot be corrected. In the last case, the party who has an interest in the enforcement can be requested an appropriate security and this security shall be a condition of the enforcement.

4. Contents of the appeal

Article 232

(1) The appeal must include the decision being refuted, by expressing the name of the authority that enacted it as well as the number and the date on the decision. The explanation of the dissatisfaction related to the decision in the appeal, shall be sufficient, whereas an explanation of the appeal is not necessary.

(2) New facts and new evidence can be included in the appeal, although the appellant shall be obligated to give an explanation why they had not been included in the first instance procedure.

(3) If the appeal stipulates new facts and new evidence, and two or more parties of opposite interests participate in the procedure, the copies of the appeal shall be in number adequate to the number of such parties. In such cases, the authority shall submit to each party a copy of the appeal, determining a term for expressing opinion on the new facts and evidence. This time period cannot be less than eight, and not more than fifteen days.

5. Submission of the appeal

Article 233

(1) The appeal shall be directly submitted or sent by mail to the authority that passed the decision at the first instance.

(2) If the appeal has been submitted or directly sent to the authority at the second instance, it shall immediately deliver the appeal to the authority at the first instance.

(3) The appeal that has been submitted or directly sent to the authority at the second instance in time shall be also considered delivered in time to the authority at the first instance.

6. Activities of the first instance authority upon an appeal

Article 234

(1) The authority at the first instance shall investigate whether the appeal is allowed, on time and presented by an authorized person.

(2) The illegitimate or late appeal or an appeal submitted by an unauthorized person, shall be dismissed by the first instance authority by a resolution.

(3) The timeliness of submission of an appeal submitted directly to the second instance authority shall be assessed by the first instance authority according to the day when the appeal has been submitted to the second instance authority.

(4) The party has the right to file an appeal against the resolution dismissing the appeal on the basis of paragraph (2) of this article. If the authority deciding on the appeal finds that the appeal had merit, it shall at the same time pass a decision on the dismissed appeal.

Article 235

(1) If the authority, that has passed the decision, finds that the appeal has merit and if there is no need to conduct a new investigative procedure, it may decide the matter differently and pass a new decision replacing the decision whereby the appeal had been dismissed.

(2) The party shall have the right to file an appeal against the new decision.

Article 236

(1) If the authority that passed the decision, finds out as a result of the appeal that the enforced procedure has been incomplete, and, that this could have influenced the settlement of the matter, the authority can complete the procedure according to the provisions of this law.

(2) The authority, that passed the decision, shall complete the procedure even in the case when the appellant presents in the appeal facts and evidence that could have an impact on the decision; if the appellant had to have been given an opportunity to participate in the procedure that preceded the decision, but the appellant had not been given the opportunity or the appellant had been given the opportunity and he/she failed to use it, but had justified the omission in the appeal.

(3) According to the result of the amended procedure, the authority that passed the decision can pass a different decision within the framework of the claim of the party, and, can pass a new decision replacing the decision refuted by the appeal.

(4) The party shall have the right to file an appeal against the new decision.

Article 237

(1) When the decision has been passed without previously conducting the mandatory special investigation procedure, or when the decision has been passed in accordance with item 1, 2 and 3 Article 144 from this law, but the party has not been given an opportunity to express an opinion on the facts and circumstances of importance for enacting the decision, and the party requests in the appeal the investigation procedure to be implemented, and to be given an opportunity to express an opinion on the facts and circumstances, - the first instance authority shall be obligated to implement the procedure. After having implementing the procedure, the first instance authority can accept the request from the appeal and pass new decision.

(2) The party shall have the right to file an appeal against the new decision.

Article 238

(1) When the authority that passed the decision finds the appeal acceptable, filed on time and by an authorized person, and has not passed a new decision replacing the decision refuted in the appeal, the authority shall be obligated to deliver the appeal to the authority authorized to decide on appeals, without any delay, within fifteen days from the day when the appeal had been filed.

(2) The authority shall be obligated to attach all the documents referring to the case.

7. Decision on the appeal by the second instance authority

Article 239

(1) If the appeal is not allowed, not on time, or has not been filed stated by an unauthorized person, and, the first instance authority has failed to dismiss the appeal, the authority authorized to decide on appeals shall dismiss it.

(2) If the second instance authority does not dismiss the appeal, it shall take the case under advisement.

(3) The second instance authority can reject the appeal, revoke the decision completely or partially, or reverse it.

Article 240

(1) The second instance authority shall reject the appeal when it determines that the procedure preceding the decision had been implemented correctly and that the decision is correct and based on the law, and the appeal has no merit.

(2) The second instance authority shall also reject the appeal when it finds out certain failures in the first instance procedure, although such that could not have had any impact on the decision of the matter.

(3) When the second instance authority finds out that the first instance decision has been based on law but for some other reasons and not the ones defined in the decision, it shall explain the reasons in its decision and reject the appeal.

Article 241

(1) If the second instance authority finds out that there has been an incorrect action in the first instance procedure that annuls the decision (Article 267), the authority shall announce the decision invalid, as well as the part of the procedure which was based upon such an incorrect action.

(2) If the second instance authority finds out that the first instance decision has been passed by an unauthorized authority, it shall revoke the decision ex officio and the case shall be submitted to the authorized authority for settlement.

Article 242

(1) When the second instance authority finds out: that the facts from the first instance procedure have been incompletely or incorrectly determined; that the regulations of the procedure having an impact on the decision have not been considered carefully throughout the procedure; or, that the enactment clause of the refuted decision is unclear or contradictory to the explanation, - the authority shall complete the procedure and eliminate the stated deficiencies, alone, or through the first instance authority or another authority requested to be of assistance. If the second instance authority finds out that, on the basis of the facts determined in the amended procedure, the matter must be resolved differently than it had been resolved by the first instance decision, the authority shall revoke the first instance decision and shall resolve the matter itself.

(2) If the second instance authority finds out that the deficiencies from the first instance procedure shall be eliminated faster and more efficiently by the first instance authority, it shall revoke the first instance decision and shall return the case to the first instance authority for a renewed procedure. In that case in its decision, the second instance authority shall be obligated to indicate to the first instance authority, in which respect the procedure needs to be changed, whereas the first instance authority shall be obligated, without any delay, to follow the second instance decision completely and within 30 days from the day when the case is received, to pass a new decision. The party shall have the right to file an appeal against the new decision.

Article 243

(1) If the second instance authority finds out that the facts have been assessed incorrectly in the decision of the first instance, that the determined facts lead to a wrong conclusion regarding the actual situation, that a legal regulation has been implemented incorrectly as a basis for deciding on the issue, or, if it finds out that based on a free assessment a different decision had to have been passed, - the authority shall revoke that first instance decision and shall decide the matter itself.

(2) If the second instance authority finds out that the decision is correct with respect to the determined facts and the implementation of the law, but the aim achieved with the decision could have been achieved through other means more favorable for the party, - the authority shall change the first instance decision in that sense.

Article 244

(1) In order to correctly decide the case, the second instance authority can change the first instance decision on the basis of an appeal, in favor of the appellant regardless of the claim stipulated in the appeal and within the framework of the claim stipulated in the first instance procedure, if thereby the right of another individual is not violated.

(2) With the same objective, the second instance authority can change the first instance decision based upon the appeal to the detriment of the appellant, but only for the reasons stipulated in Article 263, 266 and 267 of this law.

Article 245

(1) The provisions of this law referring to the decision shall also apply to decisions on appeals against a decision.

(2) In the explanation of the second instance decision all the allegations from the appeal have to be assessed. If the first instance authority, in the explanation of its decision, has already correctly assessed the allegations stated in the appeal, the second instance authority can refer to the reasons from the first instance decision.

8. Appeal without an enacted first instance decision

Article 246

(1) If an appeal has been filed by a party upon whose request the first instance authority has not enacted a decision (paragraph (2) article 221), the second instance authority shall request from the first instance authority to provide information about the reasons why the decision has not been passed on time. If the reasons for not passing the decision on time are found to be justified, or result from a fault of the party, the second instance authority shall determine a time period for the first instance authority to pass a decision, not longer than 30 days. If the reasons why the decision has not been passed on time, are not justified, the second instance authority shall request from the first instance authority to submit the documents of the case.

(2) If the second instance authority can decide the issue based on the documents of the case, it shall pass its decision and if not, it shall implement the procedure by itself and shall pass a decision on the matter. As an exception, if the second instance authority finds out that the procedure shall be faster and more efficiently implemented by the first instance authority, it shall order the first instance authority to do so and submit the compiled data within a certain period of time, and then it shall decide the matter. Such a decision shall be final.

9. Time period for passing a decision on an appeal

Article 247

(1) A decision on an appeal has to be passed and submitted to the party as soon as possible, and not later than two months from the day the appeal has been filed, unless a shorter time period stipulated in another regulation.

(2) If the party abandons the appeal, the procedure for the appeal shall be terminated with a conclusion.

10. Submission of the second instance decision

Article 248

The authority that decided the issue at the second instance shall generally submit its decision together with the documents of the case to the first instance authority, responsible for submitting the decision to the parties within eight days from the day the documents are received.

CHAPTER XV

RENEWAL OF ADMINISTRATIVE PROCEDURE

1. Initiating a renewal of a procedure

Article 249

The procedure concluded by a decision against which regular legal remedy in the administrative procedure does not exist (final in the administrative procedure), shall be renewed:

1) if new facts are realized, or a possibility for using new evidence is found or acquired, that alone or related to already presented and used evidence, can lead to a different decision had those facts and evidence been presented or used in the previous procedure;

2) if the decision has been made based on false documents or a false statement of a witness or legal assessor, or, if the decision was a result of a deed punishable by the criminal code;

3) if the decision is based upon the verdict reached in criminal proceedings and if the verdict had been effectively invalidated;

4) if the decision is favorable for the party and if it is made on the basis of an untrue statement of the party, so that the authority responsible for the procedure had been misled;

5) if the decision of the authority that administered the procedure was based upon a previous issue which was solved later by the authorized authority, but in a different way regarding the substantial items;

6) if an official, that had to have been recused according to the law, has participated in passing the decision;

7) if the decision was made by an official of the responsible authority, not having an authority to make such decisions;

8) if the collective authority that made the decision did not have the quorum required to by the valid regulations or if the decision was not passed by the required majority;

9) if the person which had to have participated in the procedure as a party was not given a possibility to participate in the procedure; and

10) if the party was not represented by a legal counsel, although it should have been represented according to the law;

Article 250

(1) The administrative procedure renewal can be requested by the party, and the authority that passed the decision finalizing the procedure may initiate the renewal of the procedure ex officio.

(2) Due to the circumstances defined in items 1, 6, 7 and 8 Article 249 of this law, the party can request a renewal of the procedure only if, without fault of its own, the party had not been in a position to present all the circumstances in the previous procedure and thereby asks for a renewal.

(3) Based on reasons stipulated in item 6 to item 10 of article 249 of this law, the party can request for a renewal of the procedure, if the reasons were presented without any success during the previous procedure.

(4) The Public Prosecutor can request a procedure renewal under the same conditions as the party.

Article 251

If the decision which is the basis for a request for a procedure renewal, had been subject to an administrative dispute, a renewal can be allowed only on the basis of the facts determined by the authority during the previous administrative procedure, and not on the basis of the facts determined by the court during the court procedure.

Article 252

(1) The party can request a procedure renewal within one month, as follows:

1) in the case determined in item 1 Article 249 of this law - from the day the party has been able to present new facts or use new evidence;

2) in the case determined in item 2 and 3 Article 249 - from the day the party was notified about the effective verdict of the criminal proceedings, and, if the procedure cannot be implemented - from the day the party was notified on the termination of the procedure, or, on the circumstances due to which the procedure could not have been instigated, or, on circumstances for not having possibilities for criminal prosecution;

3) in the cases determined in item 5 Article 249 -- from the day the party was able to use a new act (verdict, decision);

4) in the cases determined in item 4, 6, 7 and 8 Article 249 -- from the day the party learned about the reasons for procedure renewal;

5) in the cases determined in item 9 and 10 Article 249 -- from the day the decision was submitted to the party.

(2) If the time period determined in paragraph (1) of this article has started before the decision becomes final in the administrative procedure, the time period shall be considered valid from the day the decision became final, i.e., from the day the final decision has been submitted by the authorized authority.

(3) After a period of five years from the day the decision was submitted to the party, a procedure renewal may not be requested nor may it be initiated ex officio.

(4) As an exemption, after a period of five years, a renewal can be requested or initiated only for the reasons stipulated in item 2, 3 and 5 Article 249 of this law.

Article 253

(1) An administrative procedure can be renewed due to the reasons stipulated in item 2 Article 249 of this law, even in the case when the criminal proceedings cannot be conducted, or if there are circumstances which prevent the implementation of the procedure.

(2) Before passing a conclusion for a renewal of the administrative procedure based on the reasons stipulated in item 2 Article 249 of this law, the official shall ask the authority responsible for criminal prosecution regarding the issue whether the criminal procedure has been terminated, or whether there exist circumstances that prevent the instigation of the criminal procedure. The official does not have to request such information if the criminal prosecution has reached the stature of limitations; or in case of death of the person whose criminal responsibility is pointed out in the request for renewal of the administrative procedure; or, if the official can undoubtedly ascertain the circumstances which prevent the instigation of the procedure.

Article 254

The party shall be obligated to justify the circumstances given in his/her proposal for renewal of the procedure, as well as the circumstance that the proposal has been filed within the proper time period.

2. Decision on renewal of the procedure

Article 255

(1) The party shall submit or send the proposal for a renewal of the procedure to the authority that has passed the decision at the first instance, or to the authority that passed the decision which finalized the procedure.

(2) The authority that has passed the decision that finalized the procedure shall also make a decision on the renewal of the procedure.

(3) When a renewal has been requested based upon a decision passed at the second instance, the first instance authority which will receive the proposal for the renewal shall add the documents of the case to the proposal and send it to the authority that passed the decision at the second instance.

Article 256

(1) When the authority authorized to decide about the proposal for renewal receives the proposal, it shall be obligated to investigate whether the proposal had been made on time and by an authorized person, and, whether the circumstance upon which the proposal is based is probable.

(2) If the conditions stipulated in paragraph (1) of this article are not met the authorized authority shall pass a conclusion rejecting the proposal.

(3) If the conditions from paragraph (1) of this article are met, the authorized authority shall investigate whether circumstances, or evidence expressed as reasons for renewal are such that they can lead to a different decision; and, if not, the authority shall decide to reject the proposal.

Article 257

(1) If the authorized authority does not reject or dismiss the proposal on renewal based upon Article 256 of this law, the authority shall adopt a resolution allowing the procedure renewal and determine extent of the renewal. In the procedure renewal, the authorized authority shall ex officio adopt a resolution on the renewal, if it is previously determined that the legal conditions have been met. Previous actions in the procedure not influenced by the reasons for a renewal, shall not be repeated.

(2) When according to the circumstances it is possible, and in the interest of accelerating the procedure, the authorized authority may, once the existence of the reasons for a renewal are determined, commence the procedure activities that need to be renewed, without passing a special resolution for approval of the renewal.

(3) When the second instance authority decides on a renewal proposal, the authority itself shall perform the needed activities in the renewed procedure, and, by exception, if it finds out that the activities shall be performed faster and more economically by the authority at the first instance, it can order the first instance authority to do that and submit back all the material, within a given time period.

Article 258

On the basis of the data provided during previous and renewed procedure, the authorized authority shall pass a decision on the work subject to the procedure, thereby the previous decision that was subject to the renewal can be kept in effect or replaced with a new one. In this case, and regarding all circumstances of a particular case, the body can revoke or nullify the previous decision.

Article 259

An appeal can be filed against the resolution passed on the proposal for a renewal of the procedure, as well as against the decision passed in the renewed procedure, only when such a resolution or a decision has been passed by an authority at the first instance. If the resolution or the decision was passed by an authority at the second instance, an administrative dispute can be directly initiated.

Article 260

(1) The proposal on the procedure renewal, generally, shall not suspend the enforcement of the decision which is to be renewed; however, the authority responsible for deciding on the proposal can decide to postpone the enforcement until it passes a decision on the renewed procedure

(2) The conclusion that permits the renewal of the procedure, shall suspend the enforcement of the decision against which the renewal is approved.

CHAPTER XVI

SPECIAL CASES OF REVOKING, NULLIFICATION AND REVERSAL OF DECISIONS

1. Reversing and revoking decisions related to an administrative dispute

Article 261

The authority against whose decision an administrative dispute has been initiated on time, may, before the finalization of the dispute revoke or reverse its decision based on reasons for which the court could revoke such a decision, if it upholds all claims stated in the complaint and if thereby it does not violate the rights of any party or third persons in the administrative procedure.

2. Request for protection of legality

Article 262

(1) The Public Prosecutor has the right to initiate a request for protection of the legality against a legally effective decision passed in a matter where an administrative dispute cannot be carried out, and, court protection has not been provided outside of the administrative dispute, if of an opinion that such a decision has violated the law.

(2) The request for protection of the legality, according to the provision stipulated in paragraph (1) of this article can be initiated within one month from the day the decision was submitted to the Public Prosecutor, and, if not, -- within six months from the day it was submitted to the party.

(3) In cases when a state authority or a legal or another entity with public authorizations had made the decision regarding an administrative procedure claim, the request for protection of the legality shall be decided by the authority responsible for deciding on appeals against the refuted resolution.

(4) With respect to the request for protection of legality, the authorized authority may revoke the disputed decision or to dismiss the request. An appeal shall not be allowed against the decision passed on the basis of the request for protection of the legality.

3. Nullification and revocation of the supervision right

Article 263

(1) The final decision in the administrative procedure shall be revoked by the authorized authority, based on the supervision right, as follows:

1) if the decision was passed by the an authority without real jurisdiction, and it is not a case defined in item 1 Article 267 of this law;

2) if for the same matter a legally effective decision had already been passed and the issue had been resolved in a different way;

3) if the decision has been passed by an authority without an agreement, confirmation, approval or opinion of another authority, and this had been required according to the law or another legal regulation;

4) if the decision was passed by an authority without local jurisdiction; and

5) if the decision was passed as a consequence of coercion, extraction, blackmail, pressure and other illegal action.

(2) The final decision in the administrative procedure can be revoked on the basis of the supervision right, if the decision obviously violates the material law. In the activities where two or more parties of opposing interests are participating, the decision can be revoked only on the basis of an agreement of the interested parties.

(3) If an administrative authority is authorized to pass a decision, and the decision has been passed by the Parliament of the Republic of Macedonia or the Government of the Republic of Macedonia, such a decision cannot be revoked on the basis of item 1 paragraph (1) of this article, because it had not been passed by an authorized authority.

Article 264

(1) The decision can be revoked or nullified on the basis of the supervision right of the authority at the second instance. If there is no authority at the second instance, the decision can be revoked or nullified by the authority legally authorized to supervise the activities of the authority that passed the decision.

(2) The authorized authority shall pass a decision for revoking of the resolution, ex officio, upon a request from the party, or from the Public Prosecutor or the Public Attorney, while it shall pass a decision for nullification ex officio, either upon a request from the Public Prosecutor or the Public Attorney.

(3) The decision for nullification based on items 1, 2 and 3 from paragraph (1) article 2638 of this law can be passed within a period of three years, and based upon item 4 from paragraph (1) article 263, the decision can be passed within a period of one year from the day the decision became final in the administrative procedure. A decision for revocation passed on the basis of paragraph (2) article 263 of this law may be passed within a period of one year from the day the decision became final in the administrative procedure

(4) The decision for revoking the decision based on article 263 paragraph (1) item 5 of this law may be passed irrespective of the deadlines stipulated in paragraph 3 of this article.

(5) An appeal may not be filed against the decision passed on the basis of article 263 of this law; however an administrative dispute may be initiated against such a decision.

4. Revocation or reversal of a legally effective decision with the consent or upon a request from the party

Article 265

(1) If the party has acquired some right from a legally effective decision, and the authority that passed this a decision is of an opinion that the material law has been incorrectly implemented in that decision, it can revoke or reverse the decision in order to have it harmonized with the law, only if the party that has acquired the right on the basis of that decision agrees with that, and if such an activity does not violate the right of any third parties. The agreement of the party shall be obligatory also when the reversal of the effective decision is to the detriment of the party to which a particular obligation has been assigned.

(2) An effective decision which is unfavorable for the party can be revoked or reversed on the basis of the conditions from paragraph (1) of this article, and upon party's request. If the authority finds out that there is no need to revoke or reverse the decision, it shall be obligated to notify the party thereof.

(3) The reversal of the decision based on this Article shall be effective only in the future.

(4) The decision based on paragraphs (1) and (2) of this article shall be passed by the authority at the first instance that passed the decision, and the authority at the second instance shall pass such a decision only when it has decided the matter with a decision of its own. If such an authority has been revoked or ceased to be responsible for the activities at hand, the decision shall be passed by an authority responsible for such activities at the time of enactment of the decision.

(5) An appeal against the new decision passed according to this Article, shall be allowed only if the decision has been passed by an authority at the first instance. If the decision was passed by an authority at the second instance, or, the decision of the authority at the first instance is final, an administrative dispute can be initiated against this decision.

5. Exceptional revocation

Article 266

(1) The enforceable decision can be revoked only when if this is needed in order to eliminate a difficult and direct danger to life and health of people, public security, public order, or public morality if it could not be eliminated successfully by other means which would infringe in the acquired rights to a lesser extent. The decision can be also partially revoked to the extent necessary for eliminating the danger, or for protecting the general public interests.

(2) If the decision has been passed by an authority at the first instance, the decision can, within the meaning of paragraph (1) of this article, be revoked by an authority at the second instance, and, if there is no such

authority, then, by an authority legally authorized to supervise the activities of the authority that passed the decision.

(3) An appeal shall be allowed against a decision to revoke a previous decision, only when the decision has been passed by a first instance authority. Otherwise, an administrative dispute can be directly initiated against such decision.

(4) The party that suffers damages because of the revocation of a decision shall have a right to compensation for the real damages only. The court that according to the Law on Administrative Procedures would be responsible for deciding in an administrative dispute against a decision passed on the basis of this article, shall be responsible to decide the request for compensation of damages at the first instance. The amount to be compensated shall be determined by this court's own judgment, taking into consideration all the circumstances of the case.

6. Proclaiming a decision null and void

Article 267

A decision shall be proclaimed null and void when:

1) in the administrative procedure the decision is passed by a court authority or it is an issue that cannot be decided on in an administrative procedure;
2) the enforcement of the decision could cause an activity punishable by the criminal code or other laws;
3) its enforcement is not possible at all;
4) the decision was passed by an authority without a previous request of the party (Article 129), and the party agreed directly or by implication;
5) the decision contains an irregularity that according to a specific legal provision has been envisaged as a reason for nullification.

Article 268

(1) The decision can be proclaimed null and void at any time ex officio or upon a proposal from the party or the Public Prosecutor of the Republic of Macedonia.

(2) The decision can be proclaimed null and void completely or partially.

(3) The decision shall be proclaimed null and void by the authority that passed such a decision, or by the authority at the second instance, and if there is no second instance authority, then the authority legally authorized to supervise the activities of the authority that passed the original decision.

(4) An appeal shall be allowed against a decision proclaiming another decision null and void, or a decision rejecting the proposal of the party or the Public Prosecutor for proclaiming the decision null and void. If there is no authority that can decide the appeal, an administrative dispute can be directly initiated against such a decision.

Article 269

(1) When revoking the decision or proclaiming it null and void, the legal effects of such a decision shall also be revoked.

(2) When revoking the decision, the legal effects which have already been produced by the decision shall not be revoked, but any further legal effects from the decision shall be prevented.

(3) In case the authority finds out about a decision by which the law has been violated, and such violation may be the reason for a renewal of the procedure, or for revocation, nullification or reversal of the decision, the authority shall be obligated to inform the authority responsible for initiating a procedure and passing a decision, without any delay.

PART IV

ENFORCEMENT

CHAPTER XVII

1. General provisions

Article 270

(1) The decision passed during an administrative procedure shall be enforced after it becomes enforceable.

(2) The first instance decision shall become enforceable:

1) after the expiration of time period for filing an appeal, if an appeal has not been filed;
2) after the decision has been submitted to the party, if an appeal is not permitted;
3) after the decision has been submitted to the party, if the appeal does not suspend the enforcement;
4) after the decision rejecting or dismissing the appeal has been submitted to the party.

(3) The decision at the second instance which reverses the decision at the first instance, shall become enforceable the moment it is delivered to the party.

(4) If the decision stipulates that the action subject to enforcement may be enforced within the determined time period, the decision shall become enforceable after the expiration of that time period. If the decision does not stipulate a time period for enforcement of the activity, the decision shall become enforceable within fifteen days from the day when the decision was passed. The determined time period for enforcing the decision or the time period of fifteen days, shall start from the day the decision becomes enforceable in accordance with paragraphs (2) and (3) of this article.

(5) The enforcement can be also conducted on the basis of a settlement, although only against a party that participated in the settlement.

(6) If the decision refers to two or more parties that participate in the procedure with identical claims, an appeal of one of the parties shall prevent the enforcement of the decision.

Article 271

(1) The conclusion passed during an administrative procedure shall be enforced as soon as it becomes enforceable.

(2) The conclusion against which an appeal cannot be filed, as well as the one against which a special appeal not suspending enforcement can be filed, shall become enforceable when it is submitted to the party or when the party is notified about it.

(3) When law or the conclusion stipulates that the appeal shall suspend the enforcement of the conclusion, the conclusion shall become enforceable after the time period defined for filing an appeal has expired, if an appeal has not been filed, and if and appeal has been filed, the conclusion becomes enforceable when the decision rejecting or dismissing the appeal is submitted to the party.

(4) In other cases, the conclusion shall become enforceable under conditions determined for enforceability of the decision stipulated in paragraphs (3), (4) and (6) article 270 of this law.

(5) The provisions of this law on enforcement of decisions shall also apply for the enforcement of a conclusion as well.

Article 272

A decision passed during an administrative procedure shall be enforced in order to collect cash claims or non-monetary liabilities.

Article 273

(1) When there is a possibility to enforce a decision in various ways and by various means, it shall be enforced in a way and by the means which lead to the objective and which is most favorable for the person against whom the decision is being enforced.

(2) On non-working days, national holidays, or other non-working days declared as holidays as well as at night, decisions may be enforced only in cases if there is danger of delay and if the authority enforcing the decision has issued a written order to that effect.

Article 274

(1) The decision is enforced against a person that shall be obligated to fulfill the obligation (enforcer).

(2) The decision shall be enforced ex officio or upon a request from the party.

(3) The decision shall be enforced ex officio if this is imposed by the public interest. The enforcement which is of interest to a party shall be done upon a proposal from the party (person requesting the enforcement).

Article 275

(1) The decision shall be enforced by an administrative procedure (administrative enforcement) and in the cases stipulated by this law it shall be enforced through the courts (court enforcement).

(2) The administrative enforcement shall be conducted by the state administration authorities in accordance with the provisions of this law and the court enforcement shall be done by the responsible courts according to the regulations relevant for court enforcement.

Article 276

(1) The enforcement referring to the fulfillment of a non-monetary obligation of the enforcer shall be performed administratively.

(2) The enforcement referring to the fulfillment of monetary obligations shall be performed through the courts. As an exception, the enforcement referring to the fulfillment of monetary obligations from employment income

of the person against whom the decision is enforced, may be done administratively with the consent of the person against whom the decision is enforced.

Article 277

(1) The decision shall be administratively enforced by the authority that passed the decision at the first instance, unless a certain regulation stipulates another authority as responsible for enforcement.

(2) The administrative enforcement of the decisions of the authorities which do not have the authority to enforce the decisions by themselves, shall be allowed and conducted by the state administration authority responsible for matters related to general administration, unless otherwise stipulated by law.

(3) The authority for internal affairs shall provide, upon a request, assistance to the authority responsible for enforcement.

Article 278

(1) The authority responsible for administrative enforcement shall pass, ex officio or upon a request from the party, a conclusion allowing the enforcement. The conclusion shall state that the decision to be enforced has become enforceable as well as define the method of enforcement. An appeal may be filed against this conclusion to the authority at the second instance.

(2) The conclusion for approving the enforcement of a decision passed during an administrative matter, ex officio, shall be passed by an authority responsible for administrative enforcement without delay as soon as the decision became enforceable and at most within 30 days from the day the decision became enforceable, unless otherwise determined by other regulation. Failure to pass such a conclusion within the stipulated deadline, shall not suspend the obligation to pass it.

(3) When the administrative enforcement is not performed by the authority that passed the decision at the first instance, the party requesting the enforcement shall submit a proposal for enforcement to the authority which passed the decision to be enforced. If the decision has become enforceable, the authority confirms that the decision has become enforceable (confirmation of enforceability) and shall submit it for enforcement to the authority responsible for enforcement. They shall also propose a method of enforcement.

(4) When a decision is enforced ex officio and the decision has been passed by an authority, a legal or other entity not authorized to enforce, it should refer for enforcement to the authority responsible for enforcement in a way prescribed in paragraph (3) of this article.

Article 279

(1) The administrative enforcement performed by the authority that passed the decision at the first instance, shall be enforced on the basis of an enforceable decision and the conclusion allowing the enforcement of the decision.

(2) The administrative enforcement performed by some other authority, shall be enforced on the basis of the decision bearing the confirmation of enforceability and the conclusion allowing the enforcement of the decision.

Article 280

(1) During the administrative enforcement procedure, an appeal can be filed referring to the enforcement but not refuting the correctness of the decision that is being enforced.

(2) The appeal shall be filed to the authorized authority at the second instance. The appeal shall not suspend the commenced enforcement. Regarding the time period for filing an appeal, as well as the authority authorized for deciding on the appeal, the provisions from Article 227 to 231 of this law shall apply.

Article 281

(1) The administrative enforcement shall be terminated ex officio and the enforced activities shall be annulled: if the obligation has been fulfilled, the enforcement has not been allowed at all; if it was carried out against a person who has no obligations; or if the person requesting the enforcement abandons his/her claim, or if the enforcement document is revoked or annulled.

(2) The administrative enforcement shall be suspended, if a delay is allowed with respect to the fulfillment of the procedure or if instead of a temporary enforcement decision, a decision on the main matter has been passed and the latter is different than the temporary decision. The suspension of the enforcement shall be approved by the authority which passed the conclusion allowing the enforcement.

Article 282

(1) Fines imposed according to this law shall be enforced in accordance with the Law on Misdemeanors.

(2) The fines shall be paid in favor of the Budget of the Republic of Macedonia.

Article 283

(1) When a decision needs to be enforced by the courts and the decision has been passed during an administrative procedure, the authority whose decision is to be enforced, shall endorse the enforceability of the decision (paragraph (3) article 278), and it shall submit the document to the relevant court for enforcement.

(2) A decision passed during an administrative procedure bearing a confirmation of enforceability shall be the basis for court enforcement. Such an implementation shall be carried out according to the regulations valid for court enforcement.

5. Enforcement of non-monetary obligations

Article 284

The enforcement of non monetary obligations shall be carried out by other parties or by way of coercion.

a) Enforcement through other parties

Article 285

(1) If the obligation of the enforcer consists of realization of an action that can be performed by another person, and the enforcer fails to perform the activity or performs it incompletely, this activity shall be enforced by another person, at the expense of the enforcer. The enforcer must be forewarned of these consequences.

(2) In that case, the authority that carries out the enforcement may pass a conclusion ordering the enforcer to deposit the amount needed to settle the expenses of the enforcement, and to make the calculation additionally. The conclusion for depositing the amount shall be enforceable.

b) Enforcement by coercion

Article 286

(1) If the enforcer is obligated to allow or bear certain activities, but acts contrary to such an obligation or if the subject of enforcement is an activity that can not be performed by another person, the authority enforcing the decision shall coerce the enforcer to fulfill the obligation, by filing a request for a misdemeanor procedure.

(2) The authority enforcing the decision will first threaten the enforcer, with means of coercion if he/she fail to fulfill the obligation in time. If, within the determined time period, the enforcer undertakes an activity contrary to the obligation or if the time period expires unsuccessfully, the threat of coercion shall be enforced immediately and at the same time a new deadline shall be set for the enforcement of the activity.

Article 287

If the enforcement of non-monetary obligation cannot be carried out at all or on time by applying the provisions stipulated in Article 285 and 286 of this law, the enforcement, according to the nature of the obligation, may be carried out by direct coercion if such enforcement is allowed in the regulations.

Article 288

(1) When a decision has been enforced and the decision was later annulled or reversed, the enforcer has the right to request the return of the things that have been taken away or to be returned to the condition which is derived from the new decision.

(2) The request of the enforcer shall be decided upon by the authority which allowed the enforcement.

CHAPTER XVIII

ENFORCEMENT FOR SECURITY PURPOSES AND TEMPORARY CONCLUSION

1. Enforcement for security purposes

Article 289

(1) In order to secure the enforcement, the enforcement may be allowed by a conclusion, before the decision becomes enforceable, if otherwise the enforcement of the enforceable resolution would be thwarted or made more difficult.

(2) If there exist obligations which should be enforced by coercion only upon a proposal from the party, the proposing party has to make the danger of thwarting or complicating the enforcement probable and the authority may pose a condition on the enforcement stipulated in paragraph (1) of this article by asking for collateral to be provided in accordance with article 220 paragraph (2) of this law.

(3) Against the conclusion passed upon a proposal from the party to enforce for security purposes, as well as against the conclusion passed ex-officio, the party may file an appeal. The appeal against the conclusion stipulating enforcement for security purposes shall not suspend the enforcement

Article 290

(1) The enforcement for security purposes can be carried out administratively or through the court.

(2) When the enforcement for security purposes is carried out through the court, the court shall act in accordance with the regulations applicable for court enforcement.

Article 291

The enforcement of a temporary decision (Article 220) can be carried out only to the extent and in such cases which allow the enforcement for security purposes (Articles 289 and 290).

2. Temporary conclusion for security purposes

Article 292

(1) If there exists or if there is a possibility for an obligation on behalf of a party, and there is a danger that the obligated party, by disposing of the property, making agreements with third parties or in some other way, shall thwart or significantly impede the enforcement of a particular obligation; the authority authorized for passing a decision regarding the obligation of the party can, before passing the decision on the obligation, pass a temporary conclusion in order to secure the enforcement of the obligation. When passing a temporary conclusion the authorized authority shall be obligated to take into consideration the provision from Article 273 of this law and to explain the conclusion.

(2) The passing a temporary conclusion can be contingent upon the securing envisaged in article 220 paragraph (2) of this law.
(3) Regarding the temporary conclusion passed on the basis of paragraph (1) of this article, the provisions from paragraph (3) article 289 and article 290 of this law shall apply.

Article 293

(1) If a legally effective conclusion stipulates that there is no legal obligation of the party for whom the temporary conclusion for security purposes was passed, or if in another way it has been concluded that the request for passing a temporary conclusion had been unjustified, the proposing party on whose behalf the temporary conclusion was passed shall compensate the damages incurred by the opposing party on the account of the conclusion.

(2) The authority which passed the temporary conclusion shall decide on the compensation of damages stipulated in paragraph (1) of this article.

(3) If in the case stipulated in paragraph (1) of this article, it is obvious that the temporary conclusion has been passed as a result of a manipulation against the proposing party, a request for a misdemeanor procedure may be filed.

PART FIVE

IMPLEMENTATION OF THE LAW, SUPERVISION AND TRANSITIONAL AND FINAL PROVISIONS

CHAPTER XIX

IMPLEMENTATION OF THE LAW

Article 294

(1) Within the state authorities, the municipal authorities, the authorities of the City of Skopje and the municipalities in the City of Skopje, legal and other entities which have been entrusted by law to perform

public authorizations, unless otherwise stipulated by law, the authority to take administrative procedure activities (article 37) may be entrusted
to an officer who has the appropriate professional training.

(2) The authorities stipulated in paragraph (1) of this article shall be obligated to appropriately publish which officers shall be responsible to decide in administrative matters (article 33) and which shall be authorized to undertake activities before the passing of a decision (article 37).

(3) The law shall prescribe what kind of professional training shall be necessary for the performance of the matters stipulated in paragraph (1) of this article, as well as the method of verification of the professional training required to undertake the mentioned activities

Article 295

(1) The official managing the state administration authority or the management authority of the legal or other entity responsible for the implementation of the procedure shall assure that the authority or the legal or other entity correctly applies the provisions of this law, particularly as regards the deadlines for deciding on the administrative matters, as well as assure the professional improvement of the officers working on deciding in administrative matters.

(2) The official managing the state administration authority or the management authority of the legal or other entity shall be responsible to inform the Government of the Republic of Macedonia regarding the work related to deciding administrative matters, at least ones per year.

(3) The officer within the authority implementing the administrative procedure shall be held responsible if some procedural activities are not carried out due to the fault of the officer.

Article 296

(1) The administrative authority responsible for state administration matters shall ensure the implementation of this law.

(2) The official managing the administration authority responsible for state administration matters shall prepare a manual prescribing the forms of the invitations, notifications, summons, minutes, resolutions stipulated in article 212 paragraph (1) and article 216 paragraph (3) of this law, the certificates stipulated in articles 174 and 175 of this law, as well as the other acts in the administrative procedure.

CHAPTER XX

SUPERVISION

Article 297

(1) The inspection supervision over the implementation of the provision of this law, as well as the regulations passed on the basis of this law, shall be performed by the administrative inspection.

(2) The organization and the jurisdiction of the administrative inspection stipulated in paragraph (1) of this article shall be regulated by law.

CHAPTER XXI

TRANSITIONAL AND FINAL PROVISIONS

Article 298

The resolution of the administrative procedure cases which had commenced before the legal effectuation of this law, shall continue in accordance to the provisions of this law.

Article 299

The officer managing the state administration authority responsible for state administration matters shall prescribe the forms stipulated in article 296 paragraph (2) of this law within six months from the day of legal effectuation of this law.

Article 300

Until the day of legal effectuation of the manual prescribing the forms stipulated in article 296 paragraph (2) of this law, the existing forms shall be applied in the administrative procedure.

Article 301

On the day of legal effectuation of this law, the Law on General Administrative Procedure “Official Gazette of FNRY no 52/56; Official Gazette of SFRY” no. 10/65, 4/77, 1/78 and 9/86 as well as the Law on Changes and Addition to the Law on General Administrative Procedure “Official Gazette of the Republic of Macedonia” no. 44/2002, shall cease to apply.

Article 302

This law shall become legally effective on the eighth day from the day of publication in the “Official Gazette of the Republic of Macedonia”.