

JUSTICE AND HOME AFFAIRS

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A. EXTERNAL BORDERS

1. Please provide information on legislation and other rules governing the area of border management in your country

The border management in the Republic of Macedonia is regulated by several laws and by-laws.

According to the provisions of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia", Nos. 19/95, 55/97, 38/02, 33/03 and 19/04), one of the responsibilities of the Ministry of the Interior is the protection of the state border, control of state border crossing and stay in the border area. The function of protection of the state border, detection and resolving of border incidents and other violations of the state border, as well as other responsibilities established by law are performed by the Border Police. The Rulebook on the Mode of Operation of the Ministry of the Interior ("Official Gazette of the Republic of Macedonia", Nos. 12/98 and 15/03), prescribes the control of the state border crossing and control of the movement and stay in the border zone and at the border crossing points. The regime of the state border crossing, the movement and stay in the border zone and measures needed to secure the state border are governed by the Law on Crossing the State Border and Movement in the Border Zone ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 12/93, 15/93, 31/93, 11/94 and 19/04).

In the Republic of Macedonia, the process of transfer of responsibility for securing the state border from the Ministry of Defence to the Ministry of the Interior is currently underway. Until now the responsibility for protection of the state border, control of the state border crossing and stay in the border zone at the border with the Republic of Greece and Republic of Bulgaria as well as in a part of the border with the State Union of Serbia and Montenegro (towards Serbia) have been transferred to the Ministry of the Interior, i.e. Department of Border Police.

In accordance with the Law on Crossing the State Border and Movement in the Border Zone ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 12/93, 15/93, 31/93, 11/94 and 19/04), and the National Strategy on Integrated Border Management, the timeframe and target dates for the transfer of responsibility for securing the state border, were established as follows: from 01.05.2004 - the border with the Republic of Greece, from 01.11.2004 - the border with the Republic of Bulgaria, from 01.05.2005 - the border with Serbia and Montenegro and from November 01.11.2005 - the border with the Republic of Albania.

The securing of the state border and control of the movement and stay of persons inside the border zone outside settlements and border crossing points, as well as the prevention of illegal crossings of the state border and violation of the border line at a part of the border with Serbia and Montenegro and at the border with the Republic of Albania, is in the moment within the responsibility of the Army of the Republic of Macedonia. However, the control of the state border crossing and the control of the movement and stay in the border zone also at this part of the border are performed by the Ministry of the Interior. The Ministry of Defence and the Army of the Republic of Macedonia perform the duties within their authority, according to the Law on Defence ("Official Gazette of the Republic of Macedonia", Nos. 42/01 and 5/03) and the Rules on the Border Service.

The Rulebook on the Mode of Detection and Resolving of Border Incidents and Other Violations of the State Border ("Official Gazette of the Republic of Macedonia", No. 78/92), proscribes the manner of detection and resolving of border incidents and other violations of the state border and the manner of maintaining records on border incidents and other violations of the state border.

The Rulebook on the Mode of Control of Crossing of the State Border, Movement and Stay at the Border Crossing Points and on Maintaining Records ("Official Gazette of the Republic of Macedonia", No. 74/92), establishes the manner of: performance of control of the state border crossings; transfer of weapons and ammunition across the state border; movement and stay at the border crossing points; maintaining records on control of the state border crossing, issued permits on movement and stay inside the border zone, issued permits for settlement in the border zone and on the forms of the

permits for movement and stay at the border crossing points; movement and stay outside the location of the border crossing points and movement and stay inside the borderland.

The Rulebook on Areas and Facilities Comprising the Border Crossing Points ("Official Gazette of the Republic of Macedonia", Nos. 69/92 and 9/97), regulates issues of areas and regions comprising the border crossing points.

The Rulebook on Movement, Stay, Settlement and Hunting and Fishing Regime Inside the Border Zone ("Official Gazette of the Republic of Macedonia", No. 78/92), governs the issue of movement, stay, settlement and hunting and fishing regime inside the border zone.

The Rulebook on the Delineation Markings on the Border Zone at Land ("Official Gazette of the Republic of Macedonia", No. 26/95), prescribes the shape, colour, dimensions, contents and location of the delineation markings on the border zone at land.

According to the Customs Administration Law ("Official Gazette of the Republic of Macedonia", No. 46/04), the Customs Administration is directly responsible to undertake and perform: customs surveillance and control; customs clearance of goods; and investigative and intelligence measures for prevention, detection and investigation of customs offences and criminal offences.

Within the border management, the Ministry of Agriculture, Forestry and Water Resources Management has three basic functions: phytosanitary control, veterinary control, and control of forests and felling of forests, which are performed according to the provisions of the Plant Protection Law ("Official Gazette of the Republic of Macedonia", Nos. 25/98 and 6/00), Law on Seeds, Seedlings and Propagating Material and Sort Recognition, Approval and Protection ("Official Gazette of the Republic of Macedonia", No. 41/00), Law on Animal Husbandry ("Official Gazette of the Republic of Macedonia", No. 61/97), Law on Agricultural Inspection ("Official Gazette of the Republic of Macedonia", No. 38/2004), Rulebook on Health Control of Plants in Transport Across the State Border ("Official Gazette of SFRY", No. 59/91), Rulebook on Mandatory Health Inspection of Crops and Objects, of Seeds and Planting Material of Agricultural and Forestry Plants ("Official Gazette of SFRY", No. 52/86) and Order on Determining Quarantine when importing propagating material of multi-annual plants ("Official Gazette of the Republic of Macedonia", No. 81/2003).

In the area of border management, the Ministry of Health applies the provisions of the Law on Safety of Foodstuff and of Products and Materials in Contact with Foodstuffs ("Official Gazette of the Republic of Macedonia", No. 54/02), Law on Protection and Safety from Ionising Radiation ("Official Gazette of the Republic of Macedonia", No. 48/02), Law on Protection of the Population from Contagious Diseases ("Official Gazette of the Republic of Macedonia", No. 66/04), Law on Precursors ("Official Gazette of the Republic of Macedonia", No. 37/04), Law on Transport of Hazardous Material ("Official Gazette of SFRY", Nos. 27/90 and 45/90 and "Official Gazette of the Republic of Macedonia", Nos. 12/93 and 31/93) and Law on Trade in Poisons ("Official Gazette of SFRY", No. 13/91).

Within the system of border management, the segment of planning of border crossing points, i.e. the issue of development of urban planning projects on border crossing points is regulated with the provisions of the Law on Spatial and Urban Planning ("Official Gazette of the Republic of Macedonia", Nos. 4/96, 28/97, 18/99, 53/01 and 45/02).

Drafting of the Law on State Border Monitoring, which will regulate the issues of monitoring of the state border, the responsibilities of the Border Police and cross-Border Police cooperation is currently underway.

2. Please provide an overview of your activities to implement the measures that were adopted by the Government as a follow-up to the Ohrid Conference on border security and management and presented at the EU-Western Balkans JHA ministerial meeting of 28 November 2003

In line with the obligations undertaken with the joint platform adopted at the Ohrid Conference on Border Security and Management and the Way Forward Document, the competent authorities of the Republic of Macedonia have realised the following activities:

- Adoption of the Strategy on Integrated Border Management;
- Amending and approximation of the legislation in the area of border management;
- Transfer of state border security to the Ministry of the Interior;
- Establishment of Border Police within the Ministry of the Interior;
- Development of a cross-border cooperation with the neighbouring countries;
- Designing of an IT system;
- Procedure for issuing of new travel and other identification documents with security features in line with the European standards.

Strategy on Integrated Border Management

The Government of the Republic of Macedonia on 17.03.2003 established an Inter-Ministerial Working Group to manage the Integrated Border Management Project. The group is entrusted to monitor the entire process from development of National Strategy on Integrated Border Management to complete implementation of this concept, scheduled for the end of 2005.

The abovementioned Inter-Ministerial Working Group, is coordinated by the Ministry of the Interior and includes representatives from the Ministry of Defence, Ministry of Education and Science, Ministry of Foreign Affairs, Ministry of Finance – Customs Administration, Ministry of Agriculture, Forestry and Water Resources Management, Ministry of Health, Ministry of Transport and Communications and Ministry of Environment and Physical Planning. The group drafted the National Strategy on Integrated Border Management, which was adopted on 22.03.2003 by the Government of the Republic of Macedonia. In order to implement the Strategy, a National Action Plan on Integrated Border Management is in the final stage of development. This Action Plan clearly defines the specific activities which have to be undertaken, the timeframe for their implementation, the performance indicators, the responsible ministries or agencies, the necessary resources and the potential risks and conditionalities.

Amendments and harmonisation of the legislation in the area of border management

On 24.03.2004, the Assembly of the Republic of Macedonia adopted the Law Amending the Law on Internal Affairs, ("Official Gazette of the Republic of Macedonia", No. 19/2004) and the Law Amending the Law on Crossing of the State Border and Movement In the Border Zone ("Official Gazette of the Republic of Macedonia", No. 19/2004). The amendments to these laws created a legal basis for establishing the Border Police and for transfer of competencies for securing the state border from the Ministry of Defence to the Ministry of Interior.

Moreover, a draft version of the new Law on State Border Surveillance was drafted, which precisely defines the competencies and powers in the surveillance of the state border, delineation of the state border, stay and movement inside the border zone, crossing of the state border and at border crossing points, border control, inland border police activities, international cooperation and collecting of personal data and records.

Takeover of the state border security by the Ministry of the Interior

In order to create preconditions for transfer of competencies for securing the state border, in July 2003 an inter-ministerial working group between the Ministry of the Interior and the Ministry of Defence was established. This Group was supported by five working sub-groups, which were assigned with the preparation of a Project on Establishing the Border Police. The basic objective of the project was to give an overview of the current situation regarding the equipment and personnel that have to be transferred to the Ministry of the Interior and to perform an analysis and needs assessment of the border police in the period between 2004 and 2005. The working group completed its task in January 2004, when the prepared project was accepted by the Ministry of the Interior and the Ministry of Defence.

In the course of 2004 the training of the personnel to be transferred from the Ministry of Defence to the Ministry of the Interior commenced. Three courses have been completed thus far (from 02.02.2004 to 30.04.2004, from 10.05.2004 to 06.08.2004 and from 13.09.2004 to 10.12.2004) and a total of 821 candidates were trained. The training is performed in the Police Academy with participation of OSCE experts. The candidates who graduated thus far are deployed at the border. In line with the National Strategy on Integrated Border Management on 01.05.2004, the process of transferring the competencies for securing the state border commenced. Thus far, the securing of the state border with Republic of Greece, Republic of Bulgaria and in a part of the state border with the State Union of Serbia and Montenegro (towards Serbia) was transferred to the Ministry of the Interior.

Establishing of the Border Police within the Ministry of the Interior

By undertaking the competencies for securing the state border with the Republic of Greece on 01.05.2004, within the Ministry of the Interior the process of establishing the Border Police Department (which *de jure* exists from 27.04.2004) commenced. As a single structure within the Ministry of the Interior its competencies are the control of crossing the state border and surveillance and control of the state border. From an organisational aspect, the Border Police is a Department within the Bureau for Public Security. Thus far, besides the operational start of the Border Police Department which undertakes activities on central level, the Regional Centre South responsible for securing and control of the border with Republic of Greece and the Regional Centre East responsible for securing and control of the border with Republic of Bulgaria also commenced with operational activities.

In this moment the Project on Building a Facility for the Headquarters of the Border Police Department and the Project on Purchase of Motor Vehicles for the Needs of the Border Police are underway. The complete implementation of these projects is expected in 2005.

Development of cross-border cooperation with the neighbouring states

The co-operation with the border services of the neighbouring countries has been constantly improving:

- With the Republic of Greece there is an already established practice to hold regular meetings between the services directly involved in securing the state border and at the same time a link for exchange of information regarding the border security was established;
- With the Republic of Bulgaria liaison officers are appointed to exchange information on local, regional and central level;
- With the Republic of Albania the implementation of the project for enhancing the border cooperation between Macedonia and Albania is underway. With this project, besides the already established practice of holding meetings on local, regional and central level, there is an ongoing training of border service officers from both countries regarding the introduction with the legislation of the neighbouring country;
- With the Interim Administration of the United Nations in Kosovo liaison officers were assigned to exchange information related to border security.

For more details see answer [24 A 19](#).

Building of an IT system

Aiming at raising of the level of operational power of the Border Police, there are ongoing activities for further upgrading of the existing IT system. In this context, the following two projects are underway:

- Project on building and enhancing the telecommunication structure: this project foresees an establishment of a telecommunication network between the border crossing points and the headquarters of the Ministry of the Interior thus enabling a transfer of data from the border crossing points to the central database, and vice versa;
- Project on Development of IT system on Integrated Border Management (software on border operation). The project foresees development of appropriate software which will enable centralised collection, processing and distribution of data related to border operation.

Issuing of new travel and other documents for identification with security features in accordance with the European standards

The public procurement procedure for new travel and other identification documents is underway. Thus so far, the first qualification stage was completed. In the course of 2005 a contract is expected to be signed and the issuance of the new documents will commence. The new documents will correspond to the European standards, and will contain biometric data, laser photograph engraving and other data on the holder of the document, as well as high quality security features which will significantly reduce the possibility of their counterfeiting.

3. Does an overall border management strategy exist in your country? If so, describe the main components of your border management strategy and its stage of implementation

According to a Governmental Conclusion from 17.03.2003, an Inter-Ministerial Working Group for managing the project on “Integrated Border Management”, was established. The working group was commissioned with the task to monitor the entire process, from development of the National Strategy on Integrated Border Management, to full implementation of this concept, whereby the end of 2005 was set as a deadline.

This group is coordinated by the Ministry of the Interior and comprised of representatives from the Ministry of Defence, Ministry of Education and Science, Ministry of Foreign Affairs, Ministry of Finance – Customs Administration, Ministry of Agriculture, Forestry and Water Resources Management, Ministry of Health, Ministry of Transport and Communications and Ministry of Environment and Physical Planning. In the course of its activities, it has finalised the National Strategy on Integrated Border management that was adopted on 22.12.2003 by the Government of the Republic of Macedonia.

The National strategy was developed in accordance with the specific circumstances of the social, political and legal system of the Republic of Macedonia, taking also into consideration the comparative experiences from other countries all relevant international instruments, the legislation of the EU Member-states and EU candidate countries and the recommendations from the Schengen Catalogue of best practices.

The main objectives of the National strategy are as follows:

- Establishing of open, but controlled and secure borders in accordance with the European standards, through facilitated and accelerated crossing of the borders for legitimate purposes and at the same time identification, detection, prevention, suppression and dealing with illegal and enemy movements, and especially dealing with cross-border activities that are supported by organised crime and endanger the regional security (trafficking in arms, human beings and narcotics);
- Transferring the responsibilities for border management from the Army of the Republic of Macedonia to the Ministry of the Interior by 31.12.2005;

- Establishing of a new Border Police Department, within the Ministry of the Interior, as a basic state body for border management in the country, that will undertake the responsibility for monitoring the state border by 31.12.2005;
- Establishing of a National Coordination Centre for Border Management, which will be managed by the Border Police Department in cooperation with all state bodies involved in the border management, in order to achieve cooperation, coordination, mutual support and exchange of information;
- Strengthening of the cross-border cooperation by signing international agreements on cross-border cooperation with the neighbouring and other European countries and simultaneous exchange of liaison officers with the border services of the neighbouring countries.

The main components of the National strategy are:

- Description of the state border of Republic of Macedonia – history, neighbouring countries, existing border crossing points for road, railway and air traffic, geographic delineation of the border with topography and border economy, i.e. main economic activities of the population that live in the border regions;
- Strategic challenges, i.e. potential types of threats – conventional military attack, possibility of invasion of enemy groups and individuals, internal conflict and crime;
- Legal affairs - Development of primary and secondary legislation in accordance with the recommendations from the Schengen Catalogue of best practices. Establishing methodology for development of legislative framework and full respect of the human rights and freedoms. Enacting a Law on Surveillance and Control of the State Border and regulation of the cooperation between the ministries and institutions involved in the border management as primarily important.
- Establishing of National Border Police Service within the Ministry of the Interior and defining its needs, operational concept and competencies. Establishing of National Coordination Centre for Border Management to coordinate the activities of various state bodies involved in the border management; opening of regional centres; conducting criminal investigations; selection, recruitment and training of Border Police personnel and exchange of liaison officers with neighbouring countries;
- Establishing a methodology in the process of transfer of responsibility from Border Brigade to the Border Police with timeframe and schedule and without compromising the efficiency of the border management and security of the state;
- Establishing of National System of Border Monitoring for timely and precise transmission of information, as well as installing a Closed System of Video Surveillance, which enables the operational managers to receive live information that will assist them in the decision-making process;
- Categorisation of the border crossing points (first, second and third category) according to their strategic importance, in order to concentrate the resources at certain border crossing points;
- Establishing and implementing Standard Operational Procedures, based on the competencies allocated to the Border Police and the Customs Administration;
- Conducting inspections of commercial and other vehicles which enter or exit at the border crossing points, with profiling of the intelligence and proactive investigation;
- Strengthening the activities for timely detection, prevention and elimination of attempts of illegal migration, trafficking in human beings, illegal trafficking in drugs, illegal possession and transport of radioactive substances and other harmful and hazardous substances, as well as carrying out measures aimed at prevention of spreading of contagious diseases;
- Clear definition of the procedures at the Green Border;
- Development of the border areas by multi-agency approach and strategy for border development.
- Control of the lake border, by using inland radar control, in order to prevent illegal lake border crossings;

- Development of regional cooperation and coordination at local, regional and central level, as well as a cooperation through Mixed Border Committees;
- Development of border data management system;
- Passport and visa regime: introducing new travel documents of much higher quality than the existing ones, i.e., with better security features. Training of consular personnel involved in issuing visas, in order to detect falsified and modified travel documents, as well as establishing of database on issued visas;
- Intelligence, analysis and dissemination of information in order to enhance the national capacity for prevention of organised cross-border crime through development of a National Intelligence Model, establishing National Border Intelligence Committee enhanced, integrated and networked analytical capacity of border management and law enforcement and intelligence;
- Risk analysis – Optimisation of resources and operational management;
- Data protection and databases management;
- Military support to civilian authorities. The border police and the Ministry of Defence will work jointly on development of clear administrative and operational procedures for mutual support in cases of threat to the territorial integrity;
- Public relations in accordance with the principles of transparency and responsibility.

Regarding the implementation stages of the Strategy for Integrated Border Management, from the moment of its adoption until now the following activities were completed:

The Inter-Ministerial Working Group, with participation of expert from an EU-member state, has prepared a draft version of the Action Plan for Integrated Border Management that clearly defines the specific activities which need to be undertaken and the timeframe for their implementation, performance indicators, responsible ministries or agencies, necessary resources and potential risks and conditionalities.

Changes were introduced in the legislation, that created a legal basis for establishing the Border Police. Draft versions of the Law on Surveillance of the State Border, and Law on Cooperation in the Integrated Border Management were developed.

The border police was established as a special Department within the Ministry of Interior. The activities for protection of the state border, control of crossing of the state border, detection and resolving of border incidents and other violations of the state border, and other issues determined by law are within its competencies.

In the area of security of the state border a transfer of competencies was carried out. Until now the Ministry of the Interior, i.e. the Border Police Department, has overtaken the security of the border with Republic of Greece and with Republic of Bulgaria. The securing of a part of the border with the State Union of Serbia and Montenegro, from the junction of the three countries (Republic of Bulgaria as the third one), to the region covered by the police station "Pelince" was also transferred to the Border Police Department.

Three courses for basic police training, completed by a total of 821 candidates, who were transferred from the Ministry of Defence into the Ministry of the Interior were provided. The training was carried out by the Police Academy, with participation of experts from OSCE and it contains study of primary and secondary legislation which governs the work of the police, with a special emphasis on the regulations of border management. The graduated candidates were assigned to perform duties and tasks in the organisational units of the Border Police Department.

Activities related to implementation of two projects on building and enhancing of the telecommunications structure which will enable transfer of data from the border crossing points to the headquarters of the Ministry and vice versa, as well as centralised collection, processing and distribution of data related to border affairs are underway.

The public tendering for procurement of new travel and other identity documents is also underway. The new documents will be in line with the European standards, i.e. they will contain biometric data, laser photograph engraving and data on the document holder, as well as high quality security features that will significantly reduce the possibility of falsification.

The cross-border cooperation with the neighbouring states is enhanced, whereby with the border service of Republic of Greece a practice was established of organising meetings at local, regional and national level, as well as exchange of information related to border security. With the border services of Republic of Bulgaria and UNMIK liaisons officers to exchange information in the area of border security were assigned.

4. Has a national country-wide assessment of the situation at the external borders been made and updated? What are the results?

Since the independence of the Republic of Macedonia, the assessment of the situation at the external borders was performed by the Ministry of Defence, i.e., the First Border Brigade, as a body in charge of securing the state border of the Republic of Macedonia.

The assessment is based on constant monitoring, studying and awareness of the situation in the border zone and the area on the other side of the border and is generally comprised of:

a) In a topographic-geographic sense:

- Assessment of the general features of the topography in the border zone and in the border region;
- Condition of the road network (including the tracks) in the border region, emphasising the sections which could represent a risk for the Border police personnel when performing the security (avalanches, landslides, steep terrains, etc.);
- Locations suitable to observe the border, especially within the range of the tactical-operative directions;
- Most adequate directions for use of units from the border posts under all circumstances of securing the border;

b) In a tactical – operative sense:

- Deployment and capacity of the units that secure the border of the neighbouring country;
- Assessments to which part of the border and in which season should be paid special attention in terms of securing the state border;

c) In terms of security:

- Security assessment of the population in the border zone of the neighbouring country;
- Assessment of the technical and economic entities in the border regions which could be subject of interest;
- Situation assessment is updated once a year, whereby, if certain changes occur which are important for accurate assessment, it can be performed more frequently.

After transferring the responsibility for securing the entire state border to the Ministry of the Interior, i.e. the Border Police Department, a new assessment of the situation at the state border will be performed, in order to assess the current situation and to define the future steps and priorities geared towards more efficient securing of the state border and development of the concept of integrated border management.

5. Has this assessment provoked any need to adapt the allocation of resources at national level?

The introduction of the system of integrated border management and the situation assessment of the external borders has caused reallocation of funds on national level.

Regarding the transfer of responsibility for security of the state border for 2004, from the budget of the Ministry of Defence a total of 113.445.000,00 MKD were allocated. The other needs were financed from the budget line of the Ministry of the Interior.

In 2004, the Ministry of the Interior spent 95.681.765,00 MKD for the operational start of the Border Police.

In total, both Ministries - of Defence and Interior spent an amount of 209.126.765,00 MKD on establishing the Border Police, not taking into account the value of transferred capital assets.

The capital assets (buildings, technical means for border surveillance, weapons and other equipment), by a Government decision, were transferred from the Ministry of Defence to the Ministry of the Interior. For reallocation of these assets, the Government of the Republic of Macedonia has, thus far, adopted the following decisions:

- Decision on Transfer of the Right to Use Specific Immovable Property (No. 23-3922/1 of 10.09.2003)
- Decision on Transfer of the Right to Use Immovable Property (Confidential No. 57/1 of 04.10.2004)
- Decision on Transfer of the Right to Use and Dispose Material-Technical Means and Equipment (Confidential No. 56/1 of 04.10.2004)

The aforementioned decisions precisely define the kind, type and number of transferred means and the location of the objects taken over by the Ministry of the Interior.

In the Supplementary Budget for 2004, the funds for salaries and allowances for the transferred personnel, in the amount of 100.000.000,00 MKD, were transferred from the Budget of the Ministry of Defence to the Budget of the Ministry of the Interior.

Starting from the 2005 Budget, there is a separate line in the Budget for the Border Police, within the Budget of the Ministry of the Interior.

A total of 670.362.000,00 MKD is allocated for the Border Police in 2005. For more details see answer [24 A 08](#).

6. Describe the co-operation and co-ordination of duties between the government bodies responsible for border management (border control and border surveillance)

The organisation, competencies and operation of State Administration Bodies is governed by the Law on Organisation and Operation of State Administration Bodies ("Official Gazette of the Republic of Macedonia", Nos. 58/2000 and 44/2002). According to this Law, the state administration bodies, as a part of the executive branch of the government, are established for certain areas, in order to perform relevant functions and maintain efficient enforcement of the rights and duties of citizens and legal entities.

According to the Law on Crossing of the State Border and Movement In the Border Zone ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 12/93, 11/94 and 19/2004), for harmonised performance of certain activities of common importance for several competent state bodies and enterprises in the area of controlling the state border crossing and controlling the movement and stay inside the border zone, the Minister of Interior is authorised, together with responsible state bodies and public enterprises, to establish mixed committees and other working bodies.

Pursuant to Article 11-a of the Law Amending the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia", No.19/2004), the Border Police performs the activities of protection of the state border, detection and resolving of border incidents and other violations of the state border, and other activities defined by law.

As soon as transfer of the competencies for securing the state border from the Ministry of Defence to the Ministry of the Interior is completed (for more details see answer [24 A 01](#)), the Border Police Department will have exclusive competencies in securing the state border.

In performing its competencies, the Ministry of the Interior cooperates with other Ministries that have competencies in the field of border management.

The cooperation with the Ministry of Foreign Affairs is carried out through regular exchange of information concerning the area of visa regime according to the Law on Movement and Stay of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92; 66/92; 26/93 and 45/2002), the Rulebook on the Mode of Issuance of Travel Documents and Visas to Aliens, and the Forms for these Documents and Visas ("Official Gazette of the Republic of Macedonia", No. 75/93) and Guidelines on the Mode of Issuance of Travel Documents and Visas for Aliens by Diplomatic and Consular Missions of the Republic of Macedonia abroad, and the Mode for Maintaining Records on Issuance of Travel Documents and Visas to Aliens ("Official Gazette of the Republic of Macedonia", No. 10/98). This legislation defines the competencies of the Ministry of Foreign Affairs and Ministry of the Interior in the area of visa regime, mutual obligations and information flow. For more details on the regulations governing this area see answer [24 A 01](#).

With the Ministry of Finance – Customs Administration, the cooperation is carried out on several levels. On the level of shift leaders, the cooperation is carried out on daily basis, through exchange of information and data and agreeing to undertake certain activities. In circumstances of increased frequency of passengers and vehicles, activities to be undertaken are jointly agreed. The cooperation on the level of commander of a border crossing point and head of customs office is carried out through regular meetings, in order to exchange opinions and resolve accidents and incidents. On central level these meetings take place occasionally, as needed. In order to regulate the cooperation between the Ministry of the Interior and the Ministry of Finance, on 18.11.2004, a Memorandum for Cooperation in Prevention and Combating of Organised Crime and Other Types of Crime in the Republic of Macedonia, was signed. Based on this Memorandum, and in order to undertake specific joint activities, the Customs Administration and the Public Security Bureau have signed a Protocol for Implementation of this Memorandum. This Protocol regulates the manner and the area of cooperation, as well as the specific joint activities by the Ministry of Finance – Customs Administration and the Ministry of the Interior – Bureau for Public Security in order to combat crime on the entire territory of the Republic of Macedonia.

With the Ministry of Agriculture, Forestry and Water Resources Management, the cooperation and coordination take place in the performance of the veterinary and phyto-sanitary inspection. Activities are coordinated on central level and on the border crossing points (local level), through daily contacts, periodic meetings, information dissemination, provision of expert assistance, etc. The Ministry of Agriculture, Forestry and Water Resources Management regularly informs the Ministry of the Interior about the prohibition of import of certain types of goods into Republic of Macedonia.

With the Ministry of Health, i.e. the State Sanitary and Health Inspectorate, the cooperation is carried out through daily performance of tasks for strengthening the control of all entities involved in transport of foodstuffs, products and materials in contact with foodstuffs, protection from ionising radiation, protection from contagious diseases, transport of precursors, hazardous materials and poisons.

The cooperation with the Ministry of Defence is pursued through regular meetings on local level, where information are exchanged about the situation at the state border and about the events and indications relevant to the border security. In line with the legislation and defined competencies, joint activities and timely exchange of information are proposed and agreed in order to define and coordinate further actions of the responsible units.

7. Do you make use of specialised trained professional staff for certain duties?

The process of transferring of responsibility from the Ministry of Defence to the Ministry of the Interior for securing the state border is currently underway (for more details see [24 A 01](#)). In order to prevent unauthorised crossings and violation of the state border where the transfer of responsibility is not finished (in a part of the North border and on the West border), the control of the state border crossing and stay in the border zone outside settlements and border crossings is still within the competencies of the Army of the Republic of Macedonia. The Army of the Republic of Macedonia is conducting this activity through appropriately trained members of the Border Brigade.

The border brigade has at its disposal special personnel from the following categories:

- Officers and non-commissioned officers for management from the lowest to the highest level;
- Border troops for specialised duties (patrol commanders, handlers of police dogs, drivers of utility motor vehicles, operators of optical electronic systems);
- Operators of professional radar systems;
- Professional communication officers and others.

The lower rank officers manage the security on the field and are directly responsible. Due to the specifics of certain situation and areas, officers whose escorts (patrol members) are comprised of soldiers and professional soldiers are appointed as patrol commanders.

The Border Brigade has at its disposal a modern radar system ASCARAT and optical electronic means for surveillance and reconnaissance, which are operated by specially trained professionals. The higher ranking officers are stationed in the headquarters of the battalions and brigades and issue commands through the state border security commanding officers and in certain situations directly. The headquarters of the battalions and brigades are comprised of headquarters (sections) divided in specialised areas (personnel section, security and intelligence section, operational section, logistic support section, section for public relations, section for communication and finance section). The officer personnel are with adequate education and have special training for certain activities within the sections. It is compulsory to follow all the hierarchic levels in the career i.e. greater promotions are not possible. Before taking over duties and during working activities, the personnel is constantly trained through specific courses and seminars.

The Border brigade personnel is trained by NATO instructors and each of its members possesses certain military speciality.

The Border Police Department within the Ministry of the Interior is performing the control at the South and East state border. In order to be assigned on certain job position within this department, it is necessary to fulfill the prescribed conditions for performing the working assignments and tasks contained in the Rulebook for Systematisation of Working Positions.

Authorised officials working at airports perform tasks in the area of counter-diversion protection. They are trained for performing counter-diversion protection through trainings, seminars and workshops organised by the Ministry of the Interior.

The control of the state border crossing on the border crossing points is performed by authorised officials professionally trained for detecting forged travel documents. For that purpose, several courses for detecting forgeries and for fight against trafficking in human beings organised by PROXIMA Mission were held at all border crossing points.

At the border crossing points and in the Border Police stations, police dogs for detecting drugs and explosives and dogs for protection are used. More dogs for protection are used at the Border Police stations. For that reason in every station there are at least two dogs for protection with as many trained dog handlers. Authorised officers – handlers of police dogs have completed courses on

handling police dogs. The police dogs for protection are re-trained in a special training centre once a year. The police dogs for detecting drugs and explosives are doing the re-training once in two months. At the same time, training for new police dogs is continuously underway.

At the Border Police stations and on the border crossing points a special introductory programme for the newly recruited police officers and officers transferred from other organisational units is realised.

The border control of the lake waters is performed by authorised officials who are adequately trained for performing this kind of duties. There are 28 authorised officials who are operating with 6 patrol boats on the Ohrid Lake, Prespa Lake and Dojran Lake. These authorised officials passed exams at the Lake Port Authority in Ohrid and were issued certificates for boat operating.

Likewise, prior to start using any new means for work (utility motor vehicle, motorcycles, vessels, optical-electronic systems etc.) it is necessary for the authorised officials to complete basic or additional training for the purpose of his/her training for operating the means in question. For each Border Police station there are 4 qualified drivers of utility motor vehicle and 5 motorcycles drivers.

It is necessary to mention that parallel to the various trainings, in order to correctly perform the activities connected with the state border security, the implementation and compliance with the regulations, the working methodology and ethics of conduct is monitored on daily basis.

In accordance with the current legislation, the processing of legal goods and detecting the transport of illegal goods across the state border is done by specially trained members of the Customs Administration.

According to the plans and programmes of the Training Unit and the Strategic Plan of the Customs Administration of the Republic of Macedonia 2004 – 2008, and for the purpose of more successful performance of its tasks, specialised trainings in specific areas are planned and implemented for certain custom officers.

Customs officers performing duties at the airports are trained for using X-ray machines and are qualified for performing the tasks of protective examination of passengers and hand-luggage.

Customs inspectors - handlers of dogs, who are operating within the Mobile Team Unit, were trained in German training centres. Currently, training for dog-handlers in the Republic of Turkey is underway.

Also, the customs inspectors from the Mobile Teams Unit, as well as the custom officers from the more frequent border crossing points in the course of 2004 were equipped with Vapour Tracers – electronic devices, which detect presence of drug particles through analysis of particles. They were adequately trained for use of these devices.

The construction of the system for protection against illegal import of nuclear and radioactive materials in the Republic of Macedonia started in 2000, when a decision for construction of such a system in the country was made. Funds for procurement of statical radioactivity detectors for the border crossing points and hand detectors for locating the radioactive source were provided from various sources.

With the assistance of the International Atomic Energy Agency from Vienna, a project on upgrading the existing equipment with a neutron detector, video camera for registering the alarm and connecton of the two signals and their display on a video-screen was realised on one of the border crossing points. In 2002, the Customs Administration, in co-operation with this agency, organised a regional seminar in Ohrid on the topic "Illegal trafficking of nuclear and radioactive substances".

In the past period training of all custom officers working at the border crossing points was performed for the purpose of acquiring basic knowledge of the radioactivity and initial reaction in case of alarm. Three custom officers underwent a one - month training at the Russian Customs Academy in St. Petersburg.

At the moment, the Customs Administration is in possession of 22 statical radioactivity detectors, placed at 11 border crossing points. That covers all of the border crossing points where there is import of goods, with an exception of the railroad crossing points. There are also 23 hand detectors that can locate the radioactive source and measure the radiation dose. If necessary, appropriate assistance can be requested from the Unit for Radioactive Protection, within the Ministry of Health. On two border crossing points detectors for neutron radiation are installed.

An upgrading of the remaining detectors with channels for neutron radiation and a connection of all detectors with the Customs Administration control centre in Skopje is planned in future. Respective training programmes are also foreseen.

During 2003 and 2004, training seminars for fight against proliferation of weapons of mass destruction were held.

Trainings for preservation of the ozone layer and trainings for handling instruments for control of temperature fluids were also carried out.

The veterinary - sanitary inspectors are performing the veterinary – sanitary inspection and control at the border crossing points when importing, exporting and transiting of shipments of animal origin is taking place. The inspectors are employees of the Ministry of Agriculture, Forestry and Water Resources Management (as one of the authorities competent for the border management). A veterinary inspector at a border crossing point may be a physician in the veterinarian medical sciences with passed state exam, and at least two years of experience in that field. These employees have status of civil servants and in accordance with the Law on Civil Servants ("Official Gazette of the Republic of Macedonia", Nos. 59/00, 112/00, 34/01, 103/01, 43/02, 98/02, 17/03, 40/03, 85/03 and 17/04) and the Law on Veterinary Health ("Official Gazette of the Republic of Macedonia", No. 28/98) undergo continuous professional specialisation and education.

Besides the above stated, the State Sanitation and Health Inspectorate, the Food Directorate, and the Drug Bureau within the Ministry of Health have special inspection units that receive continuous specialised education. The activities of these services are coordinated by responsible persons from the Customs Administration.

8. Please describe your plans to transfer of responsibility for border control from the Ministry of Defence to the Ministry of the Interior, including the relevant timetable and budgetary allocations

The transfer of responsibility for border control from the Ministry of Defence to the Ministry of the Interior has been planned and implemented as a closely coordinated process between these two institutions, with planned duration of 2 years, in the course of 2004 and 2005.

Prior to the start of the process, in the period between 2000 and 2003, preparatory measures were taken; necessary plans were developed, and legislation was drafted. Thus, the basis was formed for the transfer of responsibility from the Border Brigade of the Army of the Republic of Macedonia to the Border Police Department of the Ministry of the Interior.

In the preliminary process and in the course of development of legislation (for more details see [24 A 01](#)), there was an extensive participation of European Union experts, whereby a part of the activities was supported by the CARDS programme.

The plans and legislation for the establishment of the Border Police have been to the greatest possible extent harmonised with the EU recommendations presented in the Schengen Catalogue of best practices and with the commitments made by the Republic of Macedonia.

A number of laws, secondary legislation and other documents are in drafting stage, and they will further regulate the operation of the system of Integrated Border Management. The most important are the Law on State Border Surveillance, the Law on Police and the National Action Plan on Integrated Border Management.

In accordance with the planned schedule for transfer of responsibility for border control from the Ministry of Defence to the Ministry of the Interior, the state borders towards the Republic of Greece and the Republic of Bulgaria are already transferred to the competence of the Ministry of the Interior as follows: with the Republic of Greece on 01.05.2004 and with the Republic of Bulgaria on 01.11.2004.

According to the schedule, the control of the Northern border with the State Union of Serbia and Montenegro should be transferred in 2 stages: the part towards Serbia in the first stage was already transferred in December 2004, and the part towards Kosovo - in the second stage. Coordinated preparations between the competent institutions of the Ministry of Defence and of the Ministry of the Interior for transfer of responsibility for control of the whole northern border are underway, and it should be transferred by 01.05.2005 the latest, pursuant to Article 19 of the Law Amending the Law on Crossing the State Border and Movement in the Border Zone ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 12/93, 15/93, 31/93, 11/94 and 19/04).

The responsibility for control of the state border with the Republic of Albania should be transferred not later than 01.11.2005; thus, the entire process of transfer of responsibility from the Ministry of Defence to the Ministry of the Interior will be finalised.

After the completion of this process, the Ministry of Defence, through task forces of the Army of the Republic of Macedonia, will provide support to the Border Police in conformity with the activities declared in the Strategic Defence Review.

The transfer of responsibility for border control is a complex process, which is comprised of the following basic elements:

Transfer of personnel from the Ministry of Defence to the Ministry of the Interior

Personnel has been selected in close coordination between the responsible services of the Ministry of Defence and the Ministry of the Interior.

Prior to the start of the selection process, the Ministry of Defence organised a survey to identify the interest of the personnel for voluntary transfer to the Border Brigade. The selection process was based on the results of this survey.

The transfer of personnel from the Ministry of Defence to the Ministry of the Interior is made on the basis of individual agreements by the three parties (the Ministry of Defence, the Ministry of the Interior and the transferred employee).

Prior to the actual transfer, each candidate transferred from the Ministry of Defence undergoes basic police training at the Police Academy in duration of three months, as well as mandatory check-ups.

Transfer of the experiences of the units of the Army of the Republic of Macedonia regarding the border line security, and of the Ministry of the Interior regarding the in-depth border security to the Border Police

The experiences acquired by the units of the Army of the Republic of Macedonia in securing the borders are transferred through the personnel of the Border Brigade which in large part is transferred to the Border Police, and through placing at its disposal the assessments, operational plans and other documents according to which the Army of the Republic of Macedonia had performed border operations.

The experiences of the personnel of the Ministry of the Interior in the new system of border control are conveyed through the transfer of a part of the Police Stations personnel that was in charge of the in-depth border line security to the Border Police units, and by placing the respective documents at their disposal.

Transfer of equipment and part of the armament of the Ministry of Defence to the Ministry of the Interior

The entire personal and the major part of the equipment for surveillance of the state border, with which the Border Police is equipped, have been taken over from the Ministry of Defence – the Army of the Republic of Macedonia. The radio communication system and part of the transport vehicles that the Border Police uses, were transferred from the Ministry of Defence to the Ministry of the Interior on temporary basis, until the installation of the communication system of the Ministry of the Interior is completed.

The transfer of the equipment and weapons is scheduled for the entire duration of the transfer process, with careful selection according to the criteria of functionality and quality.

Transfer of facilities to the Border Police

The former facilities of the Border Brigade of the Army of the Republic of Macedonia are made available to the Border Police units. Part of these facilities, in line with the operational assessment of the Border Police, has already been transferred. A further transfer of other facilities is due to take place.

Out of 7 facilities where the units of the Regional Centre South are situated, 6 are taken over from the Army of the Republic of Macedonia, while out of 5 facilities which are used at the moment by the units of the Regional Centre East, 4 are taken over from the Army of the Republic of Macedonia.

Apart from the transferred facilities and equipment from the Ministry of Defence – the Army of the Republic of Macedonia, foreign donations and allocations from EU funds also had a significant role in the equipping of the Border Police. Due to this, the budgetary implications of establishing such a complex organisational entity have been reasonable. However, a greater need for capital investments is expected after the process of transfer of personnel is completed, i.e. after the establishment of all planned Border Police units.

In 2004, for the transfer of responsibility for border control, the budget of the Ministry of Defence allocated a total of 113.445.000,00 MKD. The rest of the needs were financed by the budget of the Ministry of the Interior and the Ministry of Finance.

The Ministry of the Interior spent a total of 95.681.765,00 MKD for the operational start of the Border Police, allocated for the following expenditures:

- Purchase of firearms (830 handguns) for the border police and corresponding ammunition – 15.709.260,00 MKD;
- Procurement of technical equipment in the amount of 1.031.000,00 MKD;
- Procurement of uniforms for the Border Police in total value of 78.941.505,00 MKD

Consequently, a total of 209.126.765,00 MKD were allocated from the budget of both ministries (the Ministry of Defence and the Ministry of the Interior) in 2004 for the establishment of the Border Police. The value of the capital assets (buildings, technical means for border surveillance, armament and other equipment) transferred from the Ministry of Defence to the Ministry of the Interior is not taken into account.

In the Supplementary Budget for 2004, the funds for salaries and allowances for the transferred personnel, in the amount of 100.000.000,00 MKD, were transferred from the budget of the Ministry of Defence into the budget of the Ministry of the Interior.

Starting from the Budget for 2005, there is a separate line in the Budget for the Border Police, within the Budget of the Ministry of the Interior.

A total of 670.362.000,00 MKD is allocated for the Border Police in 2005, classified as follows:

	Categories	Amount (MKD)
1.	Salaries, fees and allowances for the employees	247.206.000 ,00
	Basic salaries and allowances	163.975.000 ,00
	Employers' contributions for social insurance	82.253.000 ,00
	Other contributions from salaries	978.000 ,00
2.	Goods and services	82.775.000 ,00
	Travel and other expenditures	3.400.000 ,00
	Communal services, heating, communication and transport	28.025.000 ,00
	Petty inventory, tools and other materials for repairs	41.850.000 ,00
	Repairs and maintenance	7.700.000 ,00
3.	Capital expenditures	6.100.000 ,00
	Buildings	3.000.000 ,00
	Purchase of furniture, equipment, vehicles and machines	3.100.000 ,00
	TOTAL	670.362.000 ,00

9. What is done to provide sufficient training? What is the duration of basic training for border guard duties and what is the content of training programmes? Do you provide specific training modules (and in which topics)?

According to the Law on Police Academy ("Official Gazette of the Republic of Macedonia", No. 40/2003) the basic training for a police officer lasts 12 months out of which 3 months of practical field training. The duration of the special training and of the training for security management depends on the specific contents, but is not longer than 12 months.

In the on-going process of transfer of competencies for securing the state border from the Ministry of Defence to the Ministry of the Interior, as well as the agreement between these two Ministries for transfer of certain number of personnel from the Army of the Republic of Macedonia to the Ministry of the Interior, retraining courses have been provided for this personnel. The basic police training course for the Macedonian Army personnel, of medium and lower ranks, (professional soldiers, non - commissioned officers, civilian personnel, and junior officers) is of three months duration, while for higher ranking officers (managerial position officers) the training lasts two months. The training courses are organised only for the personnel of the Army of the Republic of Macedonia who have been previously involved in tasks of securing the state border or in related duties in the Army of the Republic of Macedonia.

With the 06.08.2004 inclusive, there were two basic police training courses organised for the personnel transferred from the Army of the Republic of Macedonia to the Ministry of the Interior, based on the requirements for the Border Police. The training course programmes consisted of the following modules:

Introduction to police work

- Police work in a democratic society;
- Integrity and ethical conduct - police code of conduct;
- Rules for conduct and mutual relations between the employees with special tasks and authorities at the Ministry of the Interior;
- Police work in a multiethnic society, discrimination awareness;
- Human rights under the UN Declaration and the provisions of the Constitution of the Republic of Macedonia;
- Awareness of differences;
- Community policing;

- Psychological profiles;
- Psychological features in extreme situations and conduct in such situations;
- Emotions in extreme situations (affect, stress);
- Observation as a psychological method;
- Sensations, perceptions and their anomalies;
- Sources of frustration in a police setting;

Legal issues and issues related to crime investigation:

- Constitutional framework;
- Law on Internal Affairs;
- Rules for performing the duties in the Ministry of the Interior;
- Law on the Crossing of the State Border and Movement In the Border Zone;
- Law on Movement and Residence of Aliens;
- Law on Travel Documents;
- Rulebook on Resolution of Border Incidents;
- Specific international (bilateral) agreements of the Republic of Macedonia with the neighbouring and other countries;
- Law on Criminal Procedure;
- Criminal Code;
- The crime of trafficking in human beings;
- Crimes of illegal trafficking in arms, drugs, excise goods etc;
- Crimes of theft, robbery, armed robbery;
- Crimes against human life and body and against gender, freedom and morality;
- Forensic investigation at the scene of the crime;
- Material evidence - “corpus delicti”;
- Indications;
- Law on Asylum and Temporary Protection;
- The European law
 - historical development of the EU and its importance for the border police;
 - EU institutions and bodies;
 - EU acquis relevant for the Border Police;
 - The Schengen Information System;
 - The right to asylum - refugees in the EU;

Police procedures

- Survival - survival and safety skills;
- Practical application (exercise) of authorities;
- Operational and tactical measures and their application (practical scenarios);
- Investigation actions - investigation at the crime scene, search, and application of investigation actions (practical scenarios);
- Police notes, forms, practical exercise for their filling in and preparation;
- Response - police procedures in cases of violation of the public peace and order by individuals or groups;
- Response - police procedures in case of illegal crossing of the state border by individuals and groups;
- Entry - exit control of persons and vehicles at the border crossing;
- Stopping of persons and vehicles by use of means of force;

- Arrests - deprivation of freedom of minors and adults;
- Identity checks - criminal profile;
- Escorting persons in various situations;
- Collecting data - criminal intelligence;
- Tactics and techniques of interviews with victim, perpetrators, witnesses (minors and adults);
- Indications as grounds for suspicion;
- Traces and objects as “corpus delicti” ;

Police defence techniques

a) Self defence:

- Martial positions and movements;
- Techniques of transport (escort) of persons – in standing, sitting and lying positions;
- Hand and leg kicks, blocking, combination of blockings and strikes;
- Techniques of falling;
- Defence against unarmed assailant (from strikes, grips, strangulations, pushing, throwing, etc.);
- Defence against an armed (with knife, gun, rod) assailant;
- Baton defence techniques;
- Application of defence techniques in specific situations;
- Methods of handcuffing (without resistance and overcoming resistance);
- Handling and use of personal and formation weapons;
- Training for handling and use of AP M70/70A, 7.62 mm calibre;
- Training for handling and use of C3 - 99, 9 mm calibre pistol;
- Range shooting with AP M70/70A, 7.62 mm calibre;
- Range shooting with C3 - 99, 9 mm calibre pistol;

The training courses organised for higher ranking officers of two month duration also includes the following module:

Management for improvement of police work

- Introduction to management techniques - the role of management;
- Design, upgrading and reorganisation of the police structure;
- Organisation of the police work - police related elements;
- Organisation management;
 - police management;
 - organisation problem resolution;
- Police work programming and planning;
- Use of specific operational means and methods - informants, collaborators of justice, operational data, records keeping, use and storage;

In addition to the above stated training, in 2004 the following courses and seminars were organised for the *border police officers*, in cooperation and with the support of partner organisations (OSCE, EU and Geneva Centre for Democratic Control of Armed Forces):

- Fight against trafficking in human beings, smuggling and illegal migration;
- International human rights standards;

- Refugee status determination procedures and criteria;
- Detection and identification of illegal drugs;
- Initial Response to Arms of Mass Destruction;
- Detection of falsified travel documents and visas;
- Human Rights and freedoms and police functions in a democratic society;
- Handling documents, tests and devices for narcotic materials and explosive devices;
- Management of training seminars etc.

Owing to specific features of border control work there is a special programme of introductory training for newly recruited police officers.

It is important to underline that in addition to the basic training, there are also specialised training courses, necessary for efficient performing of duties.

10. In field work, what is the percentage of staff that has received this basic training?

As the Border Police *de iure* functions since 27.04.2004, it must be underlined that the staffing of this institution is still in process.

Thus far, all the members of the Border Police have completed training courses for control and surveillance of the state border.

Currently, within the Border Police Department, a total of 1534 working posts are filled. 713 or 46% out of the total number have obtained basic police education. This education was completed in the secondary school for police (former Center for Education of Personnel in the Area of Security) and with further education through courses organised by the Ministry of the Interior and realised by an undergraduate institution - the former Faculty for Security (now Police Academy).

Due to the transfer of the competencies for control and securing of the state border from the Ministry of Defence to the Ministry of the Interior and the need for qualified personnel that would perform activities on securing the state border, thus far, a total of 821 candidates, or 54% have been transferred from the Army of the Republic of Macedonia-Ministry of Defence to the Border Police Department-Ministry of the Interior. Taking into regard that these 821 candidates from the Army had been performing tasks of securing the state border before their transfer to the Ministry of the Interior, they have additionally undergone and completed a course of basic police training at the Police Academy. This course was three months in duration for the lower and medium rank personnel and two months for the higher rank personnel.

This system of training will continue until the completion of the entire staffing process.

11. Describe the language skills of staff conducting border checks

According to the general conditions for employment in the Ministry of the Interior, all police officers at border crossing posts must have completed secondary education. Curricula for basic, secondary and higher education in the Republic of Macedonia include compulsory study of at least one foreign language. Consequently, all police officers who work at the border crossing points have at least basic knowledge of one foreign language.

The issue of proficiency of all employees (especially the police officers conducting border control) in at least one foreign language presents one of the fundamental priorities for the Border Police Department in the Ministry of the Interior. In that respect, additional efforts will be made during the training of the personnel for Border Police Department in future. This will include, besides studying other specialised fields, compulsory study of several foreign languages as part of the specialised training, which will undoubtedly contribute towards further upgrading of their skills.

Currently, two English language courses for the personnel of the Border Police Department, organised by the British Council, are ongoing. One of these courses is aimed at training of instructors for English language lecturing. Upon completion of this course, these instructors will commence training of other personnel of the Border Police Department. Accordingly, it is planned to progressively increase the number of courses and the number of personnel from the Border Police Department included in such courses (especially those executing duties and tasks at the border crossing points) in near future.

12. Describe arrangements of tactical risk analysis and the material provided for this purpose. In which units is this method used?

Risk analysis on tactical level is prepared by creating risk indicators that incorporates gathering of information, analysis of information (task of intelligence officers) and distribution of these data to the Border Police Department, as well as to the final users. Gathering of information is performed by all members of the Border Police, also with the use of data bases, engagement of the Intelligence Section and information exchange with other ministries and agencies. The obtained information are distributed to the Intelligence Section where information is analysed and the sources of risks are identified. The analysis is communicated to the higher instances and to the participants in the border security (Border Police stations and border crossings). Due to the increase of collaboration and information exchange, according to the National Strategy on Integrated Border Management and National Action Plan, drafting and adoption of Memoranda and Protocols on Co-operation is ongoing. In the Border Police, tactical analysis is conducted on the level of Border Police regional centres.

13. Describe the use of risk analysis on the level of operative management and possible results.

Risk analysis on the operational management level is performed in the Border Police Department. Since it is a service, which has functioned for less than a year, for the preparation of the operational risk analysis a part of the data gathered from the Border Brigade is also used. The analysis is performed through preparation of certain projects of interests to the border service. According to the subordination method, the results from the analysis are communicated to the regional centres, but these results are also used for preparation and processing of other analysis. The analysis identifies specific cross-border information, specific objectives etc. Correspondingly, the analysis points to possible ways of action.

In the operational work, for similar criminal offences or incidents, risk profiles are created, on the basis of linking several aspects that might be connected. Risk specifications leave space for free tactical use and performing border check-ups in a way to allow for flexible movement of travellers without a need for deeper checkups. Considering that this process requires knowledge of the types of risk and the typical kinds of cross-border crime, as well as of various working methods and professional skills for border checkups, various training courses for the personnel of the Border Police Department are currently underway. This way of operation in the border security has born improved results, because the threats are clearly assessed and adequate methods of action are defined.

14. Describe the organisation of the bodies responsible for border control and surveillance:

- a) legal status and operational structure;**
- b) number of staff involved in border management; development of staff numbers since 2000 and plans for the future;**
- c) adoption of specific border control procedures;**
- d) coordination and co-operation with other relevant services (customs, veterinary and phytosanitary authorities and/or other services/agencies).**

a) Legal status and operational structure

The **Border Police Department** is a component of the **Bureau for Public Security**, and is comprised of the following organisational parts:

Section for European Integration, cross border cooperation and coordination of foreign aid - organises cooperation with border police services of other countries and with the competent Ministries in relation to border police operations, performs exchange of information etc. This Section is comprised of:

- Unit for European Integration and Cross - Border Cooperation
- Unit for Coordination of Foreign Aid and for Project Development

Section for Analysis, performs analytical and information-related activities in the area of border police operation; prepares analysis, overviews and information and defines directions for appropriate actions of the border police etc.

Sector for Border Crossing Points and State Border Surveillance - monitors, coordinates and improves the operation at the border crossing points and border police stations; performs the control and monitoring function; monitors the situation at the border crossing points with regards to certain events and issues related to enforcement of the regulations and control of crossing of the state border and communicates the information it receives from the border crossing points and the border police stations to the competent organisational units within the Ministry of the Interior. This Sector is comprised of:

- Section for Border Crossing Points
- Section for Surveillance of the State Border

Sector for operations - performs coordination of the operations of the regional centres and the operational coordination centre, as well as collection, processing and analysis of data and information related to the work of the border police; distribution of intelligence data and information related to the operation of the border police; supervision of the current operational activities and their analysis, in case of border incidents and other violations of the state border; coordinates the activities with the border police services of the neighbouring countries, etc. This Sector is comprised of:

- Section for intelligence, comprised of 3 units:
 - Unit for Intelligence and Cooperation with Other Ministries and Agencies;
 - Unit for Security and Counter Protection and
 - Unit for Operational and Technical Support
- Section for Operational Planning
- Operational - Coordination Centre

Sector for Support of the Border Police Operations - provides support for border police operations through collecting and documenting of information; provides guidelines for implementation of these activities; detects and prevents illegal migration and trafficking in human beings; organises a transit center; performs criminal investigations; coordinates its activities with the activities of other competent Ministries related to the border management; collects and processes data related to cross - border crime; distributes them to the competent structures; performs secret surveillance and shadowing; creates records using photo - technical and other activities in cases of a cross border crime; etc. This Sector is comprised of:

- Section for Illegal migration
- Transit Centre (as an integral part of the Section for Illegal Migration)
- Section for Criminal Police Investigations
- Section for Documentation
- Section for Surveillance and Documenting

Sector for Administrative and Logistical Support - provides administrative and logistical support, controls the financial operations, performs assessment of the material and technical needs of the border police, etc. This Sector is comprised of:

- Section for Logistical Support
- Section for Administrative Support
- Section for Financial Operations
- Centre for Logistics

Specific situations on various parts of the border with the neighbouring countries also require an adequately adapted approach, having in mind the fact that each of the parts has different features in terms of criminality, movement of people, goods, etc. Most of the police operation will be performed within the local police areas, or regions, which will be grouped into Regional Centres.

Four regions and **four centres** will be established, each of them responsible for a part of the border, corresponding to the one of the neighbouring countries.

- Regional Centre South for the border with the Republic of Greece
- Regional Centre East for the border with the Republic of Bulgaria,
- Regional Centre West for the border with the Republic of Albania, and
- Regional Centre North for the border with the State Union of Serbia and Montenegro

Each Regional Centre will align and coordinate the activities at the border crossing points and the Border Police stations at its respective part of the state border. At this moment, two Regional Centres are operational: the Regional Centre – South from 01.05.2004 and Regional Centre - East from 01.09.2004.

Regional Centre – South

- Section for operations, border crossing points, and state border surveillance
- Section for intelligence
- Section for fight against organised crime, illegal immigration and communication with the local communities
- Section for administrative and logistical support
- Unit for analytics
- Border Police Station – Markova Noga
- Border Police Station – Solunski Pat
- Border Police Station – Staravina
- Border Police Station – Nidže
- Border Police Station – Bogorodica
- Border Police Station – Star Dojran
- Border crossing point for road traffic - Medžtlja
- Border crossing point for road traffic - Bogorodica
- Border crossing point for road traffic – Star Dojran
- Border crossing point for railway traffic – Gevgelija

Regional Centre – EAST

- Section for operations, border crossing points and state border surveillance
- Section for intelligence

- Section for fight against the organised crime, illegal immigration and communication with the local communities
- Section for administrative and logistical support
- Unit for analytics
- Border Police Station – Berovo
- Border Police Station – Novo Selo
- Border Police Station – Makedonska Kamenica
- Border Police Station – Delčevo
- Border crossing point for road traffic – Novo Selo
- Border crossing point for road traffic – Delčevo

Regional Centre – NORTH

- Section for operations, border crossing points and state border surveillance
- Section for intelligence
- Section for fight against the organised crime, illegal immigration and communication with the local communities
- Section for administrative and logistical support
- Unit for analytics
- Border crossing point for road traffic – Deve Bair
- Border crossing point for road traffic – Pelince
- Border crossing point for road traffic – Tabanovce
- Border crossing point for road traffic – Dolno Blace
- Border crossing point for road traffic – Jažince
- Border crossing point for road traffic – Strezimir
- Border crossing point for railway traffic – Tabanovce
- Border crossing point for railway traffic – Volkovo
- Border crossing point for air traffic – Airport Skopje

Regional Centre – WEST

- Section for operations, border crossing points and state border surveillance
- Section for intelligence
- Section for fight against the organised crime, illegal immigration and communication with the local communities
- Section for administrative and logistical support
- Unit for analytics
- Border crossing point for road traffic – Blato
- Border crossing point for road traffic – Káfasan
- Border crossing point for road traffic – Sveti Naum
- Border crossing point for road traffic – Stenje
- Border crossing for air traffic – Airport Ohrid
- Border Police Station for lake control

National Coordination Centre for Border Management

In order to achieve efficient coordination, mutual support, facilitated flow of information and greater integration in all aspects of the border management, the Border Police as the most competent service for border management will establish a National Coordination Centre for Border Management. This Centre is a central element of the National Strategy and central point of operational integration, cooperation and coordination. Through the Centre, the entire border will be overseen 24 hours a day, a fast exchange of information between the various Ministries involved in the border management will be provided, and joint activities, operations and dealing with incidents will be coordinated on regional and national level. Although the Border Police is the primary agency for border management, it will not have authority over the related agencies for border management. It will facilitate the cooperation and coordination by providing services and support to these entities, based on the principle of administrative assistance.

b) Number of personnel involved in the border management, fluctuation of the number of employees from 2000 and future plans

Year	Number of employees
2000	577
2001	660
2002	652
2003	670
2004	1276
Plan for 2005	2746

c) Adoption of special procedures of border control

The Border Police at this moment performs its activities and operational tasks at the state border in accordance with the Laws, Decrees, Rulebooks, Guidelines and other instructions for operation issued in writing, such as Orders and Instructive Telegrams.

On 17.09.2004 in the Border Police Department, based on a prepared Project document (No.33 - 416/1 prepared by the Border Police Department, and approved by the Director of the Bureau for Public Security) a working group was established for development of standard procedures of conduct for the Border Police officers. According to this project, the preparation of the procedures should be completed by the end of 2005.

d) Coordination and cooperation with other services (customs, veterinary and phytosanitary surveillance and/or other services and bodies)

Ministry of Finance

Customs Administration

The Customs Administration is a competent state body for processing of legal goods, detection of illegal goods and investigations related to customs offences and criminal offences in the area of customs operation. According to the Law on Customs Administration (Official Gazette of RM no. 46/2004) the Customs Administration is directly responsible for enforcing the customs surveillance and control, clearance of goods and undertaking investigative and intelligence measures for prevention, detection and investigation of customs and criminal offences.

- The Border Police and the Customs Administration at the border crossing points perform their regular activities in accordance with their legal competencies. However in special cases and upon special indications they undertake coordinated activities for examination of persons, vehicles and luggage;

- In meetings which take place before the start of the tourist season, national or international events, sport activities and other events and occurrences which can increase the traffic frequency, they review the situation at the border crossing points and agree on activities on facilitated and faster flow of passengers and vehicles;
- Upon a previous initiative of one of the services, they organise meetings to resolve current and newly emerged problems at the border crossing points, which are within the competencies of the Border Police and the Customs Administration;
- The Customs Administration is responsible for detection of illegal goods and investigations related to customs offences and criminal offences in the area of customs operation;
- Having in mind the objective to increase the flow of goods and passengers, as well as prevention of illegal importing of goods in the customs area (the entire territory) of the Republic of Macedonia, a Memorandum of Cooperation between the Customs Administration and the Border Police was signed on 18.11.2004. This Memorandum specifies the procedures for coordination and it aligns the competencies for action and the possibility to transfer the competencies in certain situations at the border crossing points and at the green border;
- The coordination between the Customs Administration and the Border Police in the future will be implemented within the framework of the responsibilities of the National Coordination Centre, where the Customs Administration will have its representative;
- The need of cooperation between the police and the customs is especially expressed with regards to dealing with the most severe forms of organised crime. Due to this reason, it is planned to connect the systems for information-sharing, analysis and intelligence of the police and the customs;
- To fight with the most severe forms of crime, such as the illegal trade in drugs and other types of organised crime, where the Customs and the police have common elements in their work, a specific-tasks mixed teams that will work on specific intelligence-oriented operations will be established;
- The National Coordination Centre, the Border Police and the Customs Administration will work together to create internal mechanisms and standard operational procedures for reaction, which will contribute towards fast and efficient reaction upon received information from the National Coordination Centre;

Ministry of Defence

Army of the Republic of Macedonia

According to the Law on Crossing of the State Border and on Movement Inside the Border Zone ("Official Gazette of the Republic of Macedonia", No. 36/92, 12/93, 11/94 and 19/2004) the control of the crossing of the state border and control of movement and stay in the border zone is performed by the Ministry of the Interior, while the Border Brigade of the Army of the Republic of Macedonia, i.e. the Border Battalions on the regional level, secure the state border and perform control of movement and stay of persons outside settlements and border crossing points. In accordance with the amendments introduced to this law, the process of taking over the competencies for securing the state border will be fully implemented by the end of 2005. At this moment, the control of the state border and stay in the border zone at the border with the Republic of Greece, Republic of Bulgaria and a part of the border with the State Union of Serbia and Montenegro (towards Kosovo) are under the competencies of the Ministry of the Interior i.e., the Border Police Department, while the securing of the state border and control of movement and stay of persons in the border zone outside settlements, in a part of the border with the State Union of Serbia and Montenegro (towards Kosovo) and with the Republic of Albania is within the competencies of the Army of the Republic of Macedonia.

The cooperation between the Border Brigade and the Border Police is carried out through the following forms:

- Regular meetings at local level where they exchange information about the situation on the state border and events, incidents and findings of interest for the security of the border.
- According to the aforementioned legislation and the prescribed competencies, they propose and agree on undertaking necessary activities for securing of the state border.
- Timely information exchange about a certain event which occurred on the state border, where in accordance with the competencies it is necessary to undertake further activities by the Border Police or other services within the Ministry of the Interior.
- Acting in cases of recent border incidents on the green border, and participation in the Sectorial Committee for Border Incidents on regional and central level, to review, establish and resolve the border incidents.

Ministry of Agriculture, Forestry and Water Resources Management

Ministry of Agriculture, Forestry and Water Resources Management undertakes activities in the area of control of crossing of the state border through the Veterinary Directorate, in charge of the veterinary and sanitary surveillance and control of import, export and transit of shipments of animal origin, as well as through the State Agriculture Inspectorate and Plant Protection Directorate, in charge of surveillance and control of shipments of vegetable origin and plant protection means. For more details about the legislation regulating this area see answer [24 A 01](#).

The coordination and cooperation with other services is taking place at central level and on the border crossing points (local level) through daily contacts, periodic meetings, information-dissemination, provision of expert assistance, etc. To facilitate the trade, transport and flow of these types of goods, the Ministry will modify the methodology of covering the border crossing points with concentrating greater number of first category inspectors. For the modification in the manner of operation and cooperation a Memorandum of Cooperation will be developed. These measures will increase the efficiency of the border control, accelerate the flow of agricultural products, and the backlogs in the traffic of commercial vehicles will be reduced.

Ministry of Health

The Ministry of Health, through the State Sanitary and Health Inspectorate and the Drug Bureau within are in charge of the safety of foodstuffs, products and materials in contact with foodstuffs, protection from ionizing radiation, protection from contagious diseases, transport of precursors, dangerous goods and poisons. For more details on the competencies of this Ministry see answer [24 A 01](#). At the border crossing points and at customs terminals, inspection surveillance is performed of passengers and means of transport coming from countries struck with epidemics and contagious diseases.

The cooperation on central level is executed through organisation of inter-ministerial meetings where undertaking of activities from within the competences of both Ministries is agreed. The Ministry of Health regularly informs the Ministry of the Interior about the prohibition of import of certain types of goods in the Republic of Macedonia. At the border crossing points, the cooperation is a component of the daily performance of the working tasks and is carried out by strengthening the control of all entities dealing with transport of such goods. From this viewpoint, information exchange on certain events and phenomena, and provision of expert assistance in the course of the control is an important factor for timely detection and suppression of incriminated activities of this type.

According to the Law on Crossing of the State Border and Movement Inside the Border Zone ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 12/93, 15/93, 31/93, 11/94 and 19/04), and for harmonised performance of certain activities of common interest for several state bodies with competencies in the area of crossing of the state border, the Minister of Interior with the competent state bodies can establish mixed committees and other working bodies.

The coordination and cooperation of the competent Ministries will be implemented in future through the National System of Border Monitoring, which will provide for safe and fast communications, over

a fully integrated mechanism for operative agreement and planning. The National Coordination Centre, according to the principle of Administrative assistance, will provide services, support and coordination of the activities of the ministries with competencies in the border management. For implementation of these activities, the centre will include liaison officers from all ministries which, in accordance with their competencies, perform certain tasks at the state border.

15. Do you have specific operational mobile units for border surveillance and if yes, in which parts of the borders?

According to the Rulebook on the Organisation and Operation of the Ministry of the Interior ("Official Gazette of the Republic of Macedonia", Nos. 12/98 and 15/03) which prescribes the organisational setup of the Border Police Department within the Ministry of the Interior and in these frames of the Border Police stations, surveillance of the state border is carried out by the employees of the Border Police stations organised in mobile police patrols. At the moment, they are operating on the borders transferred to the Ministry of the Interior, in border areas approximately 10 kilometres inland from the state border. After the transfer of responsibility of the other parts of the border according to the approved plan, such mobile police patrols will operate in accordance with the tactical evaluation of the whole state border.

The mobile police patrols are responsible for prevention of all attempts of committing cross-border crime. Special emphasis is put on the prevention of illegal crossing of the state border, movement and stay within the border area and illegal trafficking in human beings and goods. The abovementioned patrols also prevent the crossing of the state border of sabotage-terrorist groups.

In the course of their activities the mobile police patrols establish contact and close coordination with the local population and community, based on confidence building, data exchange and support and assistance aimed at preventive action.

Within the Ministry of Finance - Customs Administration mobile teams operate primarily on suppression of smuggling according to a special plan or indicated need for increased surveillance on a particular border crossing point (e.g. crowded traffic directions, air ports and custom terminals). The Mobile Teams Unit is organised in teams operating on the whole territory of the Republic of Macedonia. A rapid interventions taskforce (duty team) is operating, as well.

Mixed teams from the Investigations and Intelligence Unit and the Mobile Teams Unit are created for particular operations, especially when smuggling of prohibited goods (e.g. narcotics) or excise goods has to be prevented or intercepted. The mobile customs teams operate in coordination i.e. together with the police teams when acting in operations on regional and local level. Even though the mobile teams do not conduct their operations on the official border crossing points, they sometimes act for the purpose of strengthening the personnel on the border crossing points using operational-technical means.

16. Is there a body responsible for centralised supervision and instruction for checks and surveillance? Does it have satisfactory means to fulfil this duty?

The introduction of the new integrated concept of border management, within the National Strategy on Integrated Border Management the establishment of a National Coordination Centre for Border Management, subordinated to the Department for Border Police is planned. This Centre will cooperate with all the other national services involved in the border management.

The National Coordination Centre for Border Management will supervise the situation at all state borders, and will provide fast information exchange between the Ministries involved in the border management and will coordinate the joint activities, operations and dealing with incidents, if that is needed on national level.

It is necessary to mention that at this moment, and in the forthcoming period until the National Coordination Centre for Border Management is established, the only body in charge of central

supervision and provision of instructions for control is the Border Police Department within the Ministry of the Interior.

The Border Police Department does not yet possess sufficient means and equipment to perform fully the tasks and competencies within the scope of border management, such as: a system for border data management; system for surveillance using cameras, which will facilitate tracking of the transport flow and activities on all border crossing points and airports (it is installed only on some of the border crossing points); modern systems for radio and telephone communications; and a system for digital telecommunication networking of all border crossing points. There is also a shortage of motor vehicles and IT (computer) equipment.

17. How are the ministerial competences arranged in regard to border management (administrative arrangements)?

The Law on Organisation and Operation of the State Administration Bodies ("Official Gazette of the Republic of Macedonia", Nos. 58/00 and 44/02) governs the organisational setup, competencies and operation of the state administration bodies.

According to the abovementioned law and other laws, the state administration bodies that have competencies in the state border management are:

- Ministry of the Interior: According to the provisions of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia" Nos. 19/95, 55/97, 38/02, 33/03 and 19/04), one of the competencies of the Ministry of the Interior is the protection of the state border, control of crossing of the state border and stay in the border zone. The activities for protection of the state border, detection and resolving of border incidents and other violations of the state border and other activities established by law are performed by the Border Police.
- Ministry of Defence – Protection of the territorial sovereignty and integrity of the state (for more details see answer [24 A 01](#)) as well as cooperation with the Border Police Department, especially regarding the collection of intelligence data on various forms of trans-border crime.
- Ministry of Foreign Affairs – visa regime, delineation and marking of the state border, maintenance of the border markings, conclusion of international agreements;
- Ministry of Finance – Customs Administration: processing of legal goods, detection of illegal goods and investigations related to customs offences and criminal offences established by law and related to the area of customs' operations. According to the Law on Customs Administration ("Official Gazette of the Republic of Macedonia", No. 46/04), among its other competencies, the Customs Administration is responsible for performing: customs control; investigative and intelligence measures in order to prevent, detect and investigate customs offences and criminal offences; control of export, import and transit of goods for which special measures are proscribed in the interest of security and public moral, protection of the life and health of people, animals and plants, environment protection, protection of goods under the regime of temporary protection or cultural heritage and natural rarities, protection of copyright and other related rights and industrial property rights, as well as other trade policy measures proscribed by the law;
- Ministry of Agriculture, Forestry and Water Resources Management – Veterinary and phytosanitary control – control and examination of shipments of animal origin in circulation across the border crossing points.
- Ministry of Health – Prevention of spreading of contagious diseases and protection of health of the population.

At the border crossing points, the Ministry of Health through the State Sanitary and Health Inspectorate and Bureau of Medications, performs supervision over the application of laws explained in greater detail in answer [24 A 01](#).

The Border Surveillance Unit as an organisational unit within the State Sanitary and Health Inspectorate, carries out inspection supervision of the border and customs terminals shipments of

poisons and import and transport of nauseating and contagious substances. It also performs sanitary and healthcare surveillance of passengers in the international traffic and in the vehicles coming into the Republic of Macedonia from countries struck by epidemics and endemics of quarantine contagious diseases and performs supervision of safety of the import of foodstuffs and items in general use. A cooperation and coordination in the aforementioned domains is established with the Customs Administration, the Veterinary Administration and the Plant Protection Directorate.

- Ministry of Transport and Communications – road, railway and air traffic;
- Ministry of Environment and Physical Planning – participation in the activities of the National Commission for Health, Security and Environment (after it is established);
- Ministry of Education and Science – participation in development of operational rules and procedures for the Directorate for Radiation Safety;

The activities on the state border management are coordinated and performed in mutual cooperation between the above mentioned ministries and state bodies.

18. How does your country co-operate with neighbouring countries (formal bilateral agreements as well as practical arrangements on customs and border police activities)?

The cross-border cooperation with the neighbouring countries is based on concluded bilateral/international agreements regulating a specific area of cooperation. Furthermore, joint bodies are established for cooperation in a specific area of interest of the states, parties to the agreement. Cooperation with the neighbouring countries is also maintained through various regular, as well as *ad hoc* meetings, where discussions take place, and solutions are found for various kinds of problems that might appear in the border cooperation. The cooperation with the neighbouring countries is as follows:

Republic of Albania

Agreement between the Macedonian and Albanian Government on Maintenance, Renovation and Demarcation of the Border Line and Border Marks (Signage) dated 04.12.1997, ratified on 11.02.1998 ("Official Gazette of the Republic of Macedonia", No. 9/98).

In accordance with the Agreement, a Joint Committee was established as well as two sector committees for recovery of the border marks and demarcation of the border line on the Macedonian – Albanian state border. The Joint Committee held its first meeting on 04.12.1998 in Skopje.

The Agreement between the Macedonian and Albanian Government on Regulation of the Cross - Border Traffic of Persons in the Border Zone dated 04.12.1987 was ratified on 19.03.1998 ("Official Gazette of the Republic of Macedonia", No. 15/98). The Agreement foresees the establishment of a Permanent Joint Macedonian-Albanian Committee, determines its competencies, tasks, meeting modality and ways of operation;

- The Agreement between the Macedonian and Albanian Government on Prevention and Resolving the Incidents on the Macedonian - Albanian State Border Line dated 04.12.1997, ratified on 11.02.1998 ("Official Gazette of the Republic of Macedonia", No. 9/98). On the basis of this Agreement a Main Joint Macedonian – Albanian Committee on Border Incidents was established, as well as two sector joint committees on border incidents, for both border sectors;
- Agreement on Cooperation between the Ministry of the Interior of the Republic of Macedonia and the Ministry of Public Order of the Republic of Albania dated 16.07.2000. On the basis of this Agreement, the following documents were also signed:
 - Protocol on Defining Directions and Modes of Cooperation in the Field of Border Crossing Control and Prevention of Illegal Migration between the Ministry of Public Order of the Republic of Albania and the Ministry of the Interior of the Republic of Macedonia dated 16.07.2000;

- Protocol on Cooperation in the Security Field between the Ministry of the Interior of the Republic of Macedonia and the Ministry of Public Order of the Republic of Albania and the National Information Service of Albania dated 05.06.1992;
- Memorandum of Understanding between the Ministry of Defence of the Republic of Macedonia and the Ministry of Defence of the Republic of Albania on Cooperation and Promotion of Contacts dated 05.02.2003.

It is also noteworthy to mention the project document “Danida” on strengthening the border cooperation between Republic of Albania and the Republic of Macedonia regarding the border line Debar-Diber, signed on January 2004 between the Ministry of Public Order of the Republic of Albania and the Ministry of the Interior and Ministry of Defence of the Republic of Macedonia.

The goal of this project is the strengthening of safety and establishment of reciprocal trust on the border line Debar-Diber between the Republic of Macedonia and the Republic of Albania through a close cooperation in identifying, prevention and fight against the cross-border crime and illegal activities, throughout the following:

- Improvement of the information exchange and communication;
- Providing education and training;
- Preparation and strengthening of joint actions and joint control; and
- Preparation of a legal framework - Memorandum of Understanding.

The alignment of positions regarding the Memorandum of Understanding between the Ministry of the Interior and Ministry of Defence of the Republic of Macedonia and the Ministry of Public Order of the Republic of Albania for promotion and strengthening of the cooperation in the field of border security is currently underway (the signing of this Memorandum should take place in the first half of 2005).

Republic of Greece

Interim agreement dated 13.09.1995 (“Official Gazette of the Republic of Macedonia”, No. 48/95);, confirmed the mutual existing border between the Republic of Macedonia and the Republic of Greece as permanent and inviolable international border.

Protocol on Cross-border Cooperation dated 23.06.1998.

With the above mentioned Protocol both parties agreed that until a bilateral agreement is signed, their mutual relations regarding the state border between the two states would be managed according to the provision of the Protocol between the Government of FRY and the Government of Kingdom of Greece on securing, maintenance and renovation of the border marks (signage) (land and water) on the Yugoslav-Greek border as well as, on alert, prevention, methods of investigation and resolving of border incidents, signed on 17.12.1958. On the basis of the abovementioned Protocol, a Joint Committee on securing, maintenance and recovery of the border signage and resolving the border incidents was established, holding regular meetings. At this moment, in addition to the above mentioned, it is an already established practice with the Republic of Greece to maintain regular working meetings between the services directly involved in the state border security and simultaneously, a link for information exchange pertaining to the border security was established.

State Union of Serbia and Montenegro

- Agreement between the Federal Republic of Yugoslavia and the Republic of Macedonia Concerning the Delineation and Description of the State Border dated 23.02.2001, ratified in March 2001 (“Official Gazette of the Republic of Macedonia”, No. 19/01). On the basis of this Agreement a Joint Committee for the Demarcation was established and simultaneously the demarcation of the state border was initiated. Until now, from the junction of the three state borders - the Republic of Macedonia, the State Union of Serbia and Montenegro and the Republic of Bulgaria to the border crossing point Tabanovce, all main border marks are placed and also about 90% from the assisting border marks;

- Protocol on Opening Border Crossing Points for Border Traffic between the Republic of Macedonia and Serbia and Montenegro dated 29.03.2003, as well as the modalities for its implementation;
- Memorandum between the Government of the Republic of Macedonia and the Government of the Republic of Serbia on Cooperation in Fight Against Terrorism, Organised Crime, Illegal Trade with Narcotic Drugs, Psychotropic Substances and Precursors, Illegal Migration and Other Criminal Offences, signed on 25.07.2003;
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Montenegro on Fight Against Terrorism, Organised Crime, Illegal Trade with Narcotic Drugs, Psychotropic Substances and Precursors, Illegal Migration and Other Criminal Offences, signed on 10.06.2003, ratified on 22.07.2003 (“Official Gazette of the Republic of Macedonia”, No. 52/2003).

The harmonisation of positions regarding the Draft Agreement for the basis of cooperation in securing the state border between the Republic of Macedonia and the State Union of Serbia and Montenegro is currently underway.

UNMIK

- Memorandum of Understanding between the Republic of Macedonia and UNMIK dated 2001; Police Cooperation Protocol dated 29.08.2002.

On the basis of the Protocol on Opening Border Crossing Points for Border Traffic between the Republic of Macedonia and Serbia and Montenegro an Interim Protocol on Temporary Border Crossing Points for Border Traffic between the Republic of Macedonia and UNMIK was signed (Tanuševci and Strezimir).

Regarding the border cooperation with UNMIK, the already established practice of regular working meetings of the representatives of the border services of the Republic of Macedonia and of UNMIK is evaluated as very useful for the purpose of information exchange about the problems that occur in the everyday functioning of the border crossings. Furthermore, liaison officers for information exchange pertaining to the border security are appointed.

Republic of Bulgaria

- Agreement on Cooperation in the Security Field between the Ministry of the Interior of the Republic of Macedonia and the Ministry of the Interior of the Republic of Bulgaria dated 20.10.1992, ratified in 1993 (“Official Gazette of the Republic of Macedonia”, No. 49/93). On the basis of this Agreement, between the Ministry of the Interior of the Republic of Macedonia and the Ministry of the Interior of the Republic of Bulgaria on 20.10.1992 the following document was also signed:
 - Protocol on Determining the Directions, Mode and Order of Cooperation in the Field of the Border Control and Prevention of the Illegal Immigration;
- Agreement between the Government of the Republic of Macedonia and Government of the Republic of Bulgaria on Readmission of Persons with Illegal Stay dated 04.06.2001, ratified in 2002 (“Official Gazette of the Republic of Macedonia”, No. 12/2002);
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on Measures for Prevention and Resolving Border Incidents on the Macedonian – Bulgarian border dated 15.05.2000, ratified on 23.01.2002 (“Official Gazette of the Republic of Macedonia”, No. 13/2002). With the Agreement, a main joint Macedonian-Bulgarian Commission on border incidents was established, as well as two sector Joint Committees on Border Incidents that are maintaining regular meetings;
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on Securing Maintenance, Recovery and Demarcation of the Border

Line and the Border Marks on the Macedonian-Bulgarian state border, signed on 15.05.2000, ratified on 23.01.2002 ("Official Gazette of the Republic of Macedonia", No. 12/2002). On the basis of the above mentioned Agreement, a Joint Committee on Securing, Maintenance, Renovation and Marking of the Macedonian-Bulgarian border was established;

- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on the Fight Against Terrorism, Organised Crime, Illegal Traffic with Narcotic Drugs, Psychotropic Substances and Precursors, Illegal Migration and Criminal Offences dated 26.02.2002 ("Official Gazette of the Republic of Macedonia", No. 6/2003). On the basis of this Agreement, a Protocol on Cooperation between the Police Department – Sector on Border Crossing Points within the Ministry of the Interior of the Republic of Macedonia and the National Service Border Police within the Ministry of the Interior of the Republic of Bulgaria was signed in 2003;
 - Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on Opening Two New International Border Crossing Points between the two countries, ratified in 1999 ("Official Gazette of the Republic of Macedonia", No. 44/99).

Besides the Ministry of the Interior, the Customs Administration of the Republic of Macedonia also constantly endeavours to improve the international cooperation and to develop friendly relations with other customs administrations, particularly those of the neighbouring countries.

Cooperation with all neighbouring countries is successfully conducted, mainly through concluding and ratifying agreements on customs cooperation on bilateral level. In this line, the Law on Customs Administration regulates the cooperation with the customs administrations of other countries in the field of customs activities based on ratified international conventions ("Official Gazette of the Republic of Macedonia", No. 46/2004).

The Government of the Republic of Macedonia cooperates with the governments of the neighbouring countries on the basis of the following agreements on customs:

- Agreement between the Government of the Republic of Macedonia and the Federal Government of the Federal Republic of Yugoslavia on Customs Cooperation and Mutual Assistance (signed on 04.09.1996; "Official Gazette of the Republic of Macedonia", No. 8/1997);
- Agreement between the Macedonian Government and the Albanian Government on Mutual Assistance and Cooperation between their Customs Offices (signed on 15.01.1998; "Official Gazette of the Republic of Macedonia", No. 15/1998);
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on Cooperation and Mutual Assistance in the Customs Matters (signed on 14.06.1999; "Official Gazette of the Republic of Macedonia", No. 44/1999).

The customs cooperation with the Republic of Greece is conducted according to the Protocol 5 of the Stabilisation and Association Agreement, signed between the Republic of Macedonia and the European Community on 09.04.2001.

Cooperation with the Interim Administration of the United Nations Mission in Kosovo (UNMIK) is conducted on the basis of the signed Memorandum of Understanding between the Customs Administration of the Republic of Macedonia and the Customs Service of the Interim Administration of UNMIK on 30.06.2000.

The mutual customs cooperation includes the following activities:

- Cooperation in the field of simplification of the customs formalities, adoption of measures in order to simplify the customs procedures, as well as accelerating the flow of goods between the contracting parties;

- Information exchange for the implementation of the customs legislation to enable precise determining of the customs and other import and export charges, as well as precise determining of the classification, value and origin of goods by the customs offices;
- Exchange of information and documents at shortest possible notice to enable prevention of all kinds of customs offences;
- Exchange of information and data on flow of: hazardous goods (for the environment and health): weapons/arms, ammunition, explosive and toxic materials, explosives; objects with historical, artistic, cultural or archaeological value;
- In order to enhance the activities of prevention, investigation and fight against illegal trade with narcotic drugs, psychotropic substances and their synthetic products, the customs offices exchange information at shortest possible notice on persons and transport vehicles for which information is available that have been used or that might be used for illegal trade;
- Cooperation and undertaking of measures within its competencies in order to enable appropriate application of the controlled delivery on international level, as well as to uncover the persons involved in the illegal trade and to undertake legal actions against them;
- Establishment of an efficient coordination between the customs offices, including exchange of personnel and experts from various fields, providing expert, scientific and technical assistance.

In accordance with the signed Agreements on customs cooperation with the neighbouring countries and the Interim Administration of United Nations Mission in Kosovo (UNMIK), informative lists on excise goods are exchanged, which results in mutual notification of the excise goods deliveries, with direct handing over of the goods and the accompanying documentation among the responsible customs officers. These practices improve prevention of smuggling of this kind of goods.

Cooperation with the neighbouring countries is continuously ongoing via regular meetings on all levels, participation at international meetings and acting in working groups, projects and programmes of regional and wider scope.

The Border Police and the Customs Administration cooperate jointly on a regular base via information exchange and holding working meetings where activities concerning the border are planned and agreed upon, while afterwards jointly implemented.

19. What is the state of affairs concerning international agreements on borders and border co-operation with neighbouring countries? Please provide:

- a) short description of agreements existing or being planned;**
- b) summary of the content of the agreements;**
- c) level at which the agreements were or will be adopted, as well as the (expected) time of adoption.**

Guided by the strategic orientation for development and improvement of good relations with all of its neighbours, the Republic of Macedonia since its independence, undertook activities for contractual arrangements in the area of border co-operation. Despite facing numerous political problems and military activities on the territory of former Yugoslavia, thus far the Republic of Macedonia is the only state successor of Yugoslavia, which succeeded to contractually arrange the issue of borders and border co-operation with all of its neighbours.

Republic of Albania

The Republic of Macedonia, since its independence, has concluded numerous bilateral Agreements, Treaties, Protocols and Memorandums with the Republic of Albania. These bilateral documents relate to many areas. Thus far, the reciprocal contacts were in the spirit of mutual understanding, friendship and desire for good-neighbourly cooperation. It is expected that the activities and cooperation between the two countries in the area of cross-border cooperation, particularly in the field of maintenance, recovery and demarcation of the border line and border signage at the common border, will gain intensity during the next year.

The border co-operation between the Republic of Macedonia and Republic of Albania is being carried out in accordance with the provisions of the following documents:

AGREEMENT between the Government of the Republic of Macedonia and the Council of Ministers of the Republic of Albania on the Measures for Prevention and Resolving the Incidents on the Macedonian - Albanian State Border

- This Agreement regulates the reciprocal cooperation, in view of prevention and resolving the incidents on the joint state border.
- The essential elements of this Agreement determine the activities that are considered as border incidents; the manner, bodies and instruments which will be involved in the review and determining and resolving the incidents that may occur on the Macedonian - Albanian State border. On the basis of this Agreement, a Permanent Joint Macedonian - Albanian Committee on Border Incidents was established, as well as two Sectorial Joint Committees on Border Incidents. The provisions from the Agreement stipulate the number of members of the Main and of the Sectorial Committees, their duties, time schedule for holding regular meetings and manner of performing the operations of the Committees. The Main Joint Committee has been established and thus far, two regular meetings were held. It is expected that the Main Joint Committee will continue its operation in the course of 2005. The Sectorial Joint Committees are holding regular meetings twice a year.
- This Agreement was signed on 04.12.1997. It was ratified on 11.02.1998, and entered into force on 27.02.1998 ("Official Gazette of the Republic of Macedonia", No. 9/98).

AGREEMENT between the Government of the Republic of Macedonia and the Council of Ministers of the Republic of Albania regarding Maintenance, Renovation and Demarcation of the Borderline and Border Posts on the Macedonian - Albanian Border

- a) The Agreement regulates all issues pertaining to maintenance and recovery of the existing border pyramids, for the purpose of avoiding misunderstandings, and for strengthening the good-neighbourly relations between the two countries,.
- b) The essential elements of the Agreement define the sectors at the Macedonian-Albanian border and the parties responsible for maintenance of each of the sectors. This Agreement also regulates the manner for maintenance and recovery of the border signage, inclusive of coastal signage, navigable signals and tracer devices, costs for their maintenance and recovery, as well as the procedure of regular review and inspection related to the maintenance and recovery. For the purpose of implementation of this assignments, a Main Joint Macedonian-Albanian Committee on Renovation and Demarcation of the Border Line is established, as well as Sectorial Joint Committees for both sectors at the common border. Furthermore, the provisions of the Agreement define more precisely the role, competencies and tasks of the Committees as well as their composition and the manner of operation. Thus far, the Main Joint Committee held one meeting. It is expected that the Committee will continue its operation in the course of 2005.
- c) This Agreement was signed on 04.12.1997. It was ratified on 11.02.1998 and entered into force on 27.02.1998 ("Official Gazette of the Republic of Macedonia", No. 9/98).

AGREEMENT between the Government of the Republic of Macedonia and the Council of Ministers of the Republic of Albania on Regulating the Local Border Traffic of Persons in the Border Zone

- a) This Agreement regulates the issues of crossing the Macedonian-Albanian State border considering the needs and interests of the border population. The Agreement concerns exclusively the nationals of both countries residing in the border zone.
- b) The essential elements of the Agreement define the delineation of the border zone from both sides of the border, the manner of crossing and location of the border crossing points, the manner of movement in the border zone, the documents that are issued for crossing of

border, as well as the bodies competent for the implementation of this Agreement. On the basis of this Agreement, a Regular Joint Macedonian-Albanian Committee is established. Its competencies, tasks, meetings and manner of operation are determined with this Agreement. Thus far, the Regular Joint Committee held two regular meetings. The Committee will continue its operation in the course of 2005.

- c) This Agreement was signed on 04.12.1997. It was ratified on 19.03.1998, and entered into force on 13.04.1998 ("Official Gazette of the Republic of Macedonia", No. 15/98).

AGREEMENT between the Government of the Republic of Macedonia and the Council of Ministers of the Republic of Albania on Abolition of Visas for Diplomatic and Official Travel Documents and the Amount of Fees for Issuance of Other Types of Visa

- a) With this Agreement, and on the basis of principle of reciprocity, the two countries agreed on reciprocal abolition of visas for valid diplomatic and official passports holders.
- b) The essential elements of the Agreement provide for the citizens of the contracting states, holders of other types of travel documents, visa issuing within the diplomatic-consular missions in their respective countries or at the border crossing points. The Agreement defines the type of visas and the amount of fees, depending on whether the visas are being issued at the diplomatic-consular missions or at the border crossing points, and depending on the type of the visa.
- c) This Agreement was signed on 04.12.1997. It was ratified on 11.02.1998, and entered into force on 09.02.1998 ("Official Gazette of the Republic of Macedonia", No. 9/98).

AGREEMENT between the Government of the Republic of Macedonia and the Council of Ministers of the Republic of Albania on International Transport of Passengers and Goods in the Road Traffic

- a) The Agreement regulates the transport of passengers and goods by motor vehicles between the two countries.
- b) The essential elements of the Agreement are divided into three sections: "Transport of passengers", which encompass the regime of permits, regular lines, lines out of established time table and lines out of established time table which need a license; "Transport of Goods", which encompass the regime of permits and "Other Provisions", which encompass the cabotage and transport to third countries, vehicle weight and dimensions, fees and duties, customs matters, national legislation, violations of the agreement, competent bodies, entering into force and validity of the Agreement.
- c) This Agreement was signed on 15.01.1998. It was ratified on 19.03.1998, and entered into force on 03.05.1998 ("Official Gazette of the Republic of Macedonia", No. 15/98).

AGREEMENT between the Government of the Republic of Macedonia and the Council of Ministers of the Republic of Albania on Regular Air Traffic

- a) On the basis of this Agreement, and according to the Convention on International Civil Aviation, the two countries regulate the issue of establishing regular air traffic between, and out of the territories of the contracting parties.
- b) The essential elements of the Agreement are incorporated in the provisions regulating: the awarding of traffic rights; exchange of aircrafts; work permits; suspension and withdrawal; competition; recognition of certificates and permits; exemption from customs and other duties; establishing the flight schedule; airport fees; double taxation; direct transit transport; tariffs; air safety and security; computer booking system; application of the laws and other regulations and procedures; trade and transfer of surplus assets; commercial activities; provision of statistical data; consultations and modifications in the communication and; provisions on dispute resolution.

The Agreement establishes that its provisions are subject to the provisions of the Convention, as long as these provisions are valid in the international air traffic. This Agreement, as well as its amendments are registered in the Council of International Civil Aviation Organisation.

- c) This Agreement was signed on 04.06 1998. It was ratified by the Assembly of the Republic of Macedonia on 05.06.1999 ("Official Gazette of the Republic of Macedonia", No. 7/99). A response is awaited from the Albanian side on ratification of this Agreement by the Assembly of the Republic of Albania.

AGREEMENT between the Government of the Republic of Macedonia and the Government of the Republic of Albania on Readmission of persons with the Protocol on Implementing of the Agreement

- a) The provisions of this Agreement, on the basis of reciprocity, regulate the cooperation between the two countries on handing over, admission and readmission of persons with an illegal stay on the territory of the other country.
- b) The essential elements of the Agreement regulate the procedure at the common border of the Republic of Macedonia and Republic of Albania on handing over, admission and readmission of citizens of the two countries with illegal stay, citizens of third countries and stateless persons, and in the provisions governing the cases in which the two countries will permit a citizen of a third country to transit through their territory.
The other issues regulated with the Agreement are incorporated within the provisions related to the manner in which the two countries cover the costs for admission of own citizens, transfer of third country citizen to the borders of the final destination country, transit through the territory of the admitting state, costs that are stemming from readmission of persons, provisions related to the manner of exchange and use of personal data, and provisions about the competent bodies for implementation of this Agreement.
- c) This Agreement was signed on 17.06.2004 and is still in procedure of ratification. It is expected that the Agreement will be ratified by the Assembly of the Republic of Macedonia in the first quarter of 2005.

AGREEMENT between the Government of the Republic of Macedonia and the Council of Ministers of the Republic of Albania on Co-operation in Combating Terrorism, Organised Crime, Illegal Trade with Narcotics, Psychotropic Substances and Precursors, Illegal Migration and Other Criminal Activities

- a) This Agreement regulates the cooperation between the competent bodies of the two countries on prevention, detection, suppression and prosecution of criminal offences in the field of: terrorism; organised crime; illegal production and trade with narcotic drugs, psychotropic substances and precursors; trafficking in human beings, children and human organs; illegal migration and; other types of severe crimes listed in the Agreement.
- b) The essential elements of this Agreement regulate the manner of carrying out the cooperation between competent bodies of the two countries, the actions of these competent bodies or other responsible ministries and bodies, the manner and conditions for data exchange and their use, the exchange of experts, documents and publications, which may assist in the process of prevention, detection and prosecution of the crimes of terrorism, organised crime, illegal production and trade with narcotics, psychotropic substances and precursors, trafficking in people, children and human organs and other types of criminal offences.
- c) This Agreement was signed on 17.06.2004, and is currently in a procedure for ratification. The Agreement is expected to be ratified by the Assembly of the Republic of Macedonia in the first quarter of 2005.

PROTOCOL on Establishing Directions, Mode and Line of Co-operation in the field of Border Control and Illegal Migration Prevention, between the Ministry of the Interior of the Republic of Macedonia and the Ministry of Public Order of the Republic of Albania

- a) The Protocol regulates the mutual cooperation in the field of border control and the prevention of illegal crossing of the State border.

- b) The essential elements define the areas of cooperation between the two countries, methods of cooperation, the ways of delivery and protection on exchange of information and determining the cases and the methods of ceasing the cooperation.
In a view of resolving concrete issues, this Protocol foresees establishing of working bodies.
- c) This Protocol is signed on 16.07.2000. It enters into force with its signing and is not subject to ratification.

The Protocol between the Government of the Republic of Macedonia and the Council of Ministers of the Republic of Albania on Opening New Border Crossing Points

- a) The Protocol regulates the issues regarding opening of new border crossing points.
- b) With this Protocol the parties have agreed on opening three border crossing points, one in the region of Ohrid Lake, one in the region of Prespa Lake and one near the city of Debar. In accordance with the Protocol, the border crossing points have already been opened.
- c) This Protocol was signed on 12.12.1992. It is not subject to ratification.

Preparation of the MEMORANDUM of Understanding between the Ministry of the Interior and the Ministry of Defence of the Republic of Macedonia and the Ministry of Public Order of the Republic of Albania in the field of Border Security is in its final phase

- a) The Memorandum promotes the cooperation, partnership, mutual assistance and support in the field of border security.
- b) The Memorandum determines the aims of the cooperation, areas of cooperation, forms of cooperation such as exchange of information, education and training of border personnel on both sides of the border, organising joint actions and controls, as well as cooperation with the civil society and the local community in the border area regarding the crime prevention and suppression.
- c) The Memorandum is expected to be concluded in the beginning of 2005. The Memorandum will be signed between the competent ministries of the two States. The issue regarding the level of signatories is not defined (minister, state secretary, director, undersecretary). It is not subject to ratification.

Republic of Bulgaria

The cooperation with the Republic of Bulgaria is implemented in accordance with the numerous bilateral Agreements in different areas. The cooperation and activities between the parties in the field of border cooperation, and particularly in the area of maintenance, recovery and demarcation of the border line and border signage at the common border, is expected to gain on intensity during the next year. The border co-operation between the Republic of Macedonia and Republic of Bulgaria is carried out in accordance with the provisions of the following documents:

AGREEMENT between the Government of The Republic of Macedonia and the Government of the Republic of Bulgaria on Measures for Prevention and Resolving the Border Incidents at the Macedonian-Bulgarian State Border

- a) This Agreement regulates the mutual cooperation in view of prevention and resolving the incidents at the common state border.
- b) The essential elements of the Agreement determine the actions considered to be border incidents, the manner for and bodies and instrument that will be employed to carry out the review, defining and resolving the incidents that might occur at Macedonian-Bulgarian State border. The Main Joint Macedonian-Bulgarian Committee for border incidents is established with the Agreement, as well as two Joint Sectorial Committees on border incidents, which hold regular meetings once a year.
- c) The Agreement was signed on 15.05.2000. It was ratified on 23.01.2002 and entered into force on 08.03.2002 ("Official Gazette of the Republic of Macedonia", No. 13/2002).

AGREEMENT between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on Securing, Maintenance, Recovery and Demarcation of the Border Line and Border Signage at the Macedonian-Bulgarian State Border

- a) The Agreement regulates the issues pertaining to the manner of securing, maintenance, recovery and demarcation of the border line and border signage at the Macedonian-Bulgarian State border.
- b) Article 1 of the Agreement stipulates that the Republic of Macedonia and the Republic of Bulgaria accept the state border between the Former SFRY and Republic of Bulgaria, in the part related to the delineation between the Republic of Macedonia and Republic of Bulgaria, which is established and described in the current bilateral and multilateral international treaties, and marked with border marks. The Agreement defines precisely the sectors at the Macedonian-Bulgarian border (the border is divided into two sectors), as well as which party is responsible for the maintenance of each sector. The Agreement regulates the manner of demarcation and the marks that are used for demarcation of the border, the manner of maintenance of the border marks, costs for their repair and recovery, as well as the procedure of regular review and inspection related to the maintenance and recovery.

For the purpose of achieving the set tasks, the Contracting Parties on the basis of this Agreement established a Joint Committee on Securing, Maintenance, Recovery and Demarcation of the Border Line and Border Signage at the Macedonian-Bulgarian State border. Its composition, tasks, manner of communication and the manner for operation are precisely determined. For the purpose of immediate actions on the ground, the Agreement also, foresees establishing of Joint Working Bodies. For the purpose of performance of other tasks, as well as for development of border documents, the Joint Committee may also establish a joint expert teams.

The first meeting of the Joint Macedonian-Bulgarian Committee was held in November 2004. The activities of the Joint Committee on Securing, Maintenance, Recovery and Demarcation of the Border Line and Border Signage at the Macedonian-Bulgarian State border, and the activities of the Joint Working Bodies will be intensified in the course of 2005.

- c) This Agreement was signed on 15.05.2000. It was ratified on 23.01.2002 and entered into force on 08.03.2002 ("Official Gazette of the Republic of Macedonia", No. 12/2002).

AGREEMENT between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on Opening Two New International Border Crossing Points between the Two Countries

- a) The two countries, on the basis of this Agreement and for the purpose of strengthening and development of mutually useful and equal long-term cooperation and improvement of European and regional transport infrastructure, agreed on opening two new border crossing points.
- b) The essential elements of this Agreement bind the both parties to build, reconstruct and modernise the access road connections on their own territory. The exact point of intersection of the border line and the exact location of the both new border crossing points, as well as their technical parameters, will be established by the Joint Expert Committee.

Thus far, the Joint Expert Committee held several working meetings where the coordinates of the intersection points between the axis of the road directions and the common state border are defined, and the technical elements of the road directions are harmonised.

- c) This Agreement was signed on 14.06.1999. It was ratified on 14.07.1999 and entered into force on 13.09.1999 ("Official Gazette of the Republic of Macedonia", No. 44/99).

AGREEMENT between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on Opening New International Border Crossing Point between the Two Countries

- a) The two countries on the basis of this Agreement and for the purpose of strengthening and development of mutually useful and equal long-term cooperation and improvement of

European and regional transport infrastructure agreed on opening a new border crossing point, Delčevo-Nevestino.

- b) The essential elements of this Agreement bind both parties to build, reconstruct and modernise the access road connections on their own territory. The exact point of intersection of the border line and the exact location of the new border crossing point, as well as their technical parameters, stations and types of freight and passengers, the regime of functioning, and all other issues will be established by the Joint Expert Committee. The Joint Expert Committee will be in charge for resolving disputes regarding the interpretation and implementation of the Agreement. If the Joint Committee can not suggest mutually acceptable solution, than the disputes will be solved by negotiations between the two Governments. Thus far, the Joint Expert Committee has established the intersection point at the state border between the two countries and the road direction, the location of the intersection point, the coordinates of the intersection and the location of the new border crossing point. The Committee has also prepared a Protocol for performance of its tasks.
- c) This Agreement was signed on 15.10.2004. In both countries the Agreement is in procedure of ratification.

AGREEMENT between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on International Road Transport

- a) The Agreement regulates the road transport carried out by transporters, which are registered on the territory of one of the contracting parties, including the transit through their own territory, as well as through the territory of the other contracting Party.
- b) The essential elements of this Agreement are incorporated in the section of: General provisions where the definitions regarding the area of road traffic are given, the part on Carriage of passengers, the part on Carriage of goods, the part which specifies the taxation procedure and the fees, the part on the weight, dimensions, equipment and other specifications, the part regulating the control, obligations for the transporters and sanctions, as well as the part on co-operation.
- c) This Agreement was signed on 22.10.1999. It was ratified on 15.04.1999 and entered into force on 12.06.1999 ("Official Gazette of the Republic of Macedonia", No. 23/99).

AGREEMENT between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on Regular Air Traffic

- a) On the basis of this Agreement, and according to the Convention on International Civil Aviation, the regular air traffic between, and out of the territories of the two countries is established.
- b) The essential elements are incorporated in the provisions regulating: the applicability of the Chicago Convention; awarding traffic rights; assigning of air-transporters and work permits; suspension and withdrawal; capacity; approval of flight time table; recognition of certificates and permits; exemption from customs and other duties; taxation; direct transit transport; tariffs; air safety and security; application of the laws and other regulations and procedures; transfer of net revenue; representation, trade and advertising; provision of statistical data; airport fees; dispute resolution and harmonisation with the multilateral conventions. This Agreement, as well as its amendments are registered in the Council of International Civil Aviation Organisation.
- c) This Agreement is signed on 22.02.1999. It was ratified on 15.04.1999 and entered into force on 08.06.1999 ("Official Gazette of the Republic of Macedonia", No. 23/99).

AGREEMENT between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on Interconnection of Railway Networks of the Two Countries.

- a) The two countries, on the basis of this Agreement and for the purpose of continuation of the construction activities regarding Corridor 8, as well as reconstruction of the existing railway tracks, agreed on completing the construction of the rail track and interconnection of railway traffic between the Republic of Macedonia and Republic of Bulgaria.

- b) The essential elements of the Agreement regulate the methods of design and construction of new parts of the railway track and the reconstruction of the existing one, the methods of harmonisation and coordination of operations for the purpose of which, establishing of a Management Board is foreseen. The dynamics regarding the creation of a dynamic plan for building and other matters for construction of the rail track is also prescribed with this Agreement.
- c) This Agreement was signed on 12.03.1999. It was ratified on 20.05.1999 and entered into force on 23.06.1999 ("Official Gazette of the Republic of Macedonia", No. 32/99).

AGREEMENT between the Government of the Republic of Macedonia and the Government of Republic of Bulgaria on Readmission of Persons with Illegal Stay

- a) The two countries, on the basis of the Agreement between the Government of the Republic of Macedonia and Government of Republic of Bulgaria on Readmission of Persons with illegal stay, cooperate on a reciprocal basis in the procedure of readmission of persons illegally entering and residing in their territories, respectively.
- b) The essential elements of the Agreement regulate the procedure at the common border of the Republic of Macedonia and Republic of Bulgaria on handing over, admission and readmission of citizens of the two countries and aliens, as well as provisions governing the cases in which the two countries will permit a citizen of a third country to transit through their territory. The other issues regulate the bearing of costs, providing information to the other Contracting Party required for the implementation of this Agreement, Bodies competent for enforcement of the Agreement, and the effect of the Agreement on the rights and obligations of either Contracting Party arising from other multilateral international treaties.
- c) This Agreement was signed on 04.06.2001. It was ratified on 30.01.2002 and entered into force on 19.06.2002 ("Official Gazette of the Republic of Macedonia", No. 12/2002).

AGREEMENT between the Government of the Republic of Macedonia and Government of the Republic of Bulgaria on Cooperation in Combating Terrorism, Organised Crime, Illegal Trade with Narcotics, Psychotropic Substances and Precursors, Illegal Migration and Other Criminal Offences

- a) This Agreement regulates the cooperation between the competent bodies of the two countries on prevention, detection, suppression and prosecution for criminal offences in the field of: terrorism; organised crime; illegal production and trade with illegal narcotics, psychotropic substances and precursors; crimes against life, health, freedoms and rights of the citizens, private property, intermediation in prostitution and trafficking in people for the purpose of sexual exploitation; criminal offences related to the international trade and economic exchange and; other types of criminal offences listed in the Agreement.
- b) The essential elements of this Agreement regulate the forms of cooperation, the conditions and manner of delivery of information, materials, data and technical equipment in the process of implementation of this Agreement, protection of personal data, the persons assigned for contact with the other Contracting Party, the costs during the implementation of the Agreement and dispute resolution.
- c) This Agreement was signed on 26.02.2002. It was ratified on 24.01.2003 and entered into force on 26.02.2003 ("Official Gazette of the Republic of Macedonia", No. 6/2003).

Republic of Greece

The cooperation with the Republic of Greece in the field of border management and cooperation was particularly strengthened by signing of the Interim Accord on 13.09.1995. On the basis of this Interim Accord, the parties confirmed their common existing frontier as permanent and inviolable international border, in particular by signing the Protocol for Border Cooperation on 23.06.1998 in Athens. Since 2000, the cooperation between the two countries in the field of border cooperation is characterised with frequent and constructive contacts, which resulted in concrete solutions.

INTERIM ACCORD

- a) Upon entry into force of this Interim Accord, the Republic of Macedonia and the Republic of Greece, acknowledging the principles of the inviolability of frontiers and the territorial integrity of countries incorporated in the Final Act of the Conference on Security and Cooperation in Europe, signed in Helsinki, and having in mind the provisions of the United Nations Charter, the Charter of Paris for a new Europe and their mutual interest in the maintenance of international peace and security, especially in the region, confirmed the existing frontier between them as an enduring international border.
- b) The essential elements of the Interim Accord are incorporated in the following sections: "Friendly Relations and Confidence-Building Measures"; "Human and Cultural Rights"; "International, Multilateral and Regional Institutions"; "Treaty Relations" and; "Economic, Commercial, Environmental and Legal Relations". In the section "Final clauses", the methods and principles governing mutual disputes resolution are given, as well as the entry into force and the manner of withdrawal from the Interim Accord.
- c) The Interim Accord was signed on 13.09.1995. It was ratified on 09.10.1995 ("Official Gazette of the Republic of Macedonia", No. 48/95).

MEMORANDUM of Practical Measures regarding the Interim Accord between Republic of Macedonia and Hellenic Republic from 13.09.1995

- a) The two countries, according to this Memorandum and with an aim to put the Interim Accord into effect, agreed on certain number of concrete, practical measures.
- b) The essential elements of this Memorandum elaborate: the Liaison Offices; movement of people and goods where the issue of visas is elaborated in more details; official communication between the two countries; mail; bank transactions; commercial documents; documents pertaining to bilateral road and railroad traffic; documents on transit transports and; issue of International Green Card for vehicle insurance. The two countries agreed on functioning of the road traffic of freight vehicles, bus round trip transport and freight rail transport, and on the issue regarding the transport means marks, including the aircrafts.
- c) This Memorandum was signed on 13.10.1995. It is not subject to ratification and entered into force with its signing.

PROTOCOL on Border Cooperation

- a) The two countries, on the basis of the Interim Accord, signed in New York on 13.10.1995 a Protocol on Border Cooperation. The provisions of this Protocol regulate all the affairs related to the common border, such as the issues of securing, maintenance, and recovery of the border line and border signage at the common state border, and on alert, prevention and methods of investigating and resolving the border incidents.
- b) The essential elements of this Protocol stipulate that the Parties shall proceed on the basis of principle of reciprocity and according to the provisions of the Agreement between the Government of the FNR Yugoslavia and the Government of the Kingdom of Greece on securing, maintenance, and recovery of the border signage at the Yugoslav-Greek state border, and on alert, prevention, methods of investigating and resolving the border incidents, until signing of a bilateral agreement between the two countries. This Protocol regulates the issue of language use in the working documents of the Regular Joint Border Committee. The first meeting of the Regular Joint Border Committee, between the two countries was held in Thessalonica in the period from 31.10.1995 to 03.11.1995. Recently, the Regular Committee has been very active, and many meetings were held in friendly and constructive atmosphere, which resulted in concrete improvements. The regular cooperation will continue in the forthcoming period.
- c) This Protocol was signed on 23.06.1998. It is not subject to ratification and entered into force on the day of its signing.

AGREEMENT between the Government of the FNR Yugoslavia and the Government of the Kingdom of Greece on Securing, Maintenance, and Recovery of the Border Signage at the Yugoslavian-Greek State Border and on Alert, Prevention and the Method of Investigating and Resolving the Border Incidents

- a) This Agreement regulates the manner of demarcation of the border between the two states, on the land and the lake part of the border, the manner of recovery and maintenance of the border signage, as well as the manner of undertaking all the necessary measures for alert and prevention of reasons that might cause border incidents, and their resolution.
- b) The essential elements of the Agreement define the sectors at the common border and precisely determine the meaning of border incident. The provisions of the Agreement also provide the establishing of Regular Joint Border Committee and define its main office, regulate methods of operation, competencies, method of decision-making, manner of crossing over the common border of the members of the Regular Committee in case of regular meetings of the Committee and organising irregular meetings. The provisions of the Agreement that provide for establishing of Sectorial Joint Border Committees, also define their competence, methods of operation, method of decision-making and manner of crossing over the common border of the members of the Committees and of the expert, technical and auxiliary personnel. The provisions of the Agreement stipulate which previous bilateral Agreements (Arrangements) and Conventions shall cease to apply by signing of this Agreement.
- c) This Agreement was signed on 17.12.1958. The Agreement is overtaken by way of succession from the former SFR Yugoslavia with the Protocol on Border Cooperation from 1998.

PROTOCOL on Mutual Visa Regime and Fees

- a) In a view of regulating the visa regime between the two countries, both Parties have signed this Protocol within the Memorandum of Practical Measures related to the Interim Accord signed in New York, on 13.10.1995.
- b) The essential elements of the Protocol determine the types of visas issued at the border crossing points and respective fees, the types of visas that are issued by the Liaison Offices of the Contracting Parties, as well as by their diplomatic and consular missions abroad and respective fees, and the issue of visa issuing for the holders of diplomatic and official travel documents. The final provisions stipulate that the arrangements from the Protocol will be adapted to the obligations of the Republic of Greece, which stem from its membership of the European Union and the Schengen Convention. The obligations will be transferred to the Republic of Macedonia in due time.
- c) This Protocol was signed on 20.10.1995. It is not subject to ratification and entered into force on the day of its signing.

PROTOCOL on Amendments of the Protocol on Mutual Visa Regime and Fees (concluded in Athens, on 20.10.1995)

- a) The provisions of this Protocol amend the provisions of the Protocol on Mutual Visa Regime from 20.10.1995.
- b) The essential elements of the Protocol determine the types of visas issued at the border crossing points and respective fees, the types of visas that are issued by the Liaison Offices of the Contracting Parties, as well as by their diplomatic and consular missions abroad and respective fees.
- c) This Protocol was signed on 02.02.1996. It is not subject to ratification and entered into force with the day of its signing.

State Union of Serbia and Montenegro

The cooperation between the two countries in the field of border cooperation is particularly strengthened with signing of the Agreement between the two countries on the Extend and

Description of the State Border in February, 2001 The border between the two Republics of the Former SFRY until 1991 became a state border between the two countries. The delineation of the state border between the Republic of Macedonia and the State Union of Serbia and Montenegro started in September 2001 and it was the only state border of the Republic of Macedonia that was not marked. Thus far, the activities regarding the delineation of the border are developing continuously and with good pace on the both sides. The operation and activities regarding the delineation of the state border from the junction of three borders between the Republic of Macedonia, the State Union of Serbia and Montenegro and Republic of Bulgaria to the village of Lojane (where the part of the border with the State Union of Serbia and Montenegro towards Kosovo starts), is in its final phase and is expected to be finished by the beginning of the next year.

The Republic of Macedonia is interested in commencing, as soon as possible, the activities related to the delineation of the state border between Republic of Macedonia and the State Union of Serbia and Montenegro in the part towards Kosovo. It is expected that this process will be finished before the final decision on the status of Kosovo is made.

The State Union of Serbia and Montenegro is successor of the Federal Republic of Yugoslavia.

AGREEMENT between the Federal Republic of Yugoslavia and the Republic of Macedonia concerning the Delineation and Description of the State Border

- a) According to this Treaty, the Republic of Macedonia and the Federal Republic of Yugoslavia (now State Union of Serbia and Montenegro), agreed on the delineation and description of the common State border.
- b) The essential elements of the Treaty are incorporated within the provisions defining the term state border, its delineation, and the method of demarcation of the state border. The integral parts of this Agreement are: the textual description of the delineation of the state border and a topographic map in a scale of 1: 25 000. The provisions of this Agreement prescribe that in a case of disagreement between the textual description and the topographic map, the textual description of the State border will be qualified. A Joint Committee on demarcation of the state border between the Republic of Macedonia and Federal Republic of Yugoslavia was established with the Agreement. A Rulebook on the Operation of the Committee, an Instruction on Demarcation of the State Border and a Technical Instruction on Creation of the Border Documentation, were enacted by the Joint Committee.
The inaugural meeting of the Joint Committee was held in March, 2002. For the purpose of its performance, regular monthly meetings are being held.
The Agreement, also determines the manner of dispute resolution that may occur.
- c) This Agreement was signed on 23.02.2001. It was ratified on 01.03.2001 and entered into force on 16.06.2001 ("Official Gazette of the Republic of Macedonia", No. 19/2001).

PROTOCOL for Opening Border Crossing Points for Cross-Border Traffic between the Republic of Macedonia and the State Union of Serbia and Montenegro

- a) According to this Protocol, the two countries, guided by the determination to regulate the cross-border traffic of the citizens from both border zones, and prevention of the organised crime and illegal crossings of the state border, agreed on opening four border crossing points for the purpose of cross-border traffic.
- b) The essential elements of this Protocol are incorporated in the provisions that determine which four new border crossing points will be opened, as well as the provisions, which prescribe that in the process of opening the border crossing points regarding the state border of the Republic of Macedonia and Kosovo (State Union of Serbia and Montenegro), and having in mind the Resolution 1244 of the UN Security Council, the two countries shall establish cooperation with the United Nations Interim Administration Mission in Kosovo (UNMIK).
In accordance with the Protocol, a Memorandum on Defining Practical Details for Establishing of Border Crossing Points for cross-border traffic between the Governments of the Republic of Macedonia and the State Union of Serbia and Montenegro was signed on 22.05.2003. The

Memorandum relates to the opening of two new border crossing points, from the junction of the three borders between the Republic of Macedonia, the State Union of Serbia and Montenegro and the Republic of Bulgaria to the part where the state border with the State Union of Serbia and Montenegro towards Kosovo starts.

The issues that regulate the traffic, development and enhancement of cooperation between the population in the border areas from both sides of the state border, the territorial application of the Protocol, the documents for crossing the state border and the regime of crossing over the State border in special circumstances are established within the provisions of the Modalities for the Implementation of the Protocol for Border Traffic signed on 07.11.2003.

The Memorandum on Defining Practical Details for Establishing of Border Crossing Points for cross-border traffic foresees that for two border crossing points at the state border of the Republic of Macedonia and Kosovo (the State Union of Serbia and Montenegro), the representatives of the Republic of Macedonia and the Interim Administration, UNMIK shall create a document that will define the practical details. On the basis of this document, the Republic of Macedonia and the Interim Administration of UNMIK have prepared and signed, in a manner of exchange of letters, the Interim Protocol on Temporary Border Crossing Points, on 22.05.2003.

- c) This Protocol was signed on 29.03.2003. It is not subject to ratification and entered into force with the day of its signing.

AGREEMENT between the Government of the Republic of Macedonia and the Federal Government of the Federal Republic of Yugoslavia on International Road Transport of Passengers and Goods

- a) The provisions of this Agreement regulate the issue regarding the performance and enhancement of the international road transport of passengers and goods between the two countries, and the transit transport through their territories.
- b) The essential elements of the Agreement are incorporated in the part on Introductory Provisions, in the part on Transport of Passengers and in the part on Other Provisions.
- d) This Agreement was signed on 04.09.1996. It was ratified on 18.12.1996 and entered into force on 30.01.1997 ("Official Gazette of the Republic of Macedonia", No. 69/96).

AGREEMENT between the Government of the Republic of Macedonia and the Federal Government of the Federal Republic of Yugoslavia on Regular Air Traffic

- a) The Agreement, according to the Convention on International Civil Aviation, regulates the issue of establishing of regular air traffic between the two countries and out of the territories of the two countries.
- b) The essential elements of the Agreement are incorporated in the provisions regulating the: awarding of rights; assigning air-transporters and issuing permits for performing air traffic; withdrawal or expiry of the permit; application of the laws, other regulations and procedures; recognition of certificates and permits; air traffic fees; exemption from custom and other import fees; direct transit transport; principles governing the performance of the agreed traffic; flight time table; air traffic tariffs; representative offices of the air-transporters; air safety and security; investigation of accidents; consultations; providing and submission of statistical data and; procedure on dispute resolution. This Agreement, as well as its amendments are being registered with the Council of International Civil Aviation Organisation.
- c) This Agreement was signed on 04.09.1996. It was ratified on 18.12.1996 and entered into force on 31.01.1997 ("Official Gazette of the Republic of Macedonia", No. 69/96).

AGREEMENT between the Government of the Republic of Macedonia and the Federal Government of the Federal Republic of Yugoslavia on Regulation of Border Railroad Traffic

- a) According to this Agreement, the two countries undertake the obligation that within their competencies, they will provide for regular and effective performance of the border railroad traffic.

- b) The essential elements of the Agreement are incorporated within the General Provisions and in the provisions regulating the: definition of terms; border crossing points; general provisions on border rail service and the tariffs; criteria on cost calculation; border controls; maintenance of the traffic safety and order on the border railroad tracks; legal assistance of the official personnel; crossing over the state border and staying on the territory of the other Contracting Party; official deliveries; mail service; post-office employees and their responsibility; means and the communication devices; customs; veterinary and phyto-sanitary service and; arbitration
- c) This Agreement was signed on 04.09.1996. It was ratified on 18.12.1996 and entered into force on 05.08.1997 ("Official Gazette of the Republic of Macedonia", No. 69/96).

AGREEMENT between the Government of the Republic of Macedonia and the Federal Government of the Federal Republic of Yugoslavia on Removal of Visas

- a) According to this Agreement, the both parties agreed on reciprocal removal of the visa policy.
- b) The essential elements of this Agreement are incorporated within the provisions in which the Parties agree that the citizens of the two countries, holders of valid travel documents, may enter without visas on the territory of the other Contracting Party at all border crossing points which are open for international traffic, and to stay there up to 90 days. The same is applicable to the holders of diplomatic and official passports and members of the diplomatic-consular mission or missions of the international organisation, for the duration of their mission. The citizens of one state - contracting party that intend to stay on the territory of the other state-contracting party for the purpose of employment, performing certain profession, education, performing specialisation or scientific research, are obliged to obtain visa in advance from the diplomatic-consular office of that Contracting Party.
- c) This Agreement was signed on 03.06.1997. It was ratified on 25.09.1997 and entered into force on 10.04.1998 ("Official Gazette of the Republic of Macedonia", No. 50/97).

Republic of Serbia

MEMORANDUM between the Government of the Republic of Macedonia and the Government of the Republic of Serbia on Cooperation in the Fight against Terrorism, Organised Crime, Illegal Trade with Narcotic Drugs, Psychotropic Substances and Precursor, Illegal Migration and Other Crimes

- a) This Memorandum between the Government of the Republic of Macedonia and the Government of the Republic of Serbia regulates the cooperation between the competent bodies of the two countries on prevention, detection, suppression and prosecution of: criminal offences in the field of terrorism, organised crime, illegal production and trade with narcotics, psychotropic substances and precursors; crimes against life, health, freedoms and rights of the citizens, the private property, intermediation in prostitution, trafficking in people for the purpose of sexual exploitation; criminal offences related to the international trade and economic exchange and; other types of crimes listed in the Agreement.
- b) The essential elements of this Memorandum are regulated with the provision related to the subject of cooperation, competent bodies, areas of cooperation, forms of cooperation, conditions for realisation of the cooperation, refusal to respond positively to a request for cooperation, conditions and manner of delivery of confidential information, protection of personal data, assigning contact persons from both parties, costs during the implementation of the Memorandum, dispute resolution and the relation of this Memorandum to other international agreements.
- c) This Memorandum was signed on 25.06.2003. It is not subject to ratification and entered into force with the day of its signing.

Republic of Montenegro**AGREEMENT between the Government of the Republic of Macedonia and the Government of the Republic of Montenegro on Cooperation in the Fight Against Terrorism, Organised Crime, Illegal Trade with Narcotic Drugs, Psychotropic Substances and Precursor , Illegal Migration and Other Crimes**

- a) This Agreement regulates the cooperation between the competent bodies of the two countries on prevention, detection, suppression and prosecution of: criminal offences in the field of terrorism; organised crime; illegal production and trade with illegal narcotics, psychotropic substances and precursors; crimes against life, health, freedoms and rights of the citizens, private property, intermediation in prostitution, trafficking in people for the purpose of sexual exploitation and; other types of crimes listed in the Agreement.
- b) The essential elements of this Memorandum are regulated with the provision related to the subject of cooperation, the competent bodies, areas of cooperation, forms of cooperation, conditions for realisation of the cooperation, refusal to respond positively to the request for cooperation, conditions and manner of delivery of confidential information, protection of personal data, assigning contact persons from both parties, costs during the implementation of the Memorandum, dispute resolution and relation of this Agreement to other international agreements.
- c) This Agreement was signed on 10.06.2003. It is ratified by the Assembly of the Republic of Macedonia on 22.07.2003 ("Official Gazette of the Republic of Macedonia", No. 52/2003). The ratification of this Agreement by the Assembly of the Republic of Montenegro is pending.

State Union of Serbia and Montenegro – Kosovo (Interim Administration of the UN - UNMIK)

The cooperation with the Interim Administration of UN for Kosovo-UNMIK is carried out in a spirit of mutual understanding and trust, and in view of facilitating the free movement of the citizens of Kosovo, in and through the territory of the Republic of Macedonia, and for exercising of certain civil rights and interests before the state bodies of the Republic of Macedonia. In accordance with this determination, the Government of the Republic of Macedonia has enacted several decisions: Decision on Removal of Visas for the Citizens of Kosovo (State Union of Serbia and Montenegro), holders of travel documents issued by UNMIK, from June, 2002; Decision on Recognition of Licence Plates and Certificates of Title regarding Motor Vehicles Property of the Citizens of Kosovo (State Union of Serbia and Montenegro), issued by UNMIK, from July, 2002 and; Decision for Acceptance of Birth Certificates for the Citizens of Kosovo (State Union of Serbia and Montenegro), issued by the Interim Administration of UNMIK and Appropriate Registry Services and on the Basis of the Birth Registry, Marriage Registry and Death Registry from June, 2004.

The border cooperation between the Republic of Macedonia and the Interim Administration of the UN for Kosovo is being carried out pursuant to the provisions of:

INTERIM PROTOCOL on Temporary Border Crossing Points, Tanuševci- Debalde and Strezimir- Restelica

- a) The provisions of the Interim Protocol define the procedures regarding the opening of two new temporary border crossing points aimed at: improving the economic activities of the population in the cross-border zone and near the two border crossing points; strengthening the cooperation between the Contracting Parties in the field of border control and strengthening the coordination in direction towards increasing the security and the rule of law.
- b) The essential elements of the Interim Protocol regulate: areas covered by the temporary border crossing points; persons entitled to cross the state border at the temporary border crossing points; conditions for crossing over the state border at these border crossings; administration for regular operation of these temporary border crossings and mutual communication.

There are two Annexes (A and B) on the Interim Protocol, where the townships of both sides whose citizens may use the two border crossing points are listed.

- c) This is concluded in a manner of letter exchange on 22.05.2003. It is not subject to ratification and entered into force with the day of its signing.

20. How is border management supported by intelligence?

Competent institutions for intelligence support of the border management activities are the Ministry of the Interior and the Customs Administration.

Within the Ministry of the Interior intelligence activities are undertaken at local, regional and central level.

In that respect, as a segment of the border management, an Intelligence Unit operates within the Operative Sector of the Border Police Department. This structure provides support for the border security with intelligence data, indications and reports on persons, groups or organisations from the country or abroad, for whom there is a well founded suspicion that they are included or are conducting intelligence, terrorist or other unconstitutional activities. The Intelligence Unit by using various intelligence, operative-technical methods and means collects data, indications and reports within the responsibility and of interest to the Border Police; processes them in a form of an intelligence product and distributes it to the competent bodies for timely planning and undertaking of respective operative measures and activities.

At regional level, Intelligence Units are organised within the Regional centres. They are entrusted, with application of legal means and methods, to gather data, indications and reports and to distribute them to the already mentioned Unit within the Border Police Department.

Concerning the way of collecting information (according to the hierarchy) the initial data and indications are collected by the units for securing the state border – officers employed at the border crossing points and in the border police stations (at local level).

Having received the information, professional services conduct analysis and engage additional staff for elaboration and confirmation of these indications. Than they are distributed to the offices responsible for undertaking adequate measures i.e. prevention of expected border incidents. As a broad spectrum of information is in question, once the analysis is done, the information is then forwarded to the related intelligence services within other institutions in order to inform them or for undertaking measures within their competencies.

Due to the need to act in a joint and coordinated way with intelligence services from other state institutions with an aim to expose and prevent unconstitutional activities, besides exchange of intelligence data and information between intelligence units within related state services, there is also a need of exchange of these information with the intelligence services of the neighbouring countries. Thus, a part of the information is received from intelligence officers in the army and a part from the foreign intelligence services (on working meetings).

The Sector for Control and Investigations within the Customs Administration of the Republic of Macedonia, through its Intelligence Unit provides the personnel on the border crossing points with intelligence information on suspected persons, freight vehicles, companies and suspicious goods.

The Intelligence Unit within the Sector for Control and Investigations is responsible for collecting and distributing intelligence data from and to the border crossing points. Within the customs territory of the Republic of Macedonia which is divided in five regions, two teams of dispersed local intelligence officers (regions of Bitola and Gevgelija) are operating. Through this local intelligence officers or through the 24 hour Operational Centre, information related to illegal activities at the border crossing points are forwarded directly to the Unit for Incoming and Outgoing Intelligence Report Forms (and are accessible to the services of the law enforcement agencies and to the customs officers at the border crossing points). In the 24 hour Operational Centre an Open Customs Line has been established. Using this line, citizens can provide information 24 hours a day, which are then simultaneously forwarded to competent offices for execution of operative actions.

Certain operative information and actions are coordinated with other law enforcement agencies outside the Customs Administration and in the field of information exchange co-operation is established with the intelligence services of some of the neighbouring countries.

21. How is the gathering of information, its analysis and distribution arranged?

The regional police units have a duty to enter data on perpetrated criminal offences and other illegal activities, as well as data on events of operative and security significance, into the central information system of the Ministry and to record a part of this data manually.

The gathering and processing of the data by Border Police stations and border crossing points is performed at local level and, after being processed, they are communicated to the regional and central level. At regional level, further processing and analysis of data is performed by professional services, which distribute these data to competent services at central level. In the same time the data are circulated to the local level, which provides for mutual exchange of information.

The finally processed data by the professional services at central level are distributed to the responsible services on central level, as well as on regional and local level, which provides for a continuous flow of information.

The Border Police Department gathers and uses the information within the established reporting system of the Ministry of the Interior (for more details see answers [24 G 20](#), [24 G 23](#), [24 G 27](#)).

The internal act Instruction on Mandatory Reporting on Security Situations, Events and Incidents of Interest to the State, determines the security situations, events and incidents about which the regional organisational units of the Ministry of the Interior must inform the relevant services in the Ministry. The manner of reporting is also defined by this act.

The processed data on security events within the central information system, can be presented for a period of three, six and nine months, as well as for a year. Subsequently, reports, analysis, reviews and other documents are prepared and further used to monitor the security situation in the country, aiming at prevention and detection of criminal offences and perpetrators.

Depending on the urgency of the information, the reporting is carried out through voice messages (telephone and radio systems) and non-voice messages (fax, e-mail and through system for transfer of protected messages). The form of the reporting can be a telegram, report, official note or information.

The distribution is a process of providing and submitting information and data to the final users, in a form understandable for the user, and in a time manner allowing the user to prepare and make the necessary decisions.

The distribution is carried out through personal contacts and physical distribution of written materials, optical discs, floppy discs, fax messages, video tapes and various reports.

Within the distribution process, measures for protection of the confidentiality of information and data are used. In order to provide the fastest possible information dissemination and receiving of feedbacks and requests, the distribution process is constantly assessed and adapted according to the developments in this field.

Exchange of data and information regarding the security of the state border in terms of prevention and detection of illegal activities, such as smuggling of arms or drugs, trafficking in human beings, etc. is performed regularly in coordination with the Ministry of Defence and the Customs Administration, after which measures for prevention and suppression of such activities are undertaken.

Within the Ministry of Defence, the information and data of security and intelligence significance, from the structure of the border units are distributed to the Security Body or the G-2 structure in the Army of the Republic of Macedonia, and as a product they are communicated to the Sector for

Security and Intelligence, where analyses are performed and the data are used for assessments on the need of certain security measures. On the basis of already analysed risks, directions from the Sector for Security and Intelligence are delivered to the G-2 structure and the border units for undertaking of appropriate measures. Upon assessment and when needed, data are also exchanged with other security services in the state.

In 2003, within the Customs Administration, a Control and Investigation Sector was established. In accordance with the recommendations of the European Commission CAFAO-MAK Mission, from the beginning of 2003 an Intelligence Unit is also operational. This Unit processes information related to illegal activities in transport and trade of goods. The information are gathered and distributed using special intelligence forms, designed for the law enforcement services, as well as for the customs officers in other units. The information from citizens related to trafficking and corruption are gathered through the open customs line within the 24 hour Operation Centre. Since 1998, Republic of Macedonia is a Member State of RILO (Regional Intelligence Liaison Office) for Eastern Europe and through CEN (Customs Enforcement Network) exchanges information and communication with other customs services and law enforcement services. The Customs Administration and the Ministry of the Interior, through their liaison officers at the SECI Regional Center for Combating Trans-border Crime in Bucharest, are exchanging relevant data and information by secure system. These data and information are related to different types of crime, such as human trafficking, arms and drugs trafficking, terrorism, financial crime and smuggling of excise goods and other commodities.

The Sector for Control and Investigations also participates in the information exchange using the information system BALKAN-INFO. This information system operates 24 hours and provides information regarding persons, companies, vehicles and freights under suspicion of illegal trafficking with narcotic substances. The information from this system, after their assessment and analysis are deposited in the Intelligence Database, within the Intelligence Unit, and depending on the type of information, are distributed to the competent services within the Customs Administration and other state bodies for further operational activities.

The Intelligence Unit exchanges data and information with the neighbouring countries and with the liaison offices of regional nature. The data is analysed through analysis of information from the Intelligence Database, ASYCUDA – software for customs data processing and web sites of other relevant services and institutions. To perform certain strategic analysis the analytical software ANALYST NOTEBOOK is used.

22. Describe the means of providing situational awareness and reaction capability on green and blue borders. Is the level satisfactory in relation to the threat analysis? What would be major fields of development in this respect?

The Border Police Department constantly maintains its situational awareness. The situational awareness is based on continuous monitoring and examination of the situation in the border area. These assessments are than aligned with the assessments of other authorities having competencies in securing the state border (Ministry of Defence, Ministry of Education and Science, Ministry of Foreign Affairs, Ministry of Finance - Customs Administration, Ministry of Agriculture, Forestry and Water Resources Management, Ministry of Environment and Physical Planning).

In general terms, the situational awareness by the Border Police has three elements: topographic - geographic assessment, tactical - operative assessment and security assessment.

The topographic-geographical assessment serves to analyse the general features of the geographic area such as relief, hydrographical and vegetation features of the border zone, demographic features and settlements, communications and their status, and finally economic features of the border zone.

In the context of tactical-operative assessment, analysis of forces that secure the border on the side of the neighbouring country and of potential routes favourable for illegal crossings and modes for their operative closure are made.

The security assessment analyses the population and facilities (economics, telecommunications, etc) which are located in the border area and might be potential targets for terrorist organisations.

The reaction capabilities of the Border Police on the green and blue border appropriate to the assessment of the situation are still modest, since the Border Police is in the process of equipping, in terms of personnel and technical facilities, motor vehicles and vessels necessary for efficient securing of the state border. Along the green border, the Border Police performs its responsibilities primarily by deploying ground patrols, while the surveillance equipment is outdated. However, in near future, after equipping the Border Police with modern technical surveillance equipment and motor vehicles, the securing of the state border will be performed using motor patrols, motorcycle patrols and motor sleigh patrols. The blue border, i.e. the state border on the three natural lakes is secured using vessels - equipped power boats. Power boats equipped with GPS and probes are used only at the Ohrid Lake and there is one coastline radar with an operational range of 4 km.

Based on the situational assessment and the threat analysis in securing the state border, the major fields of development would be:

- Construction of a communication network to facilitate data transfer;
- Equipping the Border Police with professional personnel;
- Equipping the Border Police with sophisticated equipment for securing the state border;
- Equipping the Border Police with motor vehicles and vessels;
- Demarcation of the border line at the lakes with floating border marks (along the blue border);
- Upgrading the infrastructure in the border areas.

23. What equipment is available to the border guards? Is there any major lack of infrastructure or equipment as regards the arrangements for, or organisation of, border checks?

At most of the border crossing points the Border Police has the following type of equipment:

- Computers;
- Passport readers;
- Docu-tests, drug and explosive detectors;
- Radioactive material detectors;
- Cavity detecting devices;
- Terminal links to the central information system of the Ministry of the Interior;

In addition to these types of equipment, border crossing points for air traffic are also equipped with:

- Hand metal detectors;
- X-ray machines and metal detector doors;

The border police stations, performing border surveillance have:

- Passenger motor vehicles;
- Terrain motor vehicles;
- Vessels for surveillance of the blue border;
- Optoelectronic devices for day and night surveillance; in special circumstances a helicopter, part of the Helicopter Unit of the Ministry of the Interior, is also used.

Most of the equipment available to the Border Police stations is outdated and insufficient. Border Police stations lack computer equipment, motor vehicles, vessels, opto-electronic devices for day and night surveillance, thermal detectors, etc.

With regards to the equipment in general terms the following types of equipment are lacking: central computer system links for prompt data exchange, CO2 detectors, sophisticated devices and equipment for securing the state border and for detection of falsified documents, etc.

There is also a need for certain improvements in the infrastructure, especially having in mind the fact that some of the objects at the border crossing points are pre-fabricated buildings.

For more details on the equipment see answer [24 A 27](#).

24. Provide information about unauthorised border crossing points used for local traffic (precise areas).

Pursuant to Article 9 of the Law on Crossing the State Border and Movement In the Border Zone ("Official Gazette of the Republic of Macedonia", Nos 36/92, 66/92, 12/93, 15/93, 31/93, 11/94 and 19/04), the border crossing points are established by the Government of the Republic of Macedonia, in accordance with the international agreements. Twenty (20) border crossing points are operational in the Republic of Macedonia.

Article 8 of the said Law stipulates: ***"A border crossing point may be open for international traffic, for interstate traffic and for local border traffic"***.

Hence, in 2003 as a supplement to the National Strategy on Integrated Border Management, a classification of the border crossing points was introduced, defining them as first, second and third category of border crossing points.

The regime of crossing the state border of the Republic of Macedonia is regulated with the Law on Crossing the State Border and Movement in the Border Zone. Article 7 of this Law sets forth that the state border may be crossed only at authorised border crossing points, with a valid travel document and at times envisaged for traffic; this article furthermore stipulates that the border may be crossed outside the border crossing point only in cases of *vis major* or according to an international agreement.

Any crossing of the state border outside the border crossing points is considered as illegal, i.e. as an offence for which Article 66, paragraph 1, subparagraph 1 of the abovementioned Law sets forth an appropriate sanction.

Based on relevant information of the services that secure and control the state border, such points i.e. areas that are used as illegal border crossing points are:

1. At the border with Republic of Greece

- Location called KAROT, near border stone 51/13
- KARABALIJA Mountain, near border stone 44
- Village of NIKOLIK near Dojran Lake
- Location called ŽELEZNIČKA PRUGA, near border stone 150
- Location called CRKVICA, between border stone 119 to border stone 120
- Location called KRIVI KAMEN - near border stone 167.

2. At the border with Republic of Bulgaria

- Location called PLANINSKI VRV-RUEN, near border stone 91 called BEL KAMEN, between border stone 103 and border stone 104
- Location called LUKOV RID, between border stone 70 and border stone 71
- Location called ADŽIICA, between border stone 32 and border stone 33
- Location called RIBNIK, between border stone 14 and border stone 15.

3. At the border with the State Union of Serbia and Montenegro

- Village of DLOBOČICA (on the side of Serbia and Montenegro) -- Village of JAŽINCE (on the side of the Republic of Macedonia)
- Village of DOLNO BLACE (on the side of the Republic of Macedonia) --Location called GENERAL JANKOVIĆ (on the side of Serbia and Montenegro)
- Village of TANUŠEVCI (on the side of the Republic of Macedonia) -- village of DEBALDE (on the side of Serbia and Montenegro)
- Village of GOŠINCE (on the side of the Republic of Macedonia) -- village of STANKIĆ (on the side of Serbia and Montenegro)
- Village of LOJANE (on the side of the Republic of Macedonia) -- village of MIRATOVAC (on the side of Serbia and Montenegro)
- Location called MALJOCKA KORIJJA near the village of Sopot.

4. At the border with Republic of Albania:

- Location called RESTELICA (on the side of Serbia and Montenegro) – town of GOSTIVAR (on the side of the Republic of Macedonia) (near the tripartite border)
- Village of KLOBOČISTA (on the side of the Republic of Albania) -- village of SPAS (Republic of Macedonia)
- Location called KRASATA BRDO (on the side of the Republic of Albania) – town of STRUGA (on the side of the Republic of Macedonia)
- Location called ZAVOJ (Republic of Albania) – town of STRUGA (Republic of Macedonia)
- Location called POGRADEČ (on the side of the Republic of Albania) -- village of LJUBANIŠTA (on the side of the Republic of Macedonia)
- Village of PEŠKOPEJA (on the side of the Republic of Albania) – village of LJUBANIŠTA (on the side of the Republic of Macedonia)
- Along the Ohrid Lake near floating border marks No. 3 and 4.

Based on the above stated information about areas used as unauthorised border crossing points, the services that secure and control the state border (the Ministry of the Interior - Border Police Department, the Army of the Republic of Macedonia and the Customs Administration) undertake appropriate operative-tactical measures to prevent illegal crossings of the state border.

25. Which national databases and registers do you have in place (e.g. stolen vehicles, missing persons etc.)?

The Ministry of the Interior keeps various types of registers related to matters within its competencies. Keeping of the registers is prescribed by laws and secondary legislation that regulate a specific field. In addition to these registers, the organisational units of the Border Police Department keep records in accordance with the Instruction Telegrams or Orders from relevant structures within the Ministry of the Interior.

In performing control of border crossing, the organisational units of the Border Police Department use the following registers:

- Register of the number of persons and vehicles crossing the state border;
- Register of persons and vehicles crossing the border with special freight vehicle documents;
- Register of aircrafts taking-off and landing at airports;
- Register of entry/exit of trains at border crossings for railway traffic;
- Register of issued approvals for transfer of arms and ammunition across the territory of the Republic of Macedonia and register of hunting weapons ownership permits issued to persons

coming to the Republic of Macedonia for hunting purposes and to members of foreign shooting organisations coming to the Republic of Macedonia at marksmanship competitions and preparations for such competitions;

- Register of issued permits for movement and stay at border crossing points and permits for movement and stay outside the area of the border crossing points;
- Register of issued permits for movement and stay inside the border zone;
- Register of issued visas (issued at border crossing points);
- Register of issued tourist passes;
- Register of border incidents and other violations of the state border;
- Register of persons, vehicles and objects subject to warrants of arrest, search circulars or notices;
- Register of persons in respect of whom particular measures have been issued (control, search etc);
- Register of international warrants for persons, vehicles and objects;
- Register of foreign nationals with a ban on entry in the Republic of Macedonia;
- Register of impounded and found objects;
- Daily Register Book;
- Register of unauthorised entry/exit of persons and vehicles;
- Register of vehicles banned from traffic due to overload;
- Register of the use of means of coercion;
- Register of apprehended, detained and persons deprived of freedom;
- Register of operative information;
- Register Book;
- Register of citizens who declared stay abroad for longer than three months;
- Register of complaints by customers;
- Register of entry/exit of vehicles transporting hazardous materials;
- Register of entry/exit of vehicles transporting excise goods;
- Register of issued travel documents;
- Register of reported lost or missing travel documents;
- Register of personal identification cards and citizenship of the Republic of Macedonia;
- Register of registered vehicles;
- Register of issued drivers' licences;
- Register of contacts with the border authorities of neighbouring countries;
- Register of admitted-delivered persons following police procedures and upon commission confirmation;
- Register of entry of damaged vehicles;
- Register of operative action measures;

In addition to the registers kept by the organisational units of the Border Police Department, the Customs Administration of the Republic of Macedonia also keeps registers on matters within its competencies. The Customs Administration uses the ASYCUDA application on customs operations within its customs information system (MACCIS). The reference data integrated in the system are: harmonised tariff system, applicants, companies, currency and exchange rate, customs warehouses, all reference lists related to the SAD (single administrative document) and data on all forms of customs procedure (export, import, transit, etc.). The registers also incorporate international standards and codes developed in the EU, World Customs Organisation and the United Nations. Furthermore, the system offers various possibilities and has been configured following the requirements of the Macedonian legislation in the specific area.

Pursuant to Article 48 of the Customs Administration Law ("Official Gazette of the Republic of Macedonia", No. 46/2004) the Sector for Control and Investigation has the following databases:

- Intelligence database;
- Database on perpetrated criminal and minor offences;
- Database on seizure of monetary assets and high-tariff goods, drugs and arms according to the CITES Conference.

26. Describe your IT equipment and online connections at the borders. Are communication systems compatible with those used by neighbouring countries, and/or by EU Member States?

At most of the road border crossing points and at the two air traffic border crossings there are LAN (local computer network) interconnected personal computers with passport readers, directly linked with the central computer system of the Ministry of the Interior.

Using special communication equipment a link between the border crossing points and the central computer system of the Ministry enables 24-hour access to the central databases with transfer rate of 2 Mbit/sec. The data transfer between the border crossing points and the central computer system is via data transfer channels leased from Macedonian Telecommunications (telecom operator). These computer networks offer the possibility to use text processors, and have a special application for registering and control of passengers and vehicles passing the border crossing points. However, the application is outdated and does not satisfy the requirements of the users. For that reason the entry of data on persons on whom arrest warrants have been issued and the storage of data on persons and vehicles passing specific border crossing point is done locally, at the border crossing points. The data are stored on the server at the border crossing points. Hence, there is no central database for all border crossing points.

At railway border crossing points and less frequent border crossing points there are local computer networks that are not linked to the central computer system of the Ministry of the Interior. The computer networks at these border crossing points are not equipped with passport readers. Therefore, the data on passengers and vehicles passing through the border crossing point is entered manually. The application for registering and control of passengers is the same as at the border crossing points for road and air traffic. The local and lake border crossing points are not equipped with computers and lack IT infrastructure.

The computer equipment installed at the border crossing points is in good condition and can support the use of much more sophisticated applicative solutions. The Border Police stations at the southern and at the eastern border have local computer networks, but are not interconnected, and there is no link between them and the central computer system of the Ministry of the Interior.

These computer networks enable the use of text processors and electronic communication, as well as the use of tools for spreadsheet operations and other calculations. The communication system, which is currently in use by the Border Police, is not compatible with the systems of the neighbouring countries or of the EU member-countries, while the telephone communication system is compatible and is in line with the EU standards.

The Customs Administration of the Republic of Macedonia has local computer networks at all road and railway border crossing points, at the two international airports and at the two international post offices. The provisional and lake border crossing points do not have IT equipment. The local networks are composed of servers, working stations, printers, document scanners and bar code readers. Computer equipped border crossing points process documents for international or national transit with the MACCIS computer system, based on the UN/UNCTAD software solution ASYCUDA. The application is based on the UN/EDIFACT standard and the ISO standards and represents a solid basis for exchange of data with the neighbouring countries. The local computer networks at the border crossing points are connected with the central database at the Customs Administration (with the exception of the Blato border crossing point, near Debar, on the border with the Republic of

Albania). The data transfer rate is 64 Kbit/sec. The data transfer network of the Ministry of the Interior and the leased lines from the Macedonian Telecommunications, provide Internet access for the local working stations, enabling exchange of information (electronic mail). The network equipment provides voice transfer (VoIP) which is currently not in use.

27. Which first and second-line equipment do you have in place at border-crossing points?

Most border crossing points have the following types of first line equipment:

- Terminal connections to the central information system of the Ministry of Interior which includes all relevant databases at national level;
- Telecommunication equipment (telephone switchboards and Panasonic telephones);
- Fujitsu-Siemens personal computers with passport readers and printers;
- Docu-tests for document control with UV lamp and magnifying glass;
- Portable UV lamps and magnifying glasses for document control;
- Communication equipment (portable and stationary radio stations - Motorola GP- 300);
- Portable equipment for detection of radioactive materials (at three border crossings).

Most border crossing points have the following type of second line equipment:

- Drugs and explosive detectors – Ion tracer;
- Cavity detection devices;
- Portable metal detectors, metal detector doors and X-ray machines for luggage control – HAIMAN (at the airports);
- Video cameras with recorders for control of the transport of passengers and vehicles;
- Static detectors for radioactive radiation;
- Fibrescopes;
- Busters;
- Mirrors with telescopic handle;
- Laser devices for measuring distances;
- Detectors for hidden goods;
- Flashing stop batons;
- Wheeled support devices and mirrors for vehicle control;
- Sample taking rods;
- Contraband detectors;
- Photo-cameras;
- Small and large tool sets.

28. Do you have the capacity to secure machine-readability of new documents?

In order to facilitate a prompt flow of passengers and vehicles at the border crossing points, at 16 of them (out of 20 in total) computer systems and travel document readers are installed. The readers are made by Rochford-Thompson, RDE 6701 model and are capable of reading travel documents manufactured in conformity with the ICAO standards. In 2002, under the CARDS programme, 50 new, more sophisticated travel document readers with scanners, of PD-150 B model were installed. However, due to the inappropriate software i.e. incompatibility of the passport control program with the readers these devices are still not operational. With the installation of a new passport control software (activities are already undertaken for its development) all passport control readers will be made operational.

29. Describe what is done to detect falsified documents and in particular, to improve the exchange of information to combat counterfeit travel documents.

The Border crossing points have at their disposal data on lost and missing travel documents that may be falsified, and as such used to enter or exit the country.

Most of the border crossing points poses specimens of travel documents that are used for comparison in order to identify the falsified travel documents.

The border crossing points are equipped with technical devices, magnifying glasses and docu-tests that enable the border personnel to detect falsified travel documents at border crossing points.

The Forensic Department within the Ministry of the Interior provides expertise on suspectedly forged travelling documents. Thereby the Department uses sophisticated equipment and expert personnel trained in documenting forgeries. Furthermore, this Department, based on the analysed data and know-how, introduces the border personnel with new forms of forgery and ways of their detection. In its work the Forensic Department co-operates with the services from the Border Police Department.

In this field the Border Police also cooperates with the Section for Criminal Police and in particular with the Department for Organised Crime which is directly responsible for undertaking investigative actions regarding detected forgeries.

The basic police training for the Border Police personnel is conducted at the Police Academy, where they are gaining basic knowledge in the area of travel documents, ways of their falsification and methodology of detection.

The additional training for the Border Police personnel, within the international police cooperation, consists of workshops and seminars for recognising and detection of falsified travel documents.

In the course of 2004, American and German experts conducted training for detection of falsified travel documents for 50 policemen from the Border Police Department.

In cooperation with EUPOL PROXIMA, and with participation of German, French and Dutch experts several workshops for detecting falsified travel documents were organised for 228 policemen from the Border Police Department. Also supported by EUPOL PROXIMA, a project "The Way Forward", as an advanced workshop for training trainers is underway.

The exchange of information on suppression of falsified travel documents is carried out through the Sector for International Police Cooperation, NCB (National Central Biro) Interpol Skopje, SECI Regional Centre for Combating Trans-border Crime in Romania where the Ministry of the Interior has a permanent representative, security officers in the Diplomatic consular offices in the Republic of Macedonia and also through cooperation with the Border and Criminal Police Departments of other countries. The Ministry of the Interior is further strengthening and coordinating the cooperation with the countries in the region and broader. In this context, numerous agreements on co-operation regarding the area of falsified travel documents are concluded.

In order to improve the efficiency in detecting falsified travel documents, additional sophisticated equipment for scanning and reading travel documents is needed.

B. DATA PROTECTION

1. Please provide information on legislation or other rules governing the area of data protection in your country, and your adhesion to relevant international conventions.

The right to privacy regarding the processing of personal data, as one of the fundamental freedoms and rights of the individuals and the citizens in the Republic of Macedonia is regulated in the Article 18 of the Constitution of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia", Nos 52/91, 01/92, 31/98, 91/01, 84/03), which guarantees security and privacy of personal data and protection from possible violation of the personal integrity of the citizens deriving from registration of personal information through data processing. In the legislation of the Republic of Macedonia, the constitutional guarantee of security and privacy of the personal data until recently was governed by the Law on Personal Data Protection ("Official Gazette of the Republic of Macedonia", Nos. 12/94 and 4/02).

The new Law on Personal Data Protection was adopted on 25.01.2005 ("Official Gazette of the Republic of Macedonia", No. 07/05). This law is compatible and aligned with the standards and the criteria foreseen by the European Parliament and the European Council Directive on the Protection of Individuals with Regard to the Processing of Personal Data and on the Free Movement of such Data 95/46/EC of 1995 and the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data No. 108 of the Council of Europe of 28.01.1981 ratified by the Republic of Macedonia ("Official Gazette of the Republic of Macedonia", No. 07/05).

The substance of the Law on Personal Data Protection ("Official Gazette of the Republic of Macedonia", No. 07/05) is divided into 11 separate chapters.

Chapter 1 - *General Provisions*, defines the subject and the aim of the law, which is focused on protection of fundamental rights and freedoms of the citizens, with a special emphasis on protection of rights to privacy regarding personal data processing. In drafting the provisions systematised within this chapter, the Constitutional guarantee of security and privacy of personal data and protection from violation of the personal integrity of the citizens (Article 18) was taken into consideration.

The legal definitions strictly follow the terminology used in the Directive 95/46/EC.

Consistently incorporating the contents from Article 3 from the Directive 95/46/EC, the Law explicitly identifies the exceptions from its application, focused on processing of personal data performed by natural persons purely for personal or household activities, processing of personal data in criminal procedure, as well as protection of the interests of security and defence of the Republic of Macedonia (Article 4).

Chapter 2 of the Law on Personal Data Protection - *Processing of Personal Data*, specifies the conditions which the personal data should meet. When defining the aforementioned provision, the starting point was the content of the Article 6 from the Directive 95/46/EC, where the principles concerning the quality of personal data are established. Hence, the personal data shall be processed fairly and lawfully, in conformity with the Law. This data shall be collected for specified, explicit and legitimate purposes and shall be processed in a manner according to these purposes; they shall be adequate, relevant and not excessive in respect to the purposes they are collected or processed for. The data shall be accurate, complete and updated as needed. Inaccurate or incomplete data, having in mind the aims for which they were collected or processed, will be erased or rectified. The personal data shall be kept in a form that enables identification of the subject of personal data for not longer than it is necessary to fulfil the purposes for which the data were

collected or for which they are further processed. The Data Controllers are responsible to comply with the abovementioned principles concerning the quality of personal data.

The Law on Personal Data Protection establishes the principles of making data processing legitimate. Previously given consent of the subject for processing of personal data is established as a mandatory and necessary prerequisite for processing of personal data.

Exceptions from the aforementioned rule are also specified. Namely, it is established that personal data can also be processed without the consent of the subject if it is necessary for performance of a contract where the subject of personal data is a contracting party, or upon a request of the subject of personal data, prior to entering into a contract; for compliance with a legal obligation of the Data Controller; for protection of the vital interests of the subject of personal data; for performance of activities of public interest or of official authority vested in the Data Controller or a third party to whom the data were disclosed.

The chapter 3 - *Processing of special categories of personal data*, implements the relevant provisions contained in the Directive 95/46/EC. The Law prohibits processing of special categories of personal data. This prohibition shall not apply: if the subject of personal data gives consent to processing of these data; for enforcement of specific rights and obligations of the Data Controller in the area of Labour Law, to a degree and with adequate safeguards established by laws in this area; for protection of the vital interests of the subject of personal data or of a third person, if that person is physically or legally incapable of giving his/her consent; if the processing is performed with appropriate guarantees by foundations, associations or any other non-profit institutions with a political, religious, trade-union or other purpose, under condition that the data processing is related solely to their members and that these data are not disclosed to a third party without the consent of the subject of personal data; if the processing relates to data which are manifestly made public by the data subject; when it is necessary to establish, exercise and defend the rights of the subject in a procedure before competent bodies; if the processing of the data is for purposes of medical prevention, diagnosis, provision of care or treatment or management of a healthcare organisation and if the processing of those data is performed by a health professional subject who is under oath of professional secrecy; and when for reasons of public interest there is a need to perform an important activity established by law, or the processing is done on the basis of a decision by the Directorate for Personal Data Protection.

The Law on Personal Data Protection stipulates that processing must be specially designated and protected, while transfer through a telecommunications network may be carried out if the data are specially protected with encryption methods to render them unreadable during transmission.

This chapter also determines the conditions under which the personal identification number may be processed.

Chapter 4 - *Rights of the Data subject*, is central in the draft law.

This chapter makes a distinction between the information presented to the subject of personal data in cases of collection of data from the data subject and information presented to the subject of personal data where the data have not been obtained from the data subject.

The rights of the data subject have been arranged by subject matter, as follows: the right to examine the data collection; the right to submit a request to rectify, erase or block the processing of personal data, if the data are incomplete, inaccurate or out of date, or if their processing is not in conformity with the provisions of this law and the right to request that their personal data are not used for advertising purposes.

The Law on Personal Data Protection ("Official Gazette of the Republic of Macedonia", No. 07/05) explicitly provides that the scope of the rights and obligations of the subject of personal data established by provisions of this Law can be restricted in a way and under conditions established by law, to an extent necessary to fulfil aims due to which this restriction is introduced and if it is

needed: for protection of the national security and defence; for prevention; investigation, detection or prosecution of perpetrators of criminal offences; because of breaches of the ethics for regulated professions; for protection of important economic and financial interests of the state and for protection of a subject of personal data or the rights and the freedoms of the citizens.

The content of Article 15 of Directive 95/46/EC, is incorporated in a special provision of the Law, which guarantees that no court decision which produces legal effects concerning the performance of certain person can not be based solely on automated data processing which purpose is evaluation of certain personal aspect relating to that person. While the paragraph 2 of the same provision specifies that another decision can be based only on automated data processing if it is made in the course of entering into a performance of a contract and the person was provided the opportunity to express his point of view (to safeguard his legitimate interests) or the decision was made in concordance with the request of that person or in accordance with a law which lays down measures to safeguard the data subject's legitimate interests.

The chapter 5 - *Confidentiality and protection in processing of personal data*, contains provisions which specify the duties of any person who has access to collections of personal data on the behalf of the Data Controller or the Data Processing Agent, including the Data Processing Agent, to provide for confidentiality, protection of personal data and to process the data in accordance with the authorisations and instructions received from the Data Controller, if not otherwise prescribed by law.

For providing confidentiality and protection of processing of personal data, the Data Controller must implement appropriate technical and organisational measures and these measures must correspond to the equipment and costs needed for their application. Therefore they shall ensure a level of security appropriate to the risks represented by the processing and the nature of the data to be protected. The list of technical and organisational measures which are applied by the Data Controller pursuant to the Law is extensive and complex, in order to provide comprehensive protection of personal data from all potential forms of unlawful processing.

On the basis of a signed contract, the Data Controller can transfer certain activities from within his/her competence to the Data Processing Agent, if the Data Processing Agent guarantees that they will undertake and respect adequate technical security and organisational measures for protection of data processing. The Data Processing Agent has the duty, when processing the personal data, to act in accordance with authorisations and instructions received from the Data Controller and in accordance with provisions of this Law. The Data Controller has the duty to maintain records on the undertaken technical and organisational measures, as well as on the signed contracts.

The provisions in chapter 6 - *Records of collections of personal data and central register*, establish the content and manner for keeping records on any collection of personal data, an obligation of Data Controller to notify the Directorate for Protection of Personal Data before performing wholly or partly automatic processing operation and an obligation of the Data Controller to submit data on any newly opened collection of personal data, as well as change of data from the existing personal data collections. The records from the Central Register kept by the Directorate are publicly accessible and they are published in the Official Gazette of the Republic of Macedonia.

The chapter 7 - *Transfer of personal data to other countries*, specifies that a transfer of personal data to another countries can be performed only if the third country provides an adequate level of protection of personal data. There is a precise enumeration of the circumstances assessed by the Directorate for protection of personal data before performing a transfer of personal data to a third country.

If the country where the data from the collection of personal data should be transferred does not provide an adequate degree of protection of personal data, the Directorate will not authorise the transfer.

The Law specifies the cases where by exception a transfer of personal data to a third country is performed, if the other country to which the data should be transferred does not provide an adequate degree of protection.

The chapter 8 - *Making personal data available to users*, contains provisions which are regulating the substance related to making personal data available to users, as well as exchange of personal data between state bodies. It is established that the Data Controller can make personal data available on the basis of a written request submitted by the user, if the data are needed to perform activities within the legally established scope of competencies of the user. It provides a prohibition on providing personal data whose processing, i.e. use cannot be carried out in accordance with the provisions of this Law and if the purpose for requesting such personal data is in accordance with specific, clear and lawful purposes for which personal data is collected.

The chapter 9 of the Law, dealing with the *Establishment and responsibilities of the Directorate for Protection of Personal Data*, defines the Directorate for Protection of Personal Data, as an independent supervisory authority, performing control over the legality of of processing of personal data. For more details see answer [24 B 03](#).

The chapter 10 - *Penal Provisions* contains provisions which prescribe misdemeanour sanctions in case of violation and inconsistent enforcement of provisions of this Law. For committed misdemeanours, fines as the only sanction for the perpetrators (natural and legal persons) are prescribed. Fines are prescribed within the scope established in the Law on Misdemeanours ("Official Gazette of the Republic of Macedonia", Nos. 15/97 and 35/97).

Chapter 11 - *Transitional and Final Provisions*, lay down the timeframe for appointing a Director of the Directorate for Protection of Personal Data (six months), as well as a timeframe for the Directorate to adopt the secondary legislation provided for with this Law (six months). The natural and legal persons processing personal data must align their work within two years from adopting the secondary legislation.

Besides the basic Law which governs personal data protection, this area is subject to regulation in a number of other laws.

The Law on Organisation and Operation of State Administrative Bodies ("Official Gazette of the Republic of Macedonia", Nos. 58/00 and 44/02) provides that state administrative bodies do not disclose data related to the national security, official and business secret, as well as personal data of citizens in accordance to the Law which governs protection of personal data of citizens.

The constitutional guarantee of protection of personal data is also regulated by the Criminal Code ("Official Gazette of the Republic of Macedonia", Nos. 37/96, 80/99, 4/02, 43/03 and 19/04). Given the need for protection of the data subject, in Chapter 15, Crimes Against the Rights and Freedoms of Human Beings and Citizens, the criminal act "*abuse of personal data*" has been introduced. The legal essence of this criminal offence consists of a prescribed fine or prison sentence of up to one year for the perpetrator who, contrary to conditions established by law and without the consent of the citizen, collects, processes or uses their personal data. The same fine is provided for the person who will penetrate into the computer information system of personal data with the intention to use the data for him/herself or another person in order to gain benefit or to cause harm to another person. The criminal offence *abuse of personal data* has an aggravated form if the mentioned criminal offence is committed by officials in carrying out their duty, where a prison sentence of three months to three years is provided. Taking into account the particular danger of the abovementioned crimes for the freedoms and rights of human beings and citizens, it is prescribed that the attempt for committing such a crime is also punishable. Legal persons can also be perpetrators of the primary form of this crime, consequently being punished with a fine.

The criminal sanctions established in the Criminal Code can be pronounced to a perpetrator of the mentioned criminal offence under the conditions determined in the Criminal Code and on the basis of

a legally executed criminal procedure in accordance with the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", Nos. 15/97, 44/02 and 74/04).

The Law on Voter's List ("Official Gazette of the Republic of Macedonia", Nos. 42/02 and 35/04), determines the personal data contained in the voter's list. The list contains the following data: the personal identification number of the citizens, their surname, the name of one of the parents, their name, gender, permanent address (municipality, area of residence, street, house number, entrance number and apartment number), date of registration and deletion and date and type of data amendment. The above personal data are protected in accordance with the Law on Personal Data Protection and they must not be used for any other purpose, except for exercising citizens' voting right in accordance with the Law on Voter's List. Any citizen may, within the period determined with this law, file a request for registering, amending or deleting data in the copies of the voter's list provided for public inspection if they or any other citizen are not registered in it; if a person is registered who does not have the right to vote or does not reside in the area of the municipality, or a person who has passed away, and if the personal name and address of the person or the personal name and address of another person have been inaccurately entered. Copies of the voter's list, with data related to the ordinal number, surname, name, gender, date of birth and address, are provided to registered political parties and to independent candidates.

Basic personal data on citizens is recorded in the Registry of Births, Marriages and of Deaths. In accordance with the Law on Personal Identification Records ("Official Gazette of the Republic of Macedonia", Nos. 08/95 and 38/02), registry books are kept, protected and used in accordance with law. The original copy, the certificate from a registry, as well as a transcript or a copy for entry in a registry, are issued upon request of the person to whom the data in those documents refer. The documents are also issued to a concerned party, i.e. a legal entity or body when there is legal interest established by law. The person to whom the data relates or another interested person, where there is direct legal interest established by law, have the right to inspection of registries or the documents and decisions upon which entries are made in the registries.

The Law on Reporting Dwellings and Residence of Citizens ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 12/93 and 43/00) establishes that the Ministry of the Interior provides protection from unauthorised access and use of the data contained in the records on the dwelling, change of home address and residence of the citizens.

The personal data on asylum seekers, recognised refugees and persons under humanitarian protection, the data on their residence and the rights they enjoy in the Republic of Macedonia are contained in the Central Collection of Data, established, processed and used by the Ministry of the Interior (Asylum Section). The above collection of data is established, processed and used by the person handling the collection in accordance with the provisions of the Law on Personal Data Protection. In accordance with the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/03), the data from the Central Collection of Data cannot be exchanged with the country of origin of the person to whom such data relates or with the country of origin of the members of their family. In order to execute the decision for expelling from the territory of the Republic of Macedonia a person whose asylum request has been irrevocably denied or whose right to asylum in the Republic of Macedonia has been terminated with an irrevocable decision, the Asylum Section may exchange the following data with the competent authorities of other countries:

The name and surname, date and place of birth, gender, citizenship, last residence and home address, data on the number of family members and on the documents issued by the country of origin; and fingerprints and a photograph;

The personal identification number of the citizen is a unique designation on the identification documents of the citizen. In accordance with the Law on Personal Identification Number ("Official Gazette of the Republic of Macedonia", No. 36/92), the Ministry of the Interior designates a personal identification number to the citizen according to the place of registration of the newborn child in the Registry of Births kept on the territory of the Republic of Macedonia. The Ministry of the Interior

provides the keeping, use and protection of the data from unauthorised access in accordance with law.

Law enforcement officers, in accordance with the Code of Police Ethics ("Official Gazette of the Republic of Macedonia", No. 03/04), are obliged to adhere to the citizens' right to privacy in accordance with the Constitution and the laws of the Republic of Macedonia. Collecting, keeping and using personal data by the police is performed in accordance with law and the ratified international agreements for protecting personal data, restrictively and in the extent necessary for carrying out legal duties. The police objectively inform the public of their activities, in accordance with the principles of confidentiality of data (observed for protecting the personal integrity of citizens, observing the principle of presumption of innocence, as well as for conducting a criminal procedure, etc.). Therefore, professional procedures for relations with the media are established.

The Law on Classified Information ("Official Gazette of the Republic of Macedonia", No. 9/04) establishes the measures and activities for protecting classified information. The measures and activities for security of individuals i.e. issuing a security certificate, have a special place among the stated measures and activities. The satisfaction of the conditions for issuing a security certificate is established through a security audit carried out upon previous written consent of the person to whom a security certificate is to be issued. The data from the completed security questionnaire are used for the purposes of the audit.

The Law on State Statistics ("Official Gazette of the Republic of Macedonia", No. 54/97) regulates the protection of individual data (of natural or legal persons) collected and processed for statistical purposes. The existing law establishes the meaning of the expressions used and their protection. The individual data related to a legal or natural person, collected and processed for statistical purposes are confidential data and they can be used as separate data for statistical purposes only. Access to the above data may be provided for statistical purposes only and, by exception, for scientific purposes (without the identification data about the data subject). The quoted law underlines that individual data cannot be separately used to make any decisions concerning the person they relate to. When publishing statistical data or preparing them, upon the request of users, the data are published, i.e. prepared in a form preventing the identification of the subject of the data, unless the subject of the data has agreed to such publishing, i.e. providing. Data providers are notified of the protection of data. The measures and techniques for protecting individual data collected and processed for statistical purposes are established in a Rulebook on the Measures and Techniques on the Protection of Individual Data Collected for Statistical Purposes (SSO internal document), adopted by the Director of the State Statistical Office. A Commission for Protection of Data has been established within the above state administrative body in order to supervise the protection of data. In order to align the contents of the above law with European regulations, it is planned in the course of 2005 to approach the development of amendments and supplements to the contents of the Law on State Statistics.

The Law on State Statistics is aligned with:

- Council Regulation (EC) No 322/97 of 17 February 1997: OJ L 052 22.02.1997;
- The Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data No. 108 of the Council of Europe of 28.01.1981;
- Directive 95/46/EC of the European Parliament and of the Council of 24.10.1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data; and
- Recommendation of the Council of Europe No. R (97) 18.

The Law on Single Registry of the Population in the Republic of Macedonia ("Official Gazette of the SRM", No. 46/90) provides for the introduction, keeping and contents of the single automated registry of the population in the Republic of Macedonia, the competent authority for keeping the registry, the protection of the data from the registry and the processing, publishing and use of the data from the registry.

The Law on Personal Identification Records of the Insured and Beneficiaries of Pension and Disability Insurance Rights ("Official Gazette of the Republic of Macedonia", No. 16/04) provides for special competencies of the Pension and Disability Insurance Fund and for protection of the data on the insured and beneficiaries of pension and disability insurance rights. The abovementioned Fund determines, with a general act, the technical and organisational measures for securing the data from the aforementioned personal identification records. The protection of the data contained in the records on the insured and beneficiaries of pension and disability insurance rights encompasses undertaking measures and activities for protecting the data from: unauthorised access, unauthorised processing, prevention of destruction, loss, modification, abuse and unauthorised use of the data.

The Law on Keeping Labour Records ("Official Gazette of the Republic of Macedonia", No. 16/04), regulates that the data contained in the records established by this Law can be used for statistical purposes and for other official needs. Legally established data can also be used by individuals to whom the mentioned data relate in order to exercise their rights. The legal possibility has been established to exchange data among institutions and state bodies for the purpose of performing the legally established competencies of these entities. The Rulebook on Processing, Using and Protecting the Data in the Information System of the Employment Agency of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia", No. 35/03) closely regulates the method of processing, using and protecting the data in the information system of the Employment Agency of the Republic of Macedonia.

The Law on Social Care ("Official Gazette of the Republic of Macedonia", Nos. 50/97, 16/00, 17/03 and 65/04) provides an obligation for the social security institution and the employees to keep professional and official secrets. The Law protects the data and the facts found out during the conduct of the procedure and during the decision-making concerning the rights of beneficiaries of social security, of legal family protection, and on the competencies established by criminal regulations. The above obligation also relates to all the facts and data that may harm the reputation, dignity and interest of the citizen and their family.

The Law on Family ("Official Gazette of the Republic of Macedonia", Nos. 80/92, 09/96, 38/04 and 83/04 – consolidated text) establishes that the data on adoptions are an official secret.

The Law on Health Care ("Official Gazette of the Republic of Macedonia", Nos. 38/91, 46/93, 55/95, 17/97 – consolidated text and 10/04) specifies that when providing healthcare, healthcare workers are obliged to take care of the beneficiaries subject to healthcare, to respect their dignity, to adhere to medical ethics and to keep the professional secret. The obligation to keep a professional secret refers, in addition to healthcare workers, to other workers in healthcare and other organisations who use medical records or in any way (in performing their tasks) come across data contained therein.

The Law on Keeping Healthcare Records ("Official Gazette of the SRM" Nos. 37/79, 18/88 and "Official Gazette of the Republic of Macedonia", No. 15/95), adopted from a former republic regulation by Article 5 of the Constitutional Law on the Implementation of the Constitution of the Republic of Macedonia specifies that the data entered in the records established with this Law are kept as data of permanent value.

In accordance with the Law on the Protection of the Population from Contagious Diseases ("Official Gazette of the Republic of Macedonia", No. 66/04), reporting AIDS and the HIV infection, as well as microbiological findings for *Treponema pallidum*, HIV, *Neisseria gonorrhoeae*, congenital infections with the Rubella virus, *Toxoplasma gondii* and *Chlamydia gondii* is anonymous.

A Law on the Protection of Mental Health is under development in the Republic of Macedonia, and its provisions will be aligned with the provisions of the Law on the Personal Data Protection.

According to the existing Law on Telecommunications ("Official Gazette of the Republic of Macedonia", Nos. 33/96, 17/98, 22/98 – consolidated text, 28/00, 04/02, 37/04), the holders, operators of telecommunication networks and means, as well as the providers of public

telecommunication services are obliged to provide inviolability of message confidentiality within their technical abilities. The protection of the confidentiality of messages does not apply for messages for which a deviation from this obligation is provided with international agreements concluded, i.e. acceded by the Republic of Macedonia, and with the regulations of the Republic of Macedonia.

The Law on Electronic Communications, which is being developed (soon it will be in parliamentary procedure), regulates the issue of ensuring data protection in the way and procedure established by Directive 2002/58/EC related to processing of personal data and protection of privacy in the field of electronic communications. The Draft Law contains a separate chapter on the protection of the secrecy and confidentiality of communications. This chapter will contain, *inter alia*, provisions regulating protective measures for providing networks and services, communication confidentiality, caller or connecting line identification, location information that are not traffic information, automatic call diverting etc.

The Law on the National Bank of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia", Nos. 03/02, 51/03, 85/03 and 40/04) provides for the obligation of the members of the Council of the National Bank and the employees of the National Bank to keep official and business secrets. This obligation binds these persons for five years following the end of their membership in the Council of the National Bank, i.e. the termination of their employment with the National Bank. The data that are an official and business secret may be provided only upon written request of the court. As an exception, in cases laid down by law, the National Bank delivers data to the Ministry of Finance, the Deposit Insurance Fund and the Directorate for Money Laundering Prevention, and such data present an official secret for these entities.

The Banking Law ("Official Gazette of the Republic of Macedonia", Nos. 63/00, 103/00, 70/01, 37/02, 51/03, 85/03, 83/04) establishes the persons who may not reveal data and information established as a business secret of the bank by law, statute and other bank acts. The obligation to keep a business secret that persists after the termination of employment with the bank also relates to persons with special rights and responsibilities, bank employees and other persons with access to bank operations. The data that are a business secret of the bank, and that the bank is obliged to deliver to the National Bank and to other bodies and institutions in accordance with law, are an official secret. The data on savings deposits and on bank deposits of natural and legal entities, as well as data on the operations of natural and legal persons through accounts, are a business secret of the bank. The above data may be provided only in the following cases:

- If the client provides written consent to reveal the data;
- Upon written request or order of the competent court;
- Upon written request of the national bank for the purpose of supervision, or another body authorised by law; and
- If the data are provided to the Directorate for Money Laundering Prevention, in accordance with law.

In accordance with the Law on Securities ("Official Gazette of the Republic of Macedonia", Nos. 63/00, 103/00, 34/01, 04/02, 37/02, 31/03, 85/03 and 96/04), the Central Securities Depository is established in order to determine and settle obligations on the basis of securities transactions and to keep a Registry of securities in the Republic of Macedonia.

The Central Securities Depository, as a central database, contains electronic data on the issued securities, registering the rights arising from securities, all holders of those rights and the rights arising from securities that can be enjoyed by third persons. The right to obtain data about ownership is enjoyed by the owner of non-financial securities, the issuer of securities and legally authorised bodies and institutions if they need such data in a procedure they conduct within their authorisations or for the needs of their regular operation in accordance with law. The management and the employees of the Central Securities Depository, as well as certified auditors, are obliged to keep the confidentiality of the data that they have known in carrying out their everyday work, unless they are obliged to provide such information in accordance with the quoted law or another law. The Rules of

Order of the Central Securities Depository establish an obligation for keeping the confidentiality of data up to five years following termination of the employment of the management and the employees in the Central Securities Depository. The Law on Securities contains special provisions regulating operations with long-term securities with regard to confidential data delivered to the Securities and Exchange Commission and defining the notion of internal information, and it also lists the persons subject to the obligation to keep internal information and their obligations for keeping such information.

In accordance with the Law on Supervision of Insurance (“Official Gazette of the Republic of Macedonia”, Nos. 27/02 and 98/02), insurance companies are obliged to treat as confidential all the data about the insured and/or other insurance beneficiaries that they have acquired in the course of performing insurance operations. The members of the bodies of insurance companies, their shareholders, employees and other persons, who in the course of their work have access to confidential data, may not transfer them to third parties or allow third parties to use them. The obligation to keep confidential data does not apply in the following cases:

- If the data are necessary to establish facts in criminal procedures or other court procedure and if the competent court has filed a written request to provide data;
- In cases provided for by the law on prevention of laundering money and other proceeds from crime (“Official Gazette of The Republic of Macedonia”, no. 46/04);
- If the data are necessary to establish the legal relations between an insurance company and a policy holder and/or another insurance beneficiary in performing legal procedures;
- If the data are necessary to perform coercive procedures on the real property of a policy holder or another insurance beneficiary and if the competent court has filed a written request to provide data;
- If the data are collected by the Ministry of Finance or another competent supervision body for the purpose of conducting supervision within the established responsibilities;
- If the data are requested by a tax authority with regard to conducting procedures within its competence;
- In cases provided by a law regulating mandatory insurance;

In accordance with the above Law, the Ministry of Finance or another competent supervision authority, tax authorities and courts, use policy holders database, incurred damage database and the database for appraising insurance coverage and degree of damage, for the provided purposes only. Insurance companies and the State Insurance Bureau are obliged to collect, process, use and deliver personal data necessary for concluding insurance contracts, in accordance with the Law on Personal Data Protection and the special regulations with regard to the insurance database. Insurance companies and the State Insurance Bureau are entitled to establish and maintain the following databases:

- Policy holders database;
- Incurred damage database;
- A database for appraising insurance coverage and the degree of damage;

The following personal data are collected for policy holders databases:

- The name and surname, date and place of birth, permanent or temporary home address of the policy holder;
- The company name of the insurance company, policy number, insurance duration, insured event and insurance coverage;

The following personal data are collected for incurred damage database:

- The name and surname, date and place of birth, permanent or temporary home address and nationality of the persons involved in the damage incurred, as well as witness data;
- The crimes and misdemeanours related to the damage incurred;
- The type of harmful event;
- The place, time and course of occurrence of the damage;
- Description of the damage from the harmful event;

The following personal data are collected for the database for appraisal of insurance coverage and extent of damage:

- The name and surname, date and place of birth, permanent or temporary home address of the policy holder that insurance coverage concerns, as well as the same data about the indemnity claimant;
- The temporary injuries and health condition, type of physical injury, duration of treatment and consequences for both the policy holder and the damage compensation applicant;
- The income generated by the policy holder and the indemnity claimant;
- Retirement (old-age or disability), re-qualification and extent of the disability of the policy holder and the indemnity claimant;
- The costs for medical treatment, medical preparations and orthopaedic aids for the policy holder and the indemnity claimant;

The data in the policy holders database are kept for ten years after the expiry of the insurance contract or, in the event of damage, ten years after closing the case. The data in the database for incurred damage and appraisal of insurance coverage and extent of damage will be kept for ten years after closing the case of incurred damage.

In accordance with the Law on Financial Police (“Official Gazette of the Republic of Macedonia”, No. 55/02), the financial police officer is obliged to keep a state, official and business secret they have encountered in the course of performing the work within their competence. Misdemeanour sanction is provided for a person who does not keep a state, official or business secret they encountered in the course of performing their competencies.

2. What is done in order to ensure efficient data protection in the field of police cooperation?

So far the data protection in the area of police cooperation, has been conducted pursuant to the Law on Personal Data Protection (“Official Gazette of the Republic of Macedonia”, No.12/94 and 4/02) and the special regulation determining the mode for using the special data collections .

The recently adopted new Law on Personal Data Protection (“Official Gazette of the Republic of Macedonia”, No. 07/05) precisely enumerates the circumstances that Directorate for Protection of Personal Data assesses before performing the transfer of personal data to a third country. Unless the state where the data from a personal data collection are to be transferred provides an adequate degree of protection of personal data, the Directorate will not permit the transfer of personal data. This Law specifies also the cases where by exception transfer of personal data to a third country is performed, in a case where the third country to which the data should be transferred does not provide for a sufficient degree of protection.

On the basis of the Law on Classified Information (“Official Gazette of the Republic of Macedonia”, No. 09/04) the Government of the Republic of Macedonia has adopted the following by-laws items: Decree on Physical Safety of the Classified Information; Decree on Administrative Safety and Classified Information; Decree on Safety of Persons Users of Classified Information and Decision for Establishment of the Number of Registers and Control Points in the Ministries, other bodies of civil service and other state bodies (“Official Gazette of the Republic of Macedonia”, No. 82/04).

From a technical viewpoint, in the Sector for International Police Cooperation, the telecommunication network is protected by a hardware firewall (VPN) which uses a state-of-the-art algorithm for data protection. Such devices are placed at the exit of the network to the Internet, as well as on the connection with the network of the Ministry of the Interior. Besides this, anti-virus software is used, and is regularly updated, in order to protect the system from the new viruses or varieties.

3. Does an independent data protection supervisory authority exist?

Pursuant to the Directive on the Protection of Individuals with Regard to the Processing of Personal Data and on the Free Movement of such Data 95/46/EC of 1995, the Law on Personal Data Protection ("Official Gazette of the Republic of Macedonia", No. 07/05) foresees establishment of a Directorate for Protection of Personal Data.

The Law contains a special chapter "*Establishment and Tasks of the Directorate for Protection of Personal Data*". The proposed legal provisions envisage establishment of the Directorate as an independent and autonomous state body with a capacity of a legal entity performing supervision over the legality of the activities undertaken in the course of processing the personal data and their protection. The Directorate is managed by a director who is appointed and dismissed by the Parliament of the Republic of Macedonia, upon a nomination by the Government of the Republic of Macedonia. The Director is appointed for a term of office of five years, with the right to be re-elected, but not more than twice. For their work and for operation of the Directorate, the director and the deputy-director of the Directorate are accountable to the Parliament of the Republic of Macedonia.

For the position of a director a person who fulfils the following criteria can be elected: he must be a national of the Republic of Macedonia, a distinguished law professional and not to be pronounced a security measure of prohibition to perform a profession, activity or a duty. The terms of office of the director can be terminated by their dismissal or in case of a death. The director may be dismissed upon his own request, or if he is sentenced for a criminal offence to unconditional prison sentence of at least six months; or because of unprofessional, biased and negligent performance of the office.

The Director post is incompatible with performance of other public duties or professions. The director is independent and autonomous in the execution of the office. The director submits to the Parliament of the Republic of Macedonia an annual report on the operation of the Directorate as needed and upon a request by the Parliament of the Republic of Macedonia, submits also additional reports. The Annual Report on the Operation of the Directorate is published in the Official Gazette of the Republic of Macedonia.

The Law on Personal Data Protection ("Official Gazette of the Republic of Macedonia", No. 07/05) also stipulates the obligation of the director and the employees of the Directorate to keep as an official secret the data that they have encountered in their work, both during the terms of office or employment within the Directorate, and afterwards.

The Directorate has the following competences: it assesses the legality of the processing of personal data; publishes the principles of processing of personal data and ensures that the Data Controllers respect them; investigates and has access to the collections of personal data established by the Data Controller, according to type of subjects and aims; controls the operations for processing of personal data which the Data Controllers use; collects data necessary for proper performance of its tasks; maintains a central register of collections of personal data; maintains records on performed transfer of personal data to other countries; receives reports or complaints related to processing of personal data by the Data Controller; issues a prohibition of further processing of personal data to the Data Controller; provides opinion on the secondary legislation of the Data Controllers and performs other tasks established by law. Besides the aforementioned competences, and on the basis of an information notice submitted by the Data Controller before they commence performance of personal data processing operations, the Directorate provides an opinion whether certain operations of processing of personal data pose a special risk to the freedoms and rights of the subject of personal data. In a case of suspicion on existence of a special

risk to the freedoms and rights of the subject of personal data, the Data Controller has the duty to ask for the opinion of the Directorate.

For regular and efficient performance of the activities within the scope of competence of the Directorate, the director and the employees in the Directorate are authorised: to enter any premises where a registered system of a collection of personal data is processed, upon a presentation of the individual authorisation and a document for professional identification and to examine the collections of personal data; to ask for written or oral explanation and to summon and interrogate persons in relation to the collection of personal data which is examined; to ask to be presented with documents and any other data related to the subject of control, to examine the equipment used in the processing of personal data and the equipment where the collections of personal data are maintained and to order an expert analysis and opinion in relation to the operation of the Data Controller to be prepared.

If the control finds violation of the provisions of this Law in the course of processing of personal data, the Data Controller is given the task, within 30 days from the date when the violations were detected, to bring their work in line with the provisions of this law and especially to remove the reasons which led to it, to complete, update, correct, disclose or maintain the confidentiality of the personal data; to adopt additional measures for protection of the collections of personal data; to interrupt the transfer of personal data to other states; to secure the data or their transfer to other entities and to erase the personal data. Against a decision of the director, an administrative dispute can be initiated.

With this, the Law on Personal Data Protection ("Official Gazette of the Republic of Macedonia", No. 07/05) fully implements the basic principle of the Directive 95/46/EC of the European Parliament and the European Council, with regards to supervision over the legality of processing of personal data by an independent body.

A precondition for implementation of the Law on Personal Data Protection ("Official Gazette of the Republic of Macedonia", No. 07/05) is the establishment of the aforementioned independent body within six months from its entry into force.

C. VISA POLICY

1. Please provide information on legislation or other rules governing your visa policy.

The visa policy of the Republic of Macedonia is pursued in accordance with the following laws and by-laws:

- Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 26/93 and 45/02) regulates the conditions and procedures for entry and residence of aliens in the Republic of Macedonia.
- Law on Administrative Fees ("Official Gazette of the Republic of Macedonia", No. 17/93, 20/96, 07/98, 13/01, 24/03, 19/04 and 61/04) regulates the amount and the manner of collection of the administrative fees in the Republic of Macedonia, including the collection at diplomatic and consular missions of the Republic of Macedonia.
- Law on Crossing the State Border and Movement in the Border Zone ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 12/93, 11/94 and 19/04) the manner and the procedure for control of persons and objects upon entry in the Republic of Macedonia are regulated within the framework of this Law, inter alia.
- Rulebook on the Mode of Issuance of Travel and other Documents and Visas to Aliens and the Form of the Documents and Visas ("Official Gazette of the Republic of Macedonia", No.

75/93), prescribes the procedure for issuance of travel documents and visas and the procedure for approval of residence in the Republic of Macedonia.

- Guideline on the Mode of Issuance of Travel Documents and Visas to Aliens by the Diplomatic and Consular Missions of the Republic of Macedonia abroad and on the Mode of Keeping Records of Issued Travel Documents and Visas to Aliens (“Official Gazette of the Republic of Macedonia”, No. 10/98), provides instructions on the procedure for issuance of travel documents and visas to aliens and the format and contents of the forms, as well as the manner and the procedure for keeping records by the diplomatic and consular missions of the Republic of Macedonia, as envisaged in the Law on Movement and Residence Aliens.

The Government of the Republic of Macedonia regulates the visa policy also by enacting decisions on establishment or abolition of the visa regime, as well as by concluding bilateral agreements regulating the visa regime with other countries.

Aimed at harmonising the legislative and institutional framework in this field with the EU acquis, the Law on Aliens is currently being drafted.

2. Which third countries are currently under visa obligation and which ones are not?

a) Countries whose nationals are under visa obligation for entry in the Republic of Macedonia:

- | | | |
|-----------------------|-----------------|-----------------|
| - AFGHANISTAN | - GRENADA | - PAPUA NEW |
| - ALBANIA | - GUATEMALA | - GUINEA |
| - ALGERIA | - GUIANA | - PARAGUAY |
| - ANDORRA | - GUINEA | - PERU |
| - ANGOLA | - GUINEA BISSAU | - PHILIPPINES |
| - ARGENTINA | - HAITI | - POLAND |
| - ARMENIA | - HONDURAS | - QATAR |
| - AUSTRALIA | - HONG KONG | - REPUBLIC OF |
| - AZERBAIJAN | - HUNGARY | - KOREA |
| - BAHAMAS | - INDIA | - ROMANIA |
| - BANGLADESH | - INDONESIA | - RUSSIA |
| - BELARUS | - IRAN | - RWANDA |
| - BENIN | - IRAQ | - SAUDI ARABIA |
| - BOLIVIA | - IVORY COAST | - SENEGAL |
| - BRAZIL | - JAMAICA | - SEYCHELLES |
| - BURKINA FASO | - JORDAN | - SIERRA LEONE |
| - BURUNDI | - KAZAKHSTAN | - SINGAPORE |
| - CAMBODIA | - KENYA | - SLOVAKIA |
| - CAMEROON | - KUWAIT | - SOMALIA |
| - CANADA | - KYRGYZSTAN | - SOUTH-AFRICAN |
| - CENTRAL AFRICAN | - LAOS | - REPUBLIC |
| - REPUBLIC | - LATVIA | - SRI LANKA |
| - CHAD | - LEBANON | - SUDAN |
| - CHILE | - LESOTHO | - SYRIA |
| - CHINA | - LIBERIA | - TAIWAN |
| - COLUMBIA | - LIBYA | - TAJIKISTAN |
| - CONGO | - LITHUANIA | - TANZANIA |
| - COSTA RICA | - MADAGASCAR | - THAILAND |
| - CYPRUS | - MALI | - TOGO |
| - CZECH REPUBLIC | - MAURITANIA | - TRINIDAD AND |
| - DEMOCRATIC PEOPLE'S | - MAURITIUS | - TOBAGO |
| - REPUBLIC OF KOREA | - MEXICO | - TUNISIA |
| - DEMOCRATIC REPUBLIC | - MOLDOVA | - TURKMENISTAN |
| - OF CONGO | - MONGOLIA | - UGANDA |
| - DOMINICAN REPUBLIC | - MOROCCO | - UKRAINE |
| - ECUADOR | - MOZAMBIQUE | - UNITED ARAB |
| - EGYPT | - NEPAL | - EMIRATES |
| - EL SALVADOR | - NICARAGUA | - URUGUAY |
| - EQUATORIAL GUINEA | - NIGER | - UZBEKISTAN |
| - ESTONIA | - NIGERIA | - VENEZUELA |
| - ETHIOPIA | - OMAN | - VIETNAM |
| - GABON | - PAKISTAN | - YEMEN |
| - GEORGIA | - PANAMA | - ZAMBIA |
| - GHANA | | |

- ZIMBABWE

b) Countries whose nationals are not under visa obligation for entry into the Republic of Macedonia:

- | | | |
|---------------|----------------|--------------------|
| - AUSTRIA | - IRELAND | - SAN MARINO |
| - BARBADOS | - ISLAND | - SERBIA AND |
| - BELGIUM | - ISRAEL | - MONTENEGRO |
| - BOSNIA AND | - ITALY | - SLOVENIA |
| - HERZEGOVINA | - JAPAN | - SPAIN |
| - BOTSWANA | - LICHTENSTEIN | - SWEDEN |
| - BULGARIA | - LUXEMBURG | - SWITZERLAND |
| - CROATIA | - MALAYSIA | - TURKEY |
| - CUBA | - MALTA | - UK |
| - DENMARK | - MONACO | - UNITES STATES OF |
| - FINLAND | - NETHERLANDS | - AMERICA |
| - FRANCE | - NEW ZEALAND | - VATICAN |
| - GERMANY | - NORWAY | |
| - GREECE | - PORTUGAL | |

c) The citizens of the Republic of Macedonia are under visa obligation for entry in the following countries:

- | | | |
|-----------------------|-----------------|-----------------|
| - AFGHANISTAN | - ESTONIA | - MAURITANIA |
| - ALBANIA | - ETHIOPIA | - MAURITIUS |
| - ALGERIA | - FINLAND | - MEXICO |
| - ANDORRA | - FRANCE | - MOLDOVA |
| - ANGOLA | - GABON | - MONACO |
| - ARAB REPUBLIC OF | - GEORGIA | - MONGOLIA |
| - YEMEN | - GERMANY | - MOROCCO |
| - ARGENTINA | - GHANA | - MOZAMBIQUE |
| - ARMENIA | - GREECE | - NEPAL |
| - AUSTRALIA | - GRENADA | - NETHERLANDS |
| - AUSTRIA | - GUATEMALA | - NEW ZEALAND |
| - AZERBAIJAN | - GUIANA | - NICARAGUA |
| - BAHAMAS | - GUINEA | - NIGER |
| - BELARUS | - GUINEA BISSAU | - NIGERIA |
| - BELGIUM | - HAITI | - NORWAY |
| - BENIN | - HONDURAS | - OMAN |
| - BOLIVIA | - HUNGARY | - PAKISTAN |
| - BRAZIL | - INDIA | - PANAMA |
| - BURKINA FASO | - INDONESIA | - PAPUA NEW |
| - BURUNDI | - IRAN | - GUINEA |
| - CAMBODIA | - IRAQ | - PARAGUAY |
| - CAMEROON | - IRELAND | - PERU |
| - CANADA | - ISLAND | - PHILIPPINES |
| - CENTRAL AFRICAN | - ISRAEL | - POLAND |
| - REPUBLIC | - ITALY | - PORTUGAL |
| - CHAD | - IVORY COST | - QATAR |
| - CHILE | - JAMAICA | - REPUBLIC OF |
| - CHINA | - JORDAN | - KOREA |
| - COLUMBIA | - KAZAKHSTAN | - ROMANIA |
| - CONGO | - KENYA | - RUSSIA |
| - CONGO | - KUWAIT | - RWANDA |
| - COSTA RICA | - KYRGYZSTAN | - SAN MARINO |
| - CYPRUS | - LAOS | - SAUDI ARABIA |
| - CZECH REPUBLIC | - LATVIA | - SENEGAL |
| - DEMOCRATIC PEOPLE'S | - LEBANON | - SEYCHELLES |
| - REPUBLIC OF KOREA | - LESOTHO | - SIERRA LEONE |
| - DEMOCRATIC REPUBLIC | - LIBERIA | - SLOVAKIA |
| - OF CONGO | - LIBYA | - SLOVENIA |
| - DENMARK | - LICHTENSTEIN | - SOMALIA |
| - DOMINICAN REPUBLIC | - LITHUANIA | - SOUTH-AFRICAN |
| - EGYPT | - LUXEMBURG | - REPUBLIC |
| - EL SALVADOR | - MADAGASCAR | - SPAIN |
| - EQUATOR | - MALI | - SUDAN |
| - EQUATORIAL GUINEA | - MALTA | - SWEDEN |

- | | | |
|-----------------------|------------------------|--------------|
| - SWITZERLAND | - TURKMENISTAN | - UZBEKISTAN |
| - SYRIA | - UGANDA | - VATICAN |
| - TAIWAN | - UK | - VENEZUELA |
| - TAJIKISTAN | - UKRAINE | - VIETNAM |
| - TANZANIA | - UNITED ARAB EMIRATES | - YEMEN |
| - THAILAND | - UNITED STATES OF | - ZAMBIA |
| - TOGO | AMERICA | - ZIMBABWE |
| - TRINIDAD AND TOBAGO | - URUGUAY | |

d) The citizens of the Republic of Macedonia are not under visa obligation for entry in the following countries:

- | | | |
|--------------|-------------|--------------|
| - BANGLADESH | - CROATIA | - SERBIA AND |
| - BARBADOS | - CUBA | MONTENEGRO |
| - BOSNIA AND | - HONG KONG | - SINGAPORE |
| HERZEGOVINA | - JAPAN | - SRI LANKA |
| - BOTSWANA | - MALAYSIA | - TUNISIA |
| - BULGARIA | | - TURKEY |

e) Countries with which the Republic of Macedonia has arrangements for mutual abolishing of visas for holders of diplomatic passports:

- | | | |
|--------------|--------------|----------------|
| - ALBANIA | - HUNGARY | - SLOVENIA |
| - ARMENIA | - IRAN | - SPAIN |
| - AUSTRIA | - ITALY | - SWEDEN |
| - AZERBAIJAN | - KAZAKHSTAN | - SWITZERLAND |
| - BELARUS | - KYRGYZSTAN | - TAIWAN |
| - CHINA | - MONGOLIA | - TAJIKISTAN |
| - FRANCE | - NORWAY | - TURKMENISTAN |
| - GEORGIA | - ROMANIA | - UKRAINE |
| - GERMANY | - RUSSIA | |
| - GREECE | - SLOVAKIA | |

f) Countries with which the Republic of Macedonia has arrangements for mutual abolishing of visas for holders of diplomatic passports and official passports:

- ALBANIA
- ARMENIA
- AZERBAIJAN
- BELARUS
- CHINA
- GEORGIA
- GREECE
- HUNGARY
- IRAN
- ITALY
- KAZAKHSTAN
- KYRGYZSTAN
- MONGOLIA
- NORWAY
- ROMANIA
- RUSSIA
- SLOVAKIA
- SLOVENIA
- SPAIN
- SWEDEN
- SWITZERLAND
- TAIWAN
- TAJIKISTAN
- TURKMENISTAN
- UKRAINE

In accordance with the Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 26/93, and 45/02), nationals of countries that are not on the Macedonian visa regime lists are under visa obligation for entry and residence in the Republic of Macedonia.

3. Are there any provisions for a seasonal visa free regime?

The Law on Movement and Residence of Aliens ("Official Gazette of Republic of Macedonia", Nos. 36/92; 66/92; 26/93 and 45/02), does not include provisions on seasonal visa exemption of aliens.

4. What types of short- and long-term visas are issued by diplomatic representations abroad?

In accordance with the Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92; 66/92; 26/93 and 45/02) - the Diplomatic and Consular Missions of the Republic of Macedonia issue the following types of visas:

- a) entry
- b) entry-exit
- c) transit

Entry and entry-exit visas are issued for one, several or unlimited number of journeys, whereas the transit visa is issued for one journey of 5 (five) day duration, starting from the date of entry into the Republic of Macedonia .

a) Entry visas

- Are issued to aliens and their families who are coming to the Republic of Macedonia for permanent settlement and who are spouses or close relatives to citizens of the Republic of Macedonia having a residence on the territory of Republic of Macedonia or to foreign nationals having a permanent residence in the Republic of Macedonia.
 - The Diplomatic and Consular Missions of the Republic of Macedonia may issue entry visas with validity of up to 3 (three) months.

b) The Entry-exit visas

- Are issued to the staff of the foreign diplomatic and consular missions in the Republic of Macedonia who are granted a diplomatic status, members of their immediate families, as well as other aliens who come in an official mission on behalf of their Government or on behalf of certain international organisations are issued a diplomatic visa.
 - The Diplomatic visa is issued as one entry visa with a validity period and right of residence for the duration of the diplomatic office.
 - An entry-exit visa is issued to an alien who fulfils the conditions for issuance of diplomatic visa by the diplomatic consular mission for one trip with a validity of up to three months.
- An official visa is issued to an alien who does not fulfil the conditions for a diplomatic visa and who is coming to the Republic of Macedonia for the purpose of employment in a representative office of a foreign country or in an international organisation. The members of his/her immediate family are issued an official visa as well.
 - An entry-exit visa is issued to an alien who fulfils the conditions for issuance of an official visa for one journey with validity of 3 months by the diplomatic and consular mission.
- A visa is issued to an alien who is coming to the Republic of Macedonia for the purpose of employment, education, specialisation, scientific research or professional activity. For issuance of this kind of visa the consent of the Ministry of the Interior is required.
 - An entry-exit visa is issued for one journey with validity of up to one month.

- A business visa is issued to an alien coming to the Republic of Macedonia for performance of a certain business activity defined by the regulations of the Republic of Macedonia related to foreign investments and foreign trade activities. The same visa is issued to an alien who may be employed in the Republic of Macedonia without a prior permit in cases established by law.
- A tourist visa is issued to an alien who is coming to the Republic of Macedonia as a tourist.
 - A collective tourist visa is issued to a group of aliens holding a collective travel document and who are coming to the Republic of Macedonia as tourists.
 - The tourist visa and the collective tourist visas are issued as one-entry or multiple-entry visa with a validity period of six months and a residence right of up to three months.
- A single-trip visa is issued to aliens travelling to the Republic of Macedonia for a private visit, for business cooperation, participation in conferences, seminars, competitions, etc. with a validity period necessary to accomplish the purpose of the journey, but not longer than three months

c) **Transit visas**

- A transit visa is issued to an alien transiting the territory of the Republic of Macedonia.
 - A collective transit visa is issued to a group of aliens holding a collective transit document and who are transiting the territory of the Republic of Macedonia. The transit visa is issued if the transit across the territory of the Republic of Macedonia is necessary, if the alien has a return trip ticket and a visa for the first destination after the transit across the territory of the Republic of Macedonia.

The Draft Law on Aliens envisages alignment of the entry conditions with the conditions foreseen in Article 5 of the Convention Implementing the Schengen Agreement. This Law, in conformity with the aforementioned Convention and the Council regulations on uniform visas and uniform format of visas, foresees short-term and long-term visas, i.e., visas of A, B, C, D type. After the adoption of the this law, the issue of visas, types of visas, conditions and rules for issuance of visas will be regulated in line with the EU Schengen regulations and the best practices in the EU.

5. What criteria and conditions are used as a basis for issuing the different types of visas?

According to the Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92; 66/92; 26/93 and 45/02) and the previously mentioned by-laws (the Rulebook and the Guideline) the alien who applies for a visa to the Republic of Macedonia must submit a written application and enclose a valid travel document, appropriate documents and relevant evidence, depending on the type of visa.

The conditions for issuance of visas to aliens are the following:

- Possession of a valid travel document;
- Justification of the purpose of the journey;
- Proof of sufficient means of subsistence;
- The person must not represent a threat to the security of the Republic of Macedonia, i.e. is not a potential security risk;
- The person must not represent a threat to the public health.

Depending on the type of the visa, the criteria according to which the fulfilment of the conditions for issuance of visas shall be assessed are:

a) Entry visa

- The person is to reside in the Republic of Macedonia permanently or is a spouse or a close relative to a national of the Republic of Macedonia having a residence on the territory of the

Republic of Macedonia, or of a foreign national permanently residing in the Republic of Macedonia

b) Entry-exit visa

Diplomatic visa:

- The person has a diplomatic status at diplomatic and consular missions, diplomatic representative offices or international organisations accredited to the Republic of Macedonia or are a member of the immediate family of a person with such status.

Official visa:

- The person is employed in a representative office of a foreign country or in an international organisation and does not fulfil the conditions for a diplomatic visa, or the person is a member of the immediate family of a person with such status.

Business visa:

- The person performs business activities, foreseen by the regulations of the Republic of Macedonia, related to foreign investments and foreign trade activities, or the person may be employed in the Republic of Macedonia without a prior permission in cases established by law.
- Business visa for intercorporate transfers: for temporary transfers of aliens who provide services under commercial presence on the territory of the Republic of Macedonia, and who are at leading managerial or executive functions, or who have high qualifications or perform a profession in great demand at the labour market, or have education necessary for the operation of the company in the Republic of Macedonia.
- Business visa for business visitors: aliens who temporarily reside in the Republic of Macedonia with intention of concluding contracts for performance of services on behalf of the company where they are employed or by which they are authorised, and which has a seat outside of the territory of the Republic of Macedonia; aliens who are coming to the Republic of Macedonia in order to participate in business meetings, trade fairs, and similar occasions.

Visa for employment, education, specialisation or scientific research, performance of a professional activity:

- The person has: a working permit issued by the competent body and an employment contract with the employer; or a status of a student in an educational institution in the Republic of Macedonia; or attends specialisation or is a researcher in a relevant institution in the Republic of Macedonia; a relevant professional status (artist) in the country whose national is, and comes to the Republic of Macedonia for such professional engagement.

Tourist visa

- The person has to have a paid tourist arrangement or an invitation for visit from a natural or legal person from the Republic of Macedonia and a return trip ticket.

c) Transit visa

- Entry visa and a trip ticket to the first destination; necessity to transit across the territory of the Republic of Macedonia

6. What is the standard procedure for the assessment of a visa application?

To obtain a visa, aliens submit an application to the Diplomatic and Consular Mission of the Republic of Macedonia, using the appropriate form. The text of the form is written both in English and in Macedonian language, and may also be written in the language of the country where the application is submitted.

Upon receiving the application, the authorised officer of the Diplomatic and Consular Mission of the Republic of Macedonia, assesses the eligibility of the visa application based on the enclosed documents and evidence and on the information received from the applicant.

According to the Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92; 66/92; 26/93 and 45/02) and the Guideline on the Mode of Issuing Travel Documents and Visas to Aliens by the Diplomatic and Consular Missions of the Republic of Macedonia abroad and the Mode of Keeping Records of Issued Travel Documents and Visas to Aliens ("Official Gazette of the Republic of Macedonia", No. 10/98), the authorised officer asks for approval to issue the visa from the Ministry of the Interior in cases when:

- The application is submitted by an alien from a country previously listed for visa requirement;
- The person is applying for a multiple or unlimited exit and entry visa for a period longer than six months;
- There are entries regarding the alien in certain records;
- The alien is a holder of a foreign travel document issued to refugees or stateless persons, emergency passport for aliens or another travel document which the foreign countries issue to aliens.

In cases when an approval is not required, the authorised officer assesses the eligibility of the application and if he/she has any suspicions regarding the grounds for the application, the authenticity of the documents or the information received from the applicant, he/she may ask for verification of the authenticity of the documents from the institutions which have issued them or may request relevant operative verification by the Ministry of the Interior of the Republic of Macedonia. The authorised officer provides explanation on the grounds for suspicion. The final decision to issue or not to issue a visa is brought by the authorised officer after the verification procedure and based on obtained information.

Visas are issued by placing the prescribed visa form in the travel document, which has to be proper and valid. A proper travel document is a document which is not damaged, which contains all numbered pages, where data are written legibly, there are no traces of erased data, the photograph reliably shows the holder of the travel document, and there is space to affix the visa. A valid travel document is a document which is issued by a competent state body, and which grants the right to return to the issuing country or the right to entry into a third country, the validity of which has not expired and which the Republic of Macedonia recognises as a valid travel document for crossing the state border.

7. Does your country have online connections between visa-issuing authorities and the Foreign Ministry?

Currently, there are no on-line connections between the visa issuing authorities and the Ministry of Foreign Affairs.

The establishment of on-line connections between the Ministry of Foreign Affairs and the diplomatic and consular missions of the Republic of Macedonia is planned under the project for establishment of a Visa Centre at the Ministry of Foreign Affairs, which is to be operational by the end of 2006

The Visa Centre will be a part of the integrated information system on integrated border management foreseen in the National Strategy on Integrated Border Management.

8. Does a national visa register/database exist (including granted visas and rejected visa applications)?

The Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92; 66/92; 26/93 и 45/02), prescribes keeping records on issued visas.

The Diplomatic and Consular missions of the Republic of Macedonia abroad enter data on the issued and renewed travel documents and issued visas to aliens in Registers, in accordance with the Guideline on the Mode of Issuing Travel Documents and Visas to Aliens by Diplomatic and Consular Missions of the Republic of Macedonia and on the Mode of Keeping Records on the Issued Travel Documents and Visas to Aliens ("Official Gazette of the Republic of Macedonia", No. 10/98).

The Register on issued visas to aliens contains:

- Ordinal number,
- Date of issuance,
- First name and surname,
- Nationality,
- Type and number of the travel document and the issuing state,
- Type of visa,
- Serial number,
- Expiry date,
- Amount of the fees charged,
- A note.

Pursuant to the above-mentioned guidelines, the Diplomatic and Consular Missions of the Republic of Macedonia abroad, must inform the Ministry of Foreign Affairs and the Ministry of the Interior of the Republic of Macedonia about the practices and problems related to issuing travel documents and visas to aliens, every six months.

At the end of the calendar year, the Diplomatic and Consular missions of the Republic of Macedonia submit to the Ministry of Foreign Affairs a report on issuing travel documents and visas to aliens.

In accordance with the Rulebook on the Mode of Issuance of Travel and Other Documents and Visas to Aliens and the form of the Documents and Visas ("Official Gazette of the Republic of Macedonia", No. 75/93), the Ministry of the Interior keeps records of visas issued at border crossing points.

With the establishment of the Visa Centre, an establishment of a National Register as an electronic database on issued visas and rejected visa applications is foreseen.

9. What is your capacity to detect falsified documents?

In the Republic of Macedonia the Ministry of the Interior and the Ministry of Foreign Affairs are responsible for the control of documents.

The consular offices of the Republic of Macedonia are equipped with basic devices for initial examination of the personal documents. The civil servants during the preparation period, prior to their assignment in the diplomatic or consular missions are introduced with the features and the ways of operating of these devices. Special emphasis is placed on careful visual examination.

In the procedure of recognition and detection of falsified documents, the Border Police officers visually examine personal documents and compare it with specimen of the travel documents and visas. Concerning the technical devices, the border crossings are equipped with hand UV lamps, magnifying lamps and docu-tests.

Special training has been organised by foreign experts in which all Border Police officers from the border crossings in the Republic of Macedonia have participated. Border Police officers are also trained on their posts during their regular work.

The travel documents, visas, as well as other documents which are suspected to be falsified are being confiscated from the person, who possesses them. They are forwarded to the Forensic Department within the Ministry of the Interior of the Republic of Macedonia where a forensic investigation is conducted and the document is compared with an original specimen by qualified police officers.

In case there is no original specimen upon which the comparison could be made, further checks of the authenticity of the documents are pursued by the International Police Cooperation Sector, which also includes the National Central Bureau – Interpol Skopje. Original specimen and check-up in the database are provided through Interpol. The Republic of Macedonia, through Interpol, participates in the database for stolen travel documents which enables the border crossings to check within this database if a certain foreign travel document is being stolen in an Interpol member country. For more details see answer [24 A 29](#).

10. Do the existing visas allow applicants to work in your country without a residence permit or working licence?

Pursuant to the Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 26/93 and 45/02), the visa represents a permission to enter and reside in the Republic of Macedonia for a certain period of time. The visa does not authorise the applicant to work without a residence permit and a working permit, except for business visas.

If the applicant comes to the Republic of Macedonia with the intention of employment, he/she must previously obtain an entry/exit visa from the Diplomatic and Consular Mission. The visa is in the form of a sticker with a designation of the purpose of the stay "for employment". After the entry, the alien first obtains a working permit from the Employment Agency, and subsequently, based on that permit, a permit for temporary residence is issued by the Ministry of the Interior, for purposes of employment within the period of validity of the working permit. For more details see answer [02 A 01](#).

The business visa issued to an alien is valid as a temporary residence permit. For more details see answer [02 A 01](#).

11. Does your legislation foresee any provision for the punishment of persons entering your territory without a passport? If not, do your authorities have the intention to introduce any amendment in this sense and when will this be done?

Article 4 of the Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 26/93 and 45/02), provides that a foreigner may be allowed to enter and reside on the territory of the Republic of Macedonia if he/she holds a valid travel document or other document issued in accordance with international agreements, or a travel document issued by the Ministry of the Interior, or by the Diplomatic or Consular missions of the Republic of Macedonia abroad. The travel document shall contain a visa, unless otherwise determined by an international agreement or by the provisions of the said Law.

A foreigner who is not in possession of a valid travel document and who comes to the country for a tourist or a business visit, in the course of carrying out the border crossing control by the Ministry of the Interior, a tourist pass, as an exception, may be issued, on the basis of an identity card or other document determining the identity, valid in the country of origin of the alien.

The legislation of the Republic of Macedonia contains provisions, which prescribe sanctions for persons entering the country without a travel document:

Article 84 - penal provisions of the Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 26/93 and 45/02) - prescribes that for committed misdemeanour a fine shall be imposed to an alien who crosses or attempts to cross the state border at places outside the designated border crossing points or without a valid travel document. In addition to the fine for this misdemeanour, the alien may be cancelled his/her residence in the Republic of Macedonia.

Article 402 - paragraph 1 of the Criminal Code ("Official Gazette of the Republic of Macedonia", Nos. 37/96, 80/99, 4/02, 43/03 and 19/04) - *Illegal crossing of the state border* - prescribes that a person who shall cross or shall attempt to cross the border of the Republic of Macedonia without a proper authorisation, armed or by use of violence, shall be fined or sentenced to imprisonment of up to one year.

12. In which cases can visas be issued at border crossings? How frequently is this done?

According to Article 8 of the Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 26/93 and 45 /02), visas are issued by Diplomatic and Consular Missions of the Republic of Macedonia abroad and by the Ministry of the Interior.

Pursuant to Article 29 of the Rulebook on the Mode of Issuing Travel and Other Documents and Visas to Aliens and the Form of the Documents and Visas ("Official Gazette of the Republic of Macedonia", No. 75/93) the Ministry of the Interior issues visas to aliens (at border crossings) in the following cases:

- Transit visas to aliens transiting the territory of the Republic of Macedonia;
- Single entry-exit visas to aliens coming to the Republic of Macedonia for tourist visits, with a three month validity; and
- Entry/exit visas to aliens working on international transportation facilities and to aliens which entering in the country is based on other eligible grounds with a validity period necessary to perform the duties.

On 4 December 1997, in Tirana, the Republic of Macedonia and the Republic of Albania concluded an Agreement abolishing visas for holders of diplomatic and official passports and on the amounts of the fees for issuance of other types of visas ("Official Gazette of the Republic of Macedonia – International Agreements No. 9/98), according to which visas to nationals of both Contracting Parties shall be issued by the Diplomatic and Consular missions of the two countries respectively and at border crossings at their common border.

In the context of the above, the number of visas (entry, entry/ exit, and transit visas) issued at all border crossings of the Republic of Macedonia in 2002, 2003 and 2004 is the following:

- In 2002 a total number of 97.614 visas were issued. The visas were issued to holders of travel documents of: Albania 52.604, Kosovo under the interim administration of UNMIK in accordance with UN Security Council Resolution 1244 (on travel documents issued by UNMIK) – 14.690, Australia 7.347, Ukraine 6.201, Russian Federation 4.064, Germany (on travel documents for foreigners) 2.542, Canada 1.809, Austria (on travel documents for foreigners) 1.467, Slovakia 1.285, Moldova 739, the UK (on travel documents for foreigners) 460, Cyprus 344, Israel 343 and other countries.
- In 2003, a total number of 67.764 visas were issued. The visas were issued for holders of travel documents of: Albania 55.705, Australia 7.743, Austria (on travel documents for foreigners) 399, Canada 296, Russian Federation 284, Romania 257, Ukraine 254, Israel 180, Slovakia 159, India 155, Poland 151, Cyprus 104 and other countries
- In the first nine months of 2004 the total number of issued visas was 70.927 issued for holders of travel documents of: Albania 62.478, Australia 5.624, Austria (on travel documents for foreigners) 398, India 206, Canada 200, Armenia 129, the Czech Republic 121, Poland

and Israel 100 each, Slovenia (before the abolition of visas) 99, Romania 86, Germany (on travel documents for foreigners) 82 and other countries.

In addition to visas issued at border crossings, in accordance with the Law on Movement and Residence of Aliens, upon oral request by the alien who is not in possession of a valid travel document, and who comes to the country for tourist or business visit, as an exception, the alien may be issued a tourist pass, based on a personal identification card or other document establishing the identity, valid in the country of origin of the alien (for example the passport the validity of which has expired). The tourist pass is issued with a validity period of 30 days and upon the alien's exit from the Republic of Macedonia his/her tourist pass is taken by the authorised officer at the border crossing.

D. MIGRATION

1. Please provide information on legislation or other rules governing migration in your country.

In the Republic of Macedonia, migration is governed by the following regulations:

The migration related issues are regulated by the following acts:

- Law on Movement and Residence of Aliens (“Official Gazette of the Republic of Macedonia”, Nos. 36/92, 66/92, 26/93 and 45/02), which regulates: the entry of aliens, visas, residence of aliens, travel and other documents for aliens, sojourn and residence of aliens, records of aliens and offences against aliens;
- Rulebook on the Manner of Issuing Travel and Other Documents and Visas to Aliens and the Form of The Documents and Visas (“Official Gazette of the Republic of Macedonia”, No. 75/93), defines in detail the procedure envisaged in the aforementioned Law: issuing travel and other documents to foreigners, issuing visas, residence permits, the contents of the records and the manner of their keeping, the form and contents of all prescribed forms;
- Guideline on the Manner of Issuing Travel Documents and Visas to aliens by the Diplomatic and Consular Missions of the Republic of Macedonia Abroad and on the Manner of Keeping Records of Issued Travel Documents and Visas to Aliens (“Official Gazette of the Republic of Macedonia”, No. 10/98), which elaborates the detailed procedure and conditions for issuing visas and travel documents, the forms for the visa/travel document application and records on the issued visas/travel documents;

In addition to the aforementioned regulations, migration is also regulated by bilateral agreements.

The Republic of Macedonia signed readmission agreements with a number of countries. For more details see [24 E 06](#) and [27 Annex 01](#).

In the context of migration, the National Action Plan on Migration and Asylum (NAP) of the Republic of Macedonia is of a special importance.

The National Action Plan on Migration and Asylum of the Republic of Macedonia represents a strategic document adopted on 9 December 2002, prepared by the State Team composed of representatives of the Republic of Macedonia, Sweden (leading country), Denmark, Norway and Bulgaria, and representatives of the Office of the High Commission for Refugees of the UN, the International Organisation for Migration and the International Migration Policy Centre.

The National Action Plan entails a review of the present situation and elaborates what needs to be done in terms of legislation, as well as the plans and projects in the fields of asylum, then migration, readmission policy, border control, information-telecommunication aspects of the migration and

asylum fields, integration and citizenship and regional cooperation. For more details see [24 Annex 01](#).

Some of the projects have already been implemented or the implementation process of these plans is ongoing. The Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/03) and the Law on the Citizenship of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia", Nos. 67/92 and 08/04) have entered into force. Furthermore, the Border Police has been established and has taken over the state border security from the Ministry of Defence at the borders with the neighbouring countries Greece and Bulgaria and a part of the border with the State Union of Serbia and Montenegro. Other planned activities have also been completed.

2. Please describe your procedures for obtaining a residence permit, reasons for refusal, renewal or withdrawal of permits, and appeal procedures.

Issuing of residence permits, grounds for refusal, renewal or withdrawal of the permits and the appeal procedures are regulated by the Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 26/93 and 45/02) and the Rulebook on the Manner of Issuing Travel and Other Documents and Visas to Aliens and the Form of the Documents and Visas ("Official Gazette of the Republic of Macedonia", No. 75/93).

A foreigner may reside in the Republic of Macedonia without a temporary residence permit for a period of up to three months on grounds of a valid travel document, i.e. until the expiration of the visa validity period unless a bilateral agreement on visa free regime between the two countries determines otherwise.

A foreigner must apply for temporary residence permit if he/she intends to stay longer than three months, i.e. longer than the visa validity period, or if he/she comes to the Republic of Macedonia for purpose of study, specialisation, medical treatment, performing certain professional activities, entering into marriage with a citizen of the Republic of Macedonia, employment, ownership of immovable property on the territory of the Republic of Macedonia or for other justified reasons.

The foreigner submits the application, filling in a special form (the text of the form is in Macedonian, English and French) to the local office of the Ministry of Interior in the place of residence. Evidence in support of the grounds upon which the application is filed is attached to the application form, as well as evidence of secured subsistence means.

The evidence enclosed in support of the grounds for the residence permit application is:

- For specialisation, training or internship: a certificate from the legal entity or the body where the foreigner has been admitted for specialisation, training or internship;
- For education: a certificate confirming that the foreigner is a High School student or a full-time University student from the relevant school or University;
- For performing professional activity: approval or licence for practicing certain professional activities issued by the competent Ministry or authority;
- For employment: employment permit from the Employment Agency; and
- Other relevant evidence depending on the grounds upon which residence is applied for.

In evidence that the foreigner has secured subsistence means or that his/her subsistence means are provided in another way, the foreigner submits a bank account statement, certificate from the legal person or body confirming the amount of the salary or of the scholarship or other document which evidently proves that the foreigner has sufficient subsistence means.

The temporary residence permit is issued by affixing a stamp on the travel document of the foreigner. The validity of the temporary residence permit is up to one year i.e. until the expiry date of the foreigner's travel document if this period is shorter than a year.

Temporary residence permits may be renewed for no longer than one year, upon application filed by the foreigner prior to the expiry of the current temporary residence permit. The temporary residence renewal grounds are the same as the grounds upon which the permit has been initially issued or previously renewed.

The foreigner shall be refused a temporary residence permit or renewal of the temporary residence permits if:

- There are no grounds to issue the permit (non-existence of the above mentioned grounds);
- He/she does not possess subsistence means;
- He/she has entered in the Republic of Macedonia in breach of the provisions on entry set forth in the Law on Movement and Residence of Aliens;
- He/she has been expelled (following a court procedure) or has been withdrawn residence in the Republic of Macedonia for the duration of the measures;
- He/she is entered in the records of the competent bodies as an international offender or one in respect of whom there is reasonable suspicion that he/she comes to the Republic of Macedonia with the intention of performing terrorist or other criminal offences;
- He/she has provided false personal data or false information about the purpose of the travelling or residence, in the visa application or upon entry into the Republic of Macedonia, or he/she has used forged documents;
- He/she does not possess documents based on which his/her identity can be established; and
- If he/she comes from an area where there are contagious diseases and does not have evidence of immunisation.

The foreigner has the right to file an appeal to the Second Instance Commission for administrative procedure in the field of Judiciary, Internal Affairs, State Administration, Local Self-government and Religion within the Government of the Republic of Macedonia, against the decision refusing temporary residence permit, within 15 days from the receipt of the decision.

Residence may be withdrawn to a foreigner who resides in the Republic of Macedonia on grounds of a temporary residence permit (or on grounds of issued visa or on valid travel document of a country with which a visa free regime is in force) if:

- This is required by reasons of protecting the security and defence of the Republic of Macedonia;
- If he/she refuses to fulfil decisions of the state authorities;
- He/she repeatedly seriously violates the constitutional and legal order, public peace and order, or the security of the state border of the Republic of Macedonia;
- He/she violates the provisions set forth in the Law on Movement and Residence of Aliens;
- In the visa application or upon entry in the territory of the Republic of Macedonia he/she has presented false personal data or false information about the purpose of the stay or is using forged documents;
- He/she has been convicted for a crime to an imprisonment of at least three months by a foreign court or a court in the Republic of Macedonia;
- He/she no longer has subsistence means, while the subsistence means in the course of the stay in the Republic of Macedonia are not otherwise provided for; and
- On grounds of protecting the health of citizens.

In issuing the decision withdrawing residence the following is also taken into consideration: the length of the residence in the Republic of Macedonia, his/her personal, economic and other ties in the Republic of Macedonia and the ensuing consequences of the applied measure for him/her and his/her family.

The residence may be withdrawn for a period not shorter than 6 months or longer than 5 years. During this period the foreigner is not entitled to enter or stay in the Republic of Macedonia.

The decision withdrawing residence shall also contain the term within which the foreigner must leave the territory of the Republic of Macedonia, and in this context the time necessary for the foreigner to leave the country is taken into consideration.

The foreigner has the right to file an appeal to the above-mentioned Second Instance Commission within the Government of the Republic of Macedonia against the decision withdrawing residence, within 15 days from the receipt of the decision.

The appeal against the decision issued to a foreigner who resides in the Republic of Macedonia on grounds of temporary residence permit for a period shorter than three years does not delay the execution of the decision.

The temporary residence permit ceases to apply:

- Upon expiry of the validity of the permit, if the foreigner has not filed an application for renewal;
- When the foreigner has been expelled (in a court procedure) or has been withdrawn his/her residence; and
- In case the alien acquires citizenship of the Republic of Macedonia.

3. Do you have immigration rules providing for family reunification? If so, please outline these.

Article 20, paragraph 1 of the Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 26/93, 45/02) foresees that a foreigner who enters the Republic of Macedonia with a valid travel document may stay for up to three months i.e. until the expiry of the visa.

A foreigner coming to the Republic of Macedonia for education, specialisation, medical treatment, performance of a professional activity, employment, entering into marriage with a national of the Republic of Macedonia, on grounds of possessing immovable property on the territory of the Republic of Macedonia, or based on other justified reasons for longer residence referred to in Article 20, paragraph 1 of the said Law, can submit an application for temporary residence permit prior to the expiry of the residence permitted on grounds of passport (three months or until the expiry of the visa).

A foreigner who has been continuously residing in the Republic of Macedonia for at least three years (on the basis of temporary residence permit) may be issued permanent residence permit.

Foreigners who under the aforementioned provisions have been permitted temporary or permanent residence have also the right to family reunification, as regulated in Article 24 of the Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 26/93, 45/02): temporary or permanent residence permit may be issued to a child up to 18 years of age or to the spouse of the foreigner who has been granted temporary or permanent residence in the Republic of Macedonia. As an exception, for purposes of family reunification, residence permits may be issued to close relatives (parents) of the foreigner residing in the Republic of Macedonia, if he/she does not have any other relatives that would take due care of him/her in the country of his/her origin.

Article 22 of the mentioned Law foresees that temporary residence permits in general, including cases of family reunification, may be issued for a period of up to 1 year. Temporary residence of the family members of the foreigner may be renewed on the same grounds as in the initial approval, for the duration of the approved residence of the foreigner.

The family members of the foreigner and his/her close relatives submit the application for temporary residence permits, on grounds of family reunification, to the local units of the Ministry of Interior of the Republic of Macedonia in their place of residence.

4. Do you have immigration rules for acquiring a long-term resident status? If so, please outline these.

A foreigner acquires long-term resident status upon receiving a permit for permanent residence in the Republic of Macedonia. Permanent residence permits are regulated in the Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 26/93, 45/02) and in the Rulebook on the Manner of Issuing Travel and Other Documents and Visas to Foreigners and the Form of the Documents and Visas ("Official Gazette of the Republic of Macedonia", No. 75/93).

The foreigner applying for a permanent residence permit submits a special form (the text is in Macedonian, English and in French). The applications for minors are submitted by one of the parents or the guardian. The documents enclosed with the applications, which are issued by the competent bodies in the Republic of Macedonia, are certified copies, while documents issued by relevant bodies of foreign countries are accompanied with a certified translation. The authorised officer that processes the application may request to inspect the original documents.

The application is submitted to the local office of the Ministry of Interior where the foreigner resides. The authorised officer may ask for additional oral information regarding the facts stated in the application. The application may also be submitted to the Diplomatic and Consular Missions of the Republic of Macedonia abroad.

The following documents should be attached to the application for a permanent residence permit: birth certificate, marriage certificate (if applicable), health status certificate, documents certifying educational/qualification status, document proving that subsistence means are secured or that the subsistence in the Republic of Macedonia has been otherwise provided, and other relevant documents issued by competent bodies.

The basic condition to apply for permanent residence is a continuous legal residence on the territory of the Republic of Macedonia for at least three years. The foreigner must also fulfil the conditions which justify the permanent residence. The conditions, which serve as grounds for permanent residence are: performance of certain professional activities, exercise of employment related rights, entering into marriage with a national of the Republic of Macedonia, real estate possession on the territory of the Republic of Macedonia and other grounds. A foreigner whose residence in the country is of interest for the Republic of Macedonia may be issued permanent residence permit even before the expiry of the three-year minimum period.

Permanent residence permit may be issued to a child of up to 18 years of age or to the spouse of the foreigner who holds a permanent residence permit in the Republic of Macedonia.

The permanent residence permit is issued in a form of a decision of the competent organisational unit of the Ministry of Interior. The decision is also imprinted into the travel document of the foreigner.

The foreigner may file an appeal to the the Second Instance Commission for administrative procedure in the field of Judiciary, Internal Affairs, State Administration, Local Self-government and Religion within the Government of the Republic of Macedonia against the decision refusing permanent residence, within 15 days from the receipt of the decision.

The permanent residence permit shall cease to be valid:

- When the foreigner moves out or stays continuously abroad longer than a year, and does not accordingly inform the Ministry of Interior (the residence becomes invalid by issuing a decision);

- When the foreigner acquires citizenship of the Republic of Macedonia; and
- When a security measure of expelling in criminal or misdemeanour procedure has been delivered or when his/her residence in the Republic of Macedonia has been withdrawn by the local unit of the Ministry of Interior in the area where the foreigner resides.

The relevant authorities of the Republic of Macedonia have issued permanent residence permits to a total number of 597 foreigners. Most of them are from Serbia and Montenegro -193, Bulgaria - 85, Poland - 71, the Russian Federation - 50; Romania - 21, Bosnia and Herzegovina - 21; Greece - 17, Uzbekistan - 17, Croatia - 16, the Czech Republic - 16, Slovakia - 15, Australia - 8; the Ukraine - 7, Hungary - 7, Turkey - 6, Germany - 6, Italy - 4, Canada - 3, Iraq - 3, Syria - 3; two or one foreigners are from Jordan, the Netherlands, Slovenia, Japan, Sweden, the UK, France, Belgium, Belarus, and 11 are registered as stateless persons.

5. Describe your system for admission for employment, study and research purposes.

Third country nationals may be employed under conditions and in a manner set forth in the Law on the Conditions for Employment of Foreign Nationals ("Official Journal of the SFRY", Nos. 11/78 and 64/89). Foreigners are employed based on a previously issued working permit, following which temporary residence is granted.

Article 12 of the Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 26/93 and 45/02) foresees that a foreigner coming to the Republic of Macedonia for purposes of employment, education, scientific research or performance of a certain professional activities is issued a visa. The visa application is submitted to the Diplomatic Consular mission abroad. In the application the foreigner states the reasons for coming to the Republic of Macedonia i.e. which company/organisation he/she would work for, at which educational establishment he/she would attend/study, what type of scientific research he/she would undertake, etc.

Visa is issued following an approval of the Ministry of Interior of the Republic of Macedonia. Upon received request from the Diplomatic and Consular Mission the Ministry of Interior acquires opinion from the Ministry responsible for the area in which the foreigner would be engaged during his/her stay in the country.

After the Diplomatic and Consular mission has received the approval of the Ministry of Interior, the foreigner is issued an entry/exit visa with validity of up to one month. The purpose for which the visa is issued (employment, education, scientific research, etc) is imprinted.

Upon entry in the Republic of Macedonia, the foreigner to whom the Diplomatic and Consular mission has issued a visa on one of the aforementioned grounds is obliged to submit an application for temporary residence permit at a local unit of the Ministry of Interior at the place of residence.

The foreigner who applies for temporary residence permit for purposes of employment, attaches to the application approval for employment (work permit) acquired upon entry in the Republic of Macedonia from the Employment Agency. For more details see answer [02 E 01](#).

The foreigner applying for temporary residence permit for purposes of education encloses a certificate that he/she has the status of a pupil/full time student at the relevant school or university in the Republic of Macedonia.

A foreigner applying for temporary residence permit for purposes of research encloses with the application approval for performance of scientific research issued by the competent institution/organisation.

In addition to the evidence in support of the purpose of the stay, the foreigner is also obliged to enclose with the application for temporary residence permit, evidence that he/she has subsistence means i.e. that his/her subsistence has been provided for otherwise (bank account statement of the

foreigner, certificate on the salary or scholarship amount, other documents evidencing the subsistence means).

The local unit of the Ministry of Interior issues the temporary residence permit by placing the prescribed stamp on the travel document of the foreigner with validity period of one year or until the expiry of the travel document if less than a year. The temporary residence permit may be renewed upon application by the foreigner filed prior to the expiry of the current temporary residence permit, if the grounds for which the initial permit has been issued pertain and the reasons for the continuation of the residence can be supported by evidence.

6. Describe your integration policy for third country nationals.

The formulation of the policy for integration of third country nationals is based on the following basic principles:

- Respect for the international standards in this field;
- The need of a balanced and stable economic, demographic and political development of the Republic of Macedonia.

The conditions on the labour market, too, will be taken into consideration, as well as the need to ensure social development.

The policy of integration of third country nationals in the Republic of Macedonia incorporates two components:

- Legal regulation of the status of the third country nationals who reside in the Republic of Macedonia, enabling them to enjoy the rights and duties stipulated in the Constitution, the laws and other regulations;
- Undertaking active measures that would facilitate their further integration within the society.

The National Action Plan on Migration and Asylum sets out the framework of the policy of integration. Namely, this document states that the policy of integration aims at reducing the obstacles and providing equal rights and opportunities for refugees and immigrants. For more details see [24 Annex 01](#).

These guidelines of the integration policy are implemented through current legislation regulating this area.

In accordance with the Constitution of the Republic of Macedonia (Article 29), the aliens enjoy freedoms and rights guaranteed by the Constitution, under conditions regulated by law and international agreements. The Republic of Macedonia guarantees the right of asylum to aliens and stateless persons persecuted for democratic, political beliefs and activities. Extradition of an alien may be carried out only on a basis of a ratified international agreement and on the principle of reciprocity. An alien can not be extradited for political criminal offence, whereby acts of terrorism are not regarded as political criminal offences.

Pursuant to Article 31 of the Constitution of Republic of Macedonia, an alien in the Republic of Macedonia may acquire the right of ownership of property, under conditions determined by law. Pursuant to Article 2 of the Law on Ownership and other Property Related Rights ("Official Gazette of the Republic of Macedonia", No. 18/2001), all domestic and foreign natural and legal persons may acquire a right of ownership. Besides this, pursuant to Article 59 of the Constitution, they are entitled to freely take out invested capital and profits.

Accordingly, pursuant to the Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 26/93 and 45/02) foreign nationals have the right of temporary and permanent residence in a manner and under conditions determined by this law. The provisions of this Law regulate in details the conditions, the methods and the procedure for acquiring

temporary or permanent residence, as well as the rights and obligations of the person requesting residence.

In accordance with the Law on Associations of Citizens and Foundations ("Official Gazette of the Republic of Macedonia", No. 31/98), foreign nationals with regulated residence in the Republic of Macedonia have a right to create associations of citizens. This right is developed in details within Articles 66, 67 and 68 of the Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 26/93 and 45/02).

The foreign nationals, according to law, international conventions and concluded agreements with other states, have the same rights as the other citizens of the Republic of Macedonia, or to the extent and level established with bilateral agreements on the principle of reciprocity.

According to the Law on Social Protection ("Official Gazette of the Republic of Macedonia", Nos. 50/97, 16/00, 17/03 and 65/04) foreign nationals with a right of permanent residence enjoy the same rights in respect of social protection as nationals of the Republic of Macedonia.

These persons may also participate in the labour market under conditions prescribed with the Law on Conditions for Establishing Labour Relation with Aliens ("Official Gazette of the SFRY", Nos. 11/78 and 65/89, as well as the "Official Gazette of the Republic of Macedonia", No 12/93). This Law regulates the procedure, the modes and the conditions under which the aliens may participate in the labour market and enjoy the rights and obligations from employment in the Republic of Macedonia.

According to the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/03) the asylum seekers have a right of accommodation and sheltering in a transit centre or some other place determined by the Ministry of Labour and Social Policy, basic healthcare services and work within the transit centre or other place of accommodation determined by the Ministry of Labour and Social Policy. The persons with recognised refugee status have approximately the same rights as the nationals of the Republic of Macedonia. In accordance with the Law on Asylum and Temporary Protection, these persons are entitled to financial assistance and accommodation in the first two years in line with the principle of local contribution by giving an appropriate dwelling for use, or financial assistance necessary for providing housing facilities until the moment of securing own subsistence.

For the purpose of integration of third country nationals in the Republic of Macedonia, measures undertaken by the state authorities are aimed at supporting their integration in the society through improvement of their legal status in the country and providing of equal opportunities. In this view, the Government of the Republic of Macedonia successfully cooperates with the International Organisation for Migration. For this purpose, a Memorandum of Understanding ("Official Gazette of the Republic of Macedonia", No.55/01) is signed. The Macedonian authorities are strengthening the cooperation of the various state institutions (establishment of inter-ministerial working body - for more details see answer [24 F 10](#)) with the institutions from the private sector/non-governmental sector, and they are supporting the cooperation with the network of organisations involved in this process.

7. Provide immigration statistics for 2002, 2003 and, if available, 2004, including a citizenship breakdown and reasons for immigration.

The statistics concerning the citizenship and reasons for immigration are as follows:

REGISTERED IMMIGRANTS WITH SHORT TERM AND LONG TERM RESIDENCE - BY COUNTRY		
Country	2002	2003
Serbia and Montenegro	879	712
Republic of Macedonia	723	567
Albania	297	206
Bulgaria	160	97
Ukraine	129	44
Bosnia and Herzegovina	103	62
Turkey	87	48
Russian Federation	57	30
Croatia	46	33
Greece	46	56
Germany	25	25
United States of America	-	90
China	-	20
Undetermined citizenship	11	59
Other countries	284	190
Total	2.798	2.239
Source: Ministry of the Interior		

REGISTERED IMMIGRANTS WITH SHORT TERM AND LONG TERM RESIDENCE - BY REASONS FOR IMMIGRATION		
	2002	2003
employment	311	192
marriage	303	254
family reasons	1.366	1.071
professional activities	154	192
other reasons	664	530
Total	2.798	2.239
Source: Ministry of the Interior		

The disclosed data are presented in accordance with the recommendations from the International Organisation for Migration (IOM) and in accordance with the methodology that is used by EUROSTAT, where the Republic of Macedonia submits its data.

E. ILLEGAL IMMIGRATION

1. Please give a brief overview of your legislation with regard to combating illegal immigration and trafficking in human beings, in particular whether you have signed and ratified the Palermo Treaty on Organised Crime and its two Protocols on smuggling and trafficking in human beings.

The current legislation concerning the trafficking in human beings and illegal immigration contains numerous measures which are a solid base for efficient combating and reduction of these types of criminal activities.

The Criminal Code of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia", Nos. 37/96, 80/99, 4/02, 43/03 and 19/04) regulates the trafficking in human beings and illegal migration in the following articles: Article 418 *Founding a slavish relationship and transportation of persons in slavery*, Article 191 *Mediation in prostitution* and Article 402 *Illegal crossing of the state border*.

Article 418 *Founding a slavish relationship and transportation of persons in slavery* anticipates sanctions against a person who by violating the rules of international law places another person in slavery or in some similar relationship, or keeps him/her under such relationship, buys, sells, hands over to another, or mediates in buying, selling or handing over of such person, or instigates another to sell his/her freedom or freedom of a person he/she is keeping or caring for. The transport of persons under slavish or similar relationship from one country to another is also sanctioned and deemed as aggravated criminal offence if it is committed against a juvenile.

Article 191 *Mediation in prostitution* prescribes sanctions against a person who recruits, instigates, stimulates or persuades another person to prostitution, or a person who in any kind of way participates in handing over another to someone for performing prostitution, as well as a person who because of profit enables another person to use sexual services.

It is a more aggravated criminal offence if the person who because of profit, by using force or by serious threat to use force, forces or by deceit induces another to provide sexual services, as well as when the crime is committed with a juvenile or a child. Higher punishment is anticipated for the person who organises the crime, namely the offender shall be punished from one to ten years of imprisonment.

The illegal migration, according to this law, was regulated by Article 402 *Illegal crossing of the state border* where penalties are anticipated towards persons conducting illegal transfer of other persons across the border of the Republic of Macedonia, or towards persons who on the basis of self-interest enable another person to cross the border illegally.

According to the commitment to combat trafficking in human beings, the Government of the Republic of Macedonia on 12 December 2000 signed the Protocol to Prevent, Suppress and Punish Trafficking in Human beings, especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime.

After signing the mentioned UN Convention and its Protocol and other Conventions in the field of protection of human rights that are in the direction of prevention and extirpation of trafficking in human beings, the Assembly of Republic of Macedonia on 25.01.2002 adopted the Law Amending the Criminal Code ("Official Gazette of the Republic of Macedonia", No. 04/02), where Article 418-a defines the criminal offence of *Trafficking in human beings*.

The criminal offence *Trafficking in human beings* is in line with the UN Convention definition on trafficking in human beings and is defined as a perpetration aiming to assist and protect the victims of trafficking in human beings from exploitation through prostitution or other forms of sexual exploitation, forced labour or servitude, slavery or similar relationship to slavery or inadmissible transplantation of human body parts. The act of committing this criminal offence is comprised of recruiting, transporting, transferring, buying and selling persons, harbouring or receiving persons because of exploitation by prostitution or other forms of sexual exploitation, forced labour or servitude, slavery or similar relationship to slavery and unlawful transplantation of human body parts. The way of execution of this criminal offence is through usage of force, serious threat or other forms of coercion, by kidnapping, by deceit and abuse of own position or of weakness of somebody else, or by giving money and other benefits in order to obtain agreement of the person that has control over another person. Trafficking in children and minors presents an aggravated form of this crime, for which a stricter sentence is prescribed.

The Article also prescribes sanctions for persons who organise committing this crime, as well as for those who seize or destroy a personal identification card, passport or other person's identification

document, and for a person who uses or enables another person to use sexual services from persons for which he knows they are victims of human trafficking.

Beside the above mentioned Article, the trafficking in human beings is partly regulated by Article 191 *Mediation in prostitution* and by Article 402 *Illegal crossing of the state border*.

The amendments of 2004 ("Official Gazette of the Republic of Macedonia", No. 19/04), have amended the Article (418-a) *Trafficking in Human beings* by widening the definition of recruiting, transporting, transferring, buying and selling persons, harbouring or receiving persons because of exploitation by prostitution or other forms of sexual exploitation, pornography, forced labour or servitude, slavery or similar relationship to slavery, forced marriages, forced fertilisation, illegal adoption or relations similar to illegal adoption or inadmissible transplantation of human body parts. In addition, the amended article prescribes: higher penalties for perpetrators of this criminal act, accountability of a legal entity and seizure of goods used for execution of this offence.

The same Law Amending the Criminal Code introduced two new articles in the field of human trafficking and illegal migration: *Smuggling of immigrants* (418-b) and *Organising a group and conspiring to perpetrate the crimes of trafficking in human beings and smuggling of migrants* (418-c).

Article (418-b) *Smuggling of immigrants* prescribes sanctions against persons who by force, serious threat that will attack the life or the body, or by kidnapping, by deceit or by receiving benefits, by abuse of the official position or by abuse of its own position and position of weakness of somebody else, illegally transfers immigrants across the state border or who owns fake travelling documents with such an aim. The offence is more serious if life or health of the immigrant is threatened, or if the offence is committed against a minor. Seizure of goods and of the transport means used for execution of the offence is prescribed, as well.

Article (418-c) that incriminates *Organising a group and conspiring to perpetrate the crimes of trafficking in human beings and smuggling of immigrants* discharges from punishment a person who belongs to a group and who denounces the group before committing a criminal act.

On 28.09.2004 the Assembly of the Republic of Macedonia ratified the UN Convention Against Transnational Organised Crime and its two Protocols ("Official Gazette of the Republic of Macedonia", No. 70/04).

Within national legislation, the illegal migration is also regulated by the Law on Crossing the State Border and Movement in the Border zone ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 12/93, 15/93, 31/93, 11/94 and 19/04) and in the Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 26/93 and 45/02).

2. Specify the authorities and agencies involved in combating transit migration, human smuggling and trafficking in human beings. Describe their working methods and national co-ordination structures.

The National Commission for Fight Against Trafficking in Human Beings and Illegal Migration was established by the Decision of the Government of the Republic of Macedonia in 2001 ("Official Gazette of the Republic of Macedonia", No. 18/01). The National Commission includes representatives from the Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Labour and Social Policy, Ministry of Health and the Customs Administration within the Ministry of Finance. In January 2004, a Sub-group of the Commission on Combating Child Trafficking was established.

The National Programme for Fight Against Trafficking in Human Beings and Illegal Migration in the Republic of Macedonia enacted in 2002 ("Official Gazette of the Republic of Macedonia", No. 10/02) foresees legislative and preventive activities, assistance and support to the victims of trafficking in human beings, return and reintegration of those victims, international cooperation and coordination in the enforcement of laws, education of personnel, coordination of the activities and information, as well as media campaign for raising public awareness on fight against trafficking in human beings.

The Programme also identifies the responsible institutions and bodies for these activities, in accordance with the responsibilities defined by the Law on Organisation and Operation of State Administrative Bodies ("Official Gazette of the RM", No. 58/00 and 44/02).

According to the National Programme, the largest part of the foreseen activities falls within the authority of the Ministry of the Interior, more specifically – within the organisational units responsible for the fight against trafficking in human beings, smuggling immigrants and illegal migration. For more details see [24 Annex 02](#).

In order to improve the fight against different types of organised crime, in January 2005, a Department for Organised Crime with an outspread structure was established. Within its Sector for violent crime, responsible body for the prevention, detection, documenting and processing criminal offences in trafficking in human beings and illegal migration is the specialised Section for Trafficking in Human Beings and Other Violent Crime.

Within their responsibilities, authorised officers collect operative information and afterwards undertake respective legal measures against the perpetrators of these criminal acts. They press criminal charges to the basic public prosecutor with corresponding jurisdiction, who processes the criminal charge, if accepted, further to the courts of jurisdiction.

The Ministry of the Interior is also responsible for establishment and maintenance of respective database of perpetrators of this kind of crimes, as well as for the victims of trafficking in human beings, and data on identified illegal migrants.

The victims of trafficking in human beings are accommodated in the Transit Centre for Aliens opened in March 2001.

In this Centre, the victims receive 24 hour police protection, psychological, medical and legal assistance. Victims receive this kind of assistance also from the non-governmental organisations that are continuously present in the Transit Centre. The accommodation in the Centre is on a voluntary base and is not conditioned upon witnessing in a procedure before a court in the Republic of Macedonia or upon being of any operational use to the law enforcement agencies. The representatives from the Ministry of the Interior, International Organisation for Migration (IOM) and the non-governmental organisations perform the identification of the Victims.

Standard operational procedures that regulate relations between the Ministry of the Interior, the International Organisation for Migration and the non-governmental organisations, engaged in the work of the Centre, are agreed upon in regard of processing victims in the Transit Centre.

When a victim of trafficking in human beings is a minor, the Ministry of Labour and Social Policy - the Social Work Centre assigns a guardian, whose role is to provide support for the minor in all aspects.

In case of misdemeanours, as set forth in the Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 26/93 and 45/02) and in the Law on Crossing the State Border and Movement in the Border Zone ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 12/93, 15/93, 31/93, 11/94 and 19/04), the operational officers from the Sector for Aliens and Immigration Issues and the Border Police Department - Section for Illegal Migration take appropriate action.

According to the National Programme for Fight Against Trafficking in Human Beings and Illegal Migration of the Republic of Macedonia, responsible for legislative measures are: the Ministry of Justice – specifically drafting amendments to the criminal legislation; Ministry of the Interior, Ministry of Labour and Social Policy and Ministry of Health - responsible for enforcing the penalty provisions in market, health and labour inspection, and for amendments to legislation concerning special conditions for employment of foreign citizens and conditions for receiving temporary residence permit on the ground of employment. For more details see [24 Annex 02](#).

The following Ministries are in charge of preventive measures:

- The Ministry of Labour and Social Policy, more specifically - the Unit for Gender Equality - undertakes activities for identification and alleviation of the economic and social factors that contribute to trafficking in women and children; identification of the degree of domestic violence and its economic and social influence on women and children; presentation of statistic data from this field, etc.
- The Ministry of the Interior undertakes operational measures and actions in discovering illegal channels used for transferring persons, places of “temporary” residence and the destinations of persons who are illegally transferred and places of final destination for victims.

In providing assistance and support to the victims of trafficking in human beings, the following institutions are included: Ministry of the Interior, Ministry of Labour and Social Policy, Ministry of Health and Ministry of Justice. In the Transit Centre, victims of trafficking in human beings are provided with accommodation, food, social and health care and legal assistance. The Centre operates within the Ministry of the Interior and cooperates with the International Organisation for Migration.

The lead institution in the process of providing the right of return and reintegration of the victims in their domicile countries is the Ministry of the Interior. The Ministry concludes bilateral and multilateral agreements on cooperation for return of the victims, establishes cooperation with the shelter centres and the non-governmental organisations etc.

The following Ministries are in charge of international co-operation and coordination in the implementation of legislation: Ministry of Justice, Ministry of the Interior and Ministry of Foreign Affairs. They are responsible for conclusion of bilateral and multilateral agreements with countries from which and to which persons are trafficked, for promotion of communication and cooperation between the public prosecutor offices and the police in South-Eastern Europe countries and wider; exchanging data on criminal groups and individuals with other countries for efficient prosecution and interception of trafficking channels, cooperation with competent governmental and non-governmental organisations, etc.

The National Commission on Fight Against Trafficking in Human Beings and Illegal Migration is a coordinative body, and its task is to monitor, analyse the current situation in trafficking in human beings and illegal migration and to coordinate the activities of the responsible institutions in the Republic of Macedonia that actively work on resolving the problems in this area. The Commission also provides for a unified strategic approach.

For the purpose of establishing an adequate way of cooperation and constructive approach in the mutual operation of the national authorities, the international organisations and the non-governmental sector in the fight against trafficking in humans beings and illegal migration in Republic of Macedonia, the National Commission on Fight Against Trafficking in Human Beings and Illegal Migration founded a Secretariat of the National Commission. The Secretariat, which operates in support of the National Commission, offers administrative and logistic support to the Commission in the process of implementation of the National Programme For Fight Against Trafficking in Human Beings and Illegal Migration.

The organisation and the way and scope of operation of the Secretariat are defined by the Rules of Procedure adopted at the Eight Session of the National Commission. Hence, the Secretariat is responsible for: realisation of the priority activities of the National Commission, coordination of projects for implementation of the activities of the National Commission with international organisations; preparation of materials and the agenda for Commission sessions; establishment of communication and exchange of experience with other countries for the purpose of improving the fight against trafficking in human beings; participation in the preparation of materials and organising seminars for training personnel of the Ministry of the Interior, judges and public prosecutors, etc.

The Secretariat of the National Commission includes representatives from organisational units within the Ministry of the Interior, international organisations and non-governmental organisations.

3. Please describe the international cooperation in place in this field (regional fora, bilateral agreements, cooperation with EU).

The Republic of Macedonia, in accordance with its commitment to prevent illegal migration, actively participates in all regional fora dealing with this issue. The Republic of Macedonia is a regular participant of the Justice and Home Affairs Ministerial Conferences of the SEE countries within the South-East European Cooperation Process, currently chaired by Romania, where European Commission representatives and the Special Coordinator of the Stability Pact for South-Eastern Europe are also participating. At the same time, the Republic of Macedonia is a member of the SECI Regional Centre for Combating Trans-border Crime seated in Bucharest, which achieves notable success. Similar cooperation is established within the Central European Initiative.

Within the Stability Pact for SEE, the Republic of Macedonia, participating in the different working groups at the Working Table III pursues intense cooperation aimed at reduction of the illegal migration. At the meeting organised by the Stability Pact for SEE which took place in Tirana in December 2002, a decision to establish the Migration, Asylum and Refugees Regional Initiative – MARRI - was taken. Consequently, a Ministerial Conference took place in Herceg-Novi, in April 2004, where a Regional Forum was established and it was agreed that in the year 2004 the Republic of Albania would chair the Regional Forum, followed by other countries on the principle of rotation. Also, at this Conference it was decided that the seat of the Regional Forum of the MARRI Initiative would be in the Republic of Macedonia, whereby the host country would have an obligation to provide the premises needed and cover the operational costs for the Centre.

On 18.11.2004 in Skopje, the Regional MARRI (The Migration, Asylum, Refugees Regional Initiative) centre was introduced. The operation of this Centre is directed towards facilitation of training programmes in the area of asylum and migrations at the regional level, contributing to the development of partnership relations, cooperation and information exchange between the countries of the Stabilisation and Association Process and the neighbouring countries. The main focus is to combat illegal migration, to promote access to high quality information from the countries of origin and to establish a visa-free zone in the Region, as well as to support the dialogue on visa liberalisation in the Region and beyond.

Within the South East European Co-operation Process (SEECPP), the Republic of Macedonia has been a member of the consultative group for fight against organised crime, corruption and trafficking in human beings, since 2004. The cooperation includes circulation of information by the Ministries of the Interior about the situation in these areas, whereby the consultative group performs analysis on the basis of the received information.

A delegation of the Ministry of the Interior of the Republic of Macedonia participated at the 4th Ministerial Regional Forum that took place in Sofia 2003 within the Stability Pact Task Force for Trafficking in Human Beings (SPTF). A statement undertaking obligations for protection of witnesses/victims of trafficking in children was signed at this forum. A delegation from the Ministry of the Interior of the Republic of Macedonia also participated at the Regional Ministerial Forum (Tirana, 2002) where the Statement of Commitments on the Legalisation of the Status of Trafficked Persons was signed.

Regarding the new focus in the prevention of trafficking in human beings, dealing with children as the most vulnerable category, Republic of Macedonia has established a sub-group for fight against trafficking in children, as a special section within the National Committee for Fight against Trafficking in Human Beings and the Illegal Migration. On the sixth meeting of the Working Group of the Stability Pact on Trafficking in Human Beings, held on 23 March 2004 in Belgrade, the representatives of the countries from the South-Eastern Europe, including the representatives of the Republic of Macedonia, presented the draft national plans for protection of the rights of the children – victims of trafficking in the South-Eastern Europe.

Within the initiative for regional community police training of the Stability Pact, the Ministry of the Interior of the Republic of Macedonia also cooperates with the Association of European Police

Colleges (AEPC). This cooperation takes place through participation of representatives of the Ministry of the Interior in seminars and courses organised by this association. Among other seminars, the MOI representatives participated on two seminars on prevention of illegal migration and trafficking in human beings in 2001 in Valbandon, Pula, Republic of Croatia.

In 1999 the Republic of Macedonia signed a Cooperation Agreement with the International Centre for Migration Policy Development (ICMPD). Such agreements with the Centre were also signed with other countries, such as Albania, Croatia, Bosnia and Herzegovina, Bulgaria, Turkey, Ukraine, etc.

The International Centre for Migration Policy Development assists the Working Unit for Fight Against Trafficking in Human Beings within the Stability Pact. In this regard, the project "Regional Training Manual for Personnel Involved in Trafficking in Human Beings" of the ICMPD, resulted in the implementation of the Manual in the basic courses for recruits of the Police Academy in the Republic of Macedonia. Of great importance is also the training seminar for the Unit for Fight against Trafficking in Human Beings, within the Ministry of the Interior, where the ICMPD is an implementation partner.

The Government of the Republic of Macedonia successfully cooperates with the International Organisation for Migrations (IOM) towards practical implementation of the objectives of the National Programme for Fight Against the Trafficking in Human Beings and Illegal Migration. As a result of the successful cooperation between the Ministry of the Interior and the IOM, a Memorandum of Understanding was signed (2003) whereby the two Contracting Parties have agreed to cooperate in the following areas:

- Fight against trafficking in human beings;
- Assistance programmes in voluntary repatriation of third country nationals;
- Technical assistance and cooperation to resolve issues in the area of migration management;

Since 1999, the Republic of Macedonia through representatives of the Ministry of the Interior has actively participated in all conferences and seminars organised by the Budapest Initiative, established in the year 1991. At the Third Ministerial Conference held in Prague in 1997, 55 recommendations on legal harmonisation in the areas of visa policy, readmission agreements, exchange of information on illegal migration, asylum, repatriation and financial and technical assistance and fight against organised crime were agreed. For purposes of successful implementation of the recommendations, several working groups are established, as follows: for repatriation/readmission; visa policy; illegal migration and asylum. For each of these groups a Working Group for South-Eastern Europe was established, within which the cooperation with the Republic of Macedonia is carried out through a liaison officer from the Ministry of the Interior, in charge of cooperation with this Working Group.

Furthermore, In the area of suppression of illegal immigration and trafficking in human beings, the Republic of Macedonia also cooperates with the OSCE. In November 2003 a Letter of Understanding was signed between the Ministry of the Interior and the OSCE on the implementation of training regarding gender awareness and combating trafficking in human beings. The cooperation is continuing with the Special Coordinator on this issue within OSCE, as well.

The Republic of Macedonia has continuous cooperation in this area with many European countries, and as a result of this cooperation the following agreements were concluded:

- Agreement of Cooperation between the Ministry of the Interior of the Republic of Macedonia and the Ministry of the Interior of the Republic of Bulgaria - (Skopje 20.10.1992);
- Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Macedonia for cooperation in the fight against terrorism, illegal trade and the organised crime - (1995);
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Croatia on cooperation in the fight against international illegal trade in drugs and psychotropic substances, the international terrorism and the organised crime - (Zagreb 12. April 1996);

- Agreement of Cooperation between the Ministry of the Interior of the Republic of Macedonia and the Ministry of the Interior of the Russian Federation - (Moscow, 06. December 1998);
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on cooperation in the fight against terrorism, organised crime, illegal trade in narcotic drugs, psychotropic substances and precursors, illegal migration and other criminal offences - (Skopje 26.02.2002);
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic Montenegro for cooperation in the fight against terrorism, organised crime, illegal trade in narcotic drugs, psychotropic substances and precursors, illegal migration and other criminal offences - (Skopje 10.06.2003);
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Romania for cooperation in the fight against terrorism, organised crime, illegal trade in narcotic drugs, psychotropic substances and precursors, illegal migration and other illegal activities - (Bucharest 12.11.2003);
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Albania on cooperation in the fight against terrorism, organised crime, illegal trade in narcotic drugs, psychotropic substances and precursors, illegal migration and other illegal activities - (Skopje 14.06.2004);
- Agreement of cooperation in the area of internal security between the Governments of the Republic of Macedonia and the French Republic, exchange of experiences in the fight against the organised crime and illegal trade in drugs and psychotropic substances, trafficking in human beings, money laundering, as well as terrorism.
- Agreement on cooperation between the Ministry of Interior of the Republic of Macedonia and the Ministry of the Interior of the Republic of Ukraine (20. February 1999);

In a procedure of signing are agreements with Switzerland, Hungary, Norway and Belgium.

Protocols:

- Protocol for establishment of directions, mode and order of cooperation in the area of small border control and prevention of illegal migration between the Ministry of the Interior of the Republic of Macedonia and the Ministry of Public Order of the Republic of Albania - (Skopje 05. June 1992);
- Protocol for cooperation in the area of security between the Ministry of Internal Affairs of the Republic of Turkey and the Ministry of the Interior of the Republic of Macedonia - (Ankara 19. May 1992);
- Protocol for cooperation between the Ministry of the Interior of the Republic of Macedonia and UNMIK 27 – (November 2002);
- Protocol for cooperation between the Ministry of the Interior of the Republic of Macedonia and the State Committee on Nationalities and Migration of Ukraine, in the area of migrations – (Skopje 28.11.2003);

On the basis of the Stabilisation and Association Agreement of the Republic of Macedonia with the European Union (Chapter VII – Justice and Home Affairs, Article 76) the issue of signing a readmission agreement with the EC was raised at the First Meeting of the Stabilisation and Association Council between the European Union and the Republic of Macedonia.

It should also be emphasised that the Republic of Macedonia signed readmission agreements with a number of countries (for more details see [24 E 06](#) and [27 Annex 01](#)).

4. Please provide information on methods of data collection on refused aliens, apprehension of illegal residents on national territory and facilitated aliens. (In answering this question it is recommended to use the information to be submitted to EUROSTAT for the joint annual questionnaire on migration).

The basic method of collecting data on refused aliens, apprehension of illegal residents on the territory of the Republic of Macedonia, as well as on facilitated aliens are the operative findings. They are acquired by direct fieldwork of the Border Police officers involved in securing of the state border, of the operative inspectors in charge of illegal immigration and aliens, as well as from citizens, media and other institutions.

All data on the undertaken measures (official notes, information, offence charges, etc.) related to aliens, are entered in the IT system of the Ministry of the Interior, where these data are recorded and processed. Separate records (operative bulletins) are kept, as well, on measures taken against certain aliens. The records contain data on the country of origin, type of offence, personal data, the reasons and the measures taken against the alien – illegal immigrant, etc.

These records are available to the services responsible for dealing with these issues.

Collecting data on refused aliens, on apprehension of illegal residents within the territory, as well as data about the facilitated aliens is within the competence of the Ministry of the Interior, according to Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92 and 45/02) and the Law on Crossing the State Border and Movement in the Border Zone ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92 and 45/02, 36/92, 11/94 and 19/04).

After the alien – illegal immigrant is apprehended, an interview is conducted at the official premises of the Ministry of the Interior, which could result in pressing misdemeanour charges against the illegal immigrant, or measures can be taken immediately for his/her return to the country of origin, in accordance with the abovementioned laws.

Considering that the part of the border with the State Union Serbia and Montenegro (towards Serbia) and with Albania are still under the competence of the Ministry of the Defence, apprehension of persons illegally crossing this part of the state border, detected in the green border area, is still within the authority of the Army of the Republic of Macedonia, which immediately informs the Ministry of the Interior. For more details see [24 A 05](#).

The data collecting methods are in conformity with the migration module of the EUROSTAT 2004 Statistical Compendium. At the same time, it has to be stressed that the Law on Asylum ("Official Gazette of the Republic of Macedonia" Nos. 36/92, 66/92 and 45/02. 49 of 25 July 2003) is harmonised with the Geneva Convention relating to the Status of Refugees of 1951 and Protocol relating to the Status of Refugees of 1967.

5. Provide statistics on the number of illegal migrants apprehended in your country in 2002, 2003 and, if available, 2004. Please indicate which nationalities were most frequently represented, which routes and methods were used, and recent trends.

During the year of 2002, a total number of 641 foreign citizens, who illegally entered the country, was registered. In 2003, that number was 781 foreign citizens, while in the course of the 10 months of the year 2004 a total of 1122 foreign citizens, who illegally crossed the Macedonian state border, was registered.

The perpetrators of illegal crossing of the state border are mostly citizens of the following countries:

Year 2002		Year 2003		2004 - 10 months		
Ordinal No.	COUNTRIES	Number of persons	COUNTRIES	Number of persons	COUNTRIES	Number of persons
1.	ALBANIA	332	ALBANIA	553	ALBANIA	999
2.	ROMANIA	62	BULGARIA	41	SERBIA AND MONTENEGRO	38
3.	MOLDOVA	58	ROMANIA	26	BULGARIA	11
4.	BULGARIA	26	SERBIA AND MONTENEGRO	27	UKRAINE	8
5.	SERBIA AND MONTENEGRO	31	MOLDOVA	27	MOLDOVA	6

Source: Ministry of the Interior

According to the manner of illegal crossing of the state border of the Republic of Macedonia, the illegal immigrants can be classified as follows :

- Unorganised immigrants – without any kind of logistic, who cross the state border illegally on their own;
- Partially organised immigrants – when the foreign citizens get assistance from Macedonian citizens, who for certain financial benefit point out the places where they can illegally cross the state border, as well as the direction of transiting through the territory of the Republic of Macedonia, and
- Organised immigrants – when in organised manner, through established nets for illegal transit of immigrants, through associates and transporters they are taken to certain destination in the Republic of Macedonia, where they are illegally employed or they are illegally transferred over the state border, mainly to the Republic of Greece or to the Republic of Albania, from where they continue their travel to the Western European countries.

A distinctive feature of this type of organised transfer is that the whole organisation, from the beginning until the final destination, is organised in the countries of origin of the immigrants, and implemented with the involvement of Macedonian citizens (associates and transporters) for adequate financial benefit.

Most of the illegal immigrants are Albanian citizens, of which a larger part is trying to cross illegally the Macedonian-Greek state border for the purpose of illegal employment in the Republic of Greece. A part of these immigrants remain in the Republic of Macedonia, where they are illegally employed or doing other illegal activities.

In the last years, on the territory of the Republic of Macedonia, due to its strategic position as a crossroads of corridors composing the so-called “Balkan Route”, a part of the immigration movements have occurred for transiting of a number of immigrants to the countries of the European Union as their final destination.

Several illegal border crossings are identified at the northern border with the State Union of Serbia and Montenegro - towards Serbia, in the area of the city of Kumanovo, as well as at the part of the border towards Kosovo. On the border with the Republic of Albania illegal border crossings are detected in the area of the cities of Ohrid and Struga. There are illegal border crossings towards the border with the Republic of Greece in the area of the cities of Gevgelija, Star Dojran, and Bitola, as well as on the border cross-section between the Republic of Bulgaria, the Republic of Greece and the Republic of Macedonia through the mountain Belasica. On the border with the Republic of Bulgaria illegal border crossings through the mountain Belasica and near the border crossing Novo Selo have been identified.

Unlike the previous period of few years, when the number of illegal border crossings was significant (in the year 1999 - 3736 illegal border crossings, in the year 2000 – 9771 illegal border crossings and in the year 2001 – 9264 illegal border crossings), in the period since 2002, due to the stabilisation of the situation in the region, a trend of significant decrease of illegal border crossings was registered.

6. Specify your return policy, including:

a) Number and destination of returns in 2002, 2003 and, if available, 2004;

b) Readmission agreements in place and planned, as well as ongoing readmission negotiations.

The return of aliens is regulated with the Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 26/93 and 45/02)

According to the Law, aliens are compelled to leave the territory of the Republic of Macedonia before the expiry of the term: for a visa free stay; defined with the visa; and the temporary residence permission (unless prolonged). Exceeding this period represents a violation for which the alien may be fined.

The residence may be cancelled to an alien who stays in the country longer than the time period regulated. The local office of the Ministry of the Interior shall issue a decision for cancellation of the stay and the time period within which the alien is obliged to leave the territory of the country.

An alien who will not leave the territory of the Republic of Macedonia during the set time, as well as an alien who will stay in the Republic of Macedonia longer than the time determined (according to the validity of the visa or three months without visa), or in the term determined in the approval for temporary residence, shall be escorted by an authorised official from the Ministry of the Interior to the state border (border crossing point) where she/he entered the country, or shall be escorted to the state border and handed over to representatives of the foreign country whose citizen he/she is.

In case of a juvenile alien who has entered the Republic of Macedonia without a valid travel document or without knowledge, i.e. approval from his/her legal guardians, i.e. who is without the necessary protection, security and means to sustain, or who has not acted according to the regulations of the Republic of Macedonia, the authorised officials within the Ministry of the Interior shall immediately notify the diplomatic-consular office of the state whose citizen she/he is, while in case of being a citizen of a neighbouring country, she/he shall be returned to his/her country.

The costs that might occur from the coerced deportation of an alien shall be paid by the alien, but if the alien does not have financial means, the costs shall be paid from the Budget of the Republic of Macedonia.

A legal person, which will bring in an alien, who is not allowed to enter the country, shall be obligated to take that person outside of the Republic of Macedonia at his/her own expense within the term determined by the Ministry of the Interior.

An alien shall not be coercively deported to a state in which his/her life may be endangered due to race, religious or national origin, political attitudes, or if there is a danger of being exposed to ill-treatment or to inhuman behaviour.

Problems concerning the readmission of aliens are due to the lack of accommodation facilities. The Republic of Macedonia does not yet have a shelter for aliens where aliens who are not able immediately to return to their country may be accommodated. The Ministry of the Interior may hold a person in police custody up to 24 hours, and in case the alien is not a citizen of a neighbouring country, appropriate accommodation must be provided until his/her return.

Programmes for the process of voluntary readmission of aliens have not yet been prepared.

These weaknesses are identified in the National Action Plan of the Republic of Macedonia for Migration and Asylum which was enacted on 09.12.2002. The National Action Plan is emphasising

the need of financial assets as an essential issue for resolving these problems. For more details see [24 Annex 01](#).

a) Number and destination of returns in 2002, 2003 and for nine months in 2004

- In 2002, 1318 aliens were returned. According to citizenship, the figures are the following: Republic of Albania 77, Bulgaria 148, Serbia and Montenegro 110, Moldova 98, Romania 82, Republic of Turkey 28, Nigeria 24, Ukraine 20, Bosnia and Herzegovina 9, Federal Republic of Germany and Sudan 5, Russian Federation 3, Republic of Croatia, Iraq, Poland and Estonia 2 each, Italy, Interim Administration of Kosovo, according to the UN Security Council Resolution No. 1244, the United States of America and Sierra Leone 1 each.
- Citizens of the neighbouring countries i.e. territories such as the Republic of Albania, Bulgaria, Serbia and Montenegro and Interim Administration of Kosovo, according to the UN Security Council Resolution No. 1244 were returned on the border crossings on that state i.e. territory. Citizens of all other countries were escorted and returned to the neighbouring border crossings where they entered the Republic of Macedonia.
- In 2003 1567 aliens were returned. From them according to the citizenship, the figures are the following: Republic of Albania 1065, Bulgaria 182, Serbia and Montenegro 166, Ukraine 35, Moldova 28, Turkey 23, Romania 20, Interim Administration of Kosovo, according to the UN Security Council Resolution No. 1244 - 11, Federal Republic of Germany 9, Republic of Croatia, Austria and the United States of America 3 each, Bosnia and Herzegovina, the Czech Republic, France and Greece 2 each, Kingdom of Belgium, Belarus, Italy, People's Republic of China, Russian Federation, Republic of Slovenia, Kingdom of Sweden, Spain, Egypt, Georgia and United Kingdom of Great Britain and Northern Ireland 1 each.
- Citizens of the neighbouring countries i.e. territories such as Republic of Albania, Bulgaria, Serbia and Montenegro, Republic of Greece and Interim Administration of Kosovo, according to the UN Security Council Resolution No. 1244 were returned on the border crossings on that state i.e. territory. Citizens of all other countries were escorted and returned to the neighbouring border crossings where they entered the Republic of Macedonia.
- In the first nine months of 2004, 1627 aliens were returned. From them according to the citizenship, the figures are the following: Republic of Albania 1351, Serbia and Montenegro 140, Bulgaria 66, Republic of Turkey 14, Interim Administration of Kosovo, according to the UN Security Council Resolution No. 1244 - 13, India 6, Federal Republic of Germany, Republic of Croatia and People's Republic of China 5 each, Romania and Moldova 4 each, Bosnia and Herzegovina 3, Kingdom of Belgium and Ukraine 2 each, Brazil, Belarus, Italy and Czech Republic 1 each, persons without determined citizenship 3.

Citizens of the neighbouring countries i.e. territories such as Republic of Albania, Bulgaria, Serbia and Montenegro, and Interim Administration of Kosovo, according to the UN Security Council Resolution No. 1244 are returned on the border crossings on that state i.e. territory. Citizens of all other countries shall be escorted and returned to the neighbouring border crossings where they entered the Republic of Macedonia.

b) Readmission agreements in place and planned, as well as ongoing readmission negotiations

The Republic of Macedonia has signed bilateral readmission agreements with the following states:

- Italian Republic ("Official Gazette of the Republic of Macedonia" – International Agreements No. 34/97), in force since 23.10.1997;
- Swiss Confederation ("Official Gazette of the Republic of Macedonia" - International Agreement No. 27/98), in force since 22.07.1998;
- Republic of Slovenia ("Official Gazette of the Republic of Macedonia" - International Agreements No.21/98), in force since 01.02.1999;

- French Republic (“Official Gazette of the Republic of Macedonia” International Agreements No.13/99), in force since 17.06.1999;
- Republic of Bulgaria (“Official Gazette of the Republic of Macedonia” - International Agreements No. 12/02), Signed on 19.06.2002. Response is awaited from Republic of Bulgaria on ratification of this agreement.
- Slovak Republic (“Official Gazette of the Republic of Macedonia” - International Agreements No. 13/99), in force since 01.11.2002;
- Republic of Croatia (“Official Gazette of the Republic of Macedonia” - International Agreements No. 47/02), in force on 01.02.2003;
- Romania (“Official Gazette of the Republic of Macedonia” - International Agreements No. 42/04) Signed on 12.11.2003; Still not in force;
- Federal Republic of Germany (“Official Gazette of the Republic of Macedonia” – International Agreements No.09/04) in force since 01.05.2004;
- Hungary (“Official Gazette of the Republic of Macedonia” - International Agreements, No. 42/04); Signed on 26.09.2001; Still not in force;
- Republic of Albania, signed in Skopje on 17.06.2004. Still not ratified.

The Republic of Macedonia is in procedure of signing readmission agreements with the following countries: Benelux countries, Kingdom of Denmark, Ukraine, Poland, Czech Republic, Slovak Republic, Latvia, Kingdom of Norway and Republic of Turkey.

The Republic of Macedonia has plans to sign readmission agreements with other EU member states, as well as with other states with whom we have mutual interest in regulating the matter.

F. ASYLUM

1. Please provide information on legislation or other rules governing your asylum policy.

The Asylum policy is regulated by the Law on Asylum and Temporary Protection (“Official Gazette of the Republic of Macedonia”, No. 49/03) and the Rulebook on the Form of the Application for Recognition of the Right to Asylum, the Mode of Fingerprinting and Photographing of Asylum Seekers, the Form and the Procedure for Issuing and Replacement of Documents for Asylum Seekers and For Persons with Recognised Right to Asylum or to Temporary Protection in the Republic of Macedonia and on the Mode of keeping records (“Official Gazette of the Republic of Macedonia”, No.48/03).

The Law on Asylum and Temporary Protection (“Official Gazette of the Republic of Macedonia”, No. 49/2003) entered into force in August, 2003. Main characteristics of the Law are as follows:

- Shared responsibility between the Ministry of the Interior (a procedure for recognition of the right to asylum) and the Ministry of Labour and Social Policy (activities related to accommodation, alimentation, assistance and integration of recognised refugees);
- Normal and accelerated procedure;
- Principle of manifestly unfounded application;
- Principle of safe country of origin;
- Principle of safe third country or first country of asylum;
- Subsidiary protection;
- Three phases of decision-making (The Ministry of the Interior – Section for Asylum, the Second Instance Commission for Administrative Procedure in the Field of Judiciary, Internal Affairs, State Administration, Local Self-government and Religion within the Government of

the Republic of Macedonia in second instance and the Supreme Court in cases of submitted lawsuit against the Commission decision);

The Rulebook on the Form of the Application for Recognition of the Right to Asylum, the Mode of Fingerprinting and Photographing of Asylum Seekers, the Form and the Procedure for Issuing and Replacement of Documents for Asylum Seekers and For Persons with Recognised Right to Asylum or to Temporary Protection in the Republic of Macedonia and on the Mode of keeping records ("Official Gazette of the Republic of Macedonia", No. 48/03) entered into force on July 25, 2004. By this by-law the forms used in the procedure for recognition of the right to asylum are regulated, as well as the issues related to the identification documents of the asylum seekers, the persons with recognised right to asylum under humanitarian protection and the recognised refugees along with the manner of issuing and replacement of such documents. The procedure regarding the travel documents for recognised refugees (according to the Convention), as well as the manner of fingerprinting and photographing asylum seekers and the manner of keeping records are also regulated by this legal act.

2. Describe your asylum procedure at first and second instances:

- a) normal and accelerated (if any) procedures;**
- b) number of appeals;**
- c) assessment of the average duration of the procedures;**
- d) identification of services involved and number of staff dedicated to asylum procedures;**
- e) methodology for country of origin information.**

The procedure on submitted applications for recognition of the right to asylum is conducted in accordance with the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/03). Subsidiary provisions on the administrative procedure are stipulated by the Law on General Administrative Procedure ("Official Gazette of the FPRY", Nos. 52/56, 10/65, 18/65 - consolidated text, 4/77, 11/78, 32/78 - consolidated text, 9/86, 16/86, 47/86 - consolidated text and "Official Gazette of the Republic of Macedonia", No. 44/02) and Law on Administrative Disputes ("Official Gazette of the SFRY", Nos. 4/77, 36/77 and "Official Gazette of the Republic of Macedonia", No. 44/02)

The Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/03) foresees three phases of decision making.

The Section for Asylum within the Ministry of the Interior conducts the first instance procedure. In the second instance, the Second Instance Commission for Administrative Procedure in the Field of Judiciary, Internal Affairs, State Administration, Local Self-government and Religion within the Government of the Republic of Macedonia decides upon a submitted appeal. Against the decision of the Competent Second Instance Commission, court protection is guaranteed, i.e. the right to appeal to the Supreme Court of the Republic of Macedonia.

The application for recognition of the right to asylum should be submitted to the police at the border crossing point or at the nearest police station. These police officers are obliged to escort the asylum seeker to the Section for Asylum within the Ministry of Interior, which is the sole competent body for delivering decisions upon such request. The request shall be written or orally presented, which should be noted in minutes. The Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/03) provides possibilities for conducting a regular or an accelerated procedure, depending if the asylum application is manifestly founded. The Section for Asylum conducts the first instance procedure in both cases.

a) Normal and accelerated procedures

While conducting the normal (regular) procedure, the Section for Asylum is obliged to take a decision within two months from the day the application is submitted. The authorised official from the Section for Asylum shall make the decision on the basis of the facts and evidence determined during the procedure and stated in the submitted application, information on the country of origin of the asylum seeker or the information gained during the interview. Upon submission of the application,

an identification document valid until the delivery of the final decision in the asylum procedure shall be issued to the asylum seeker. The asylum seeker have rights and obligations stipulated in Article 48 and 49 from the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/03).

These rights and obligations are:

Rights of asylum seekers (Article 48);

The asylum seekers until the taking of a final decision in the procedure for recognition of the right to asylum have the right to:

- Residence;
- Accommodation and care in a reception centre or other place of accommodation assigned by the Ministry of Labour and Social Policy;
- Basic health services;
- Work only within the reception centre or the other place of accommodation assigned by the Ministry of Labour and Social Policy; and
- Communication with the High Commissioner for Refugees, as well as with non governmental humanitarian organisations for the purpose of providing legal assistance in the course of the procedure for recognition of the right to asylum.

The Ministry of Labour and Social Policy takes care for the provision of means of subsistence and healthcare for the asylum seekers, while they find themselves in the Reception Centre or other place of accommodation assigned by this Ministry.

Duties of Asylum seekers (Article 49)

The asylum seeker is obliged to:

- Reside in the Reception Centre or other place of accommodation assigned by the Ministry of Labour and Social Policy;
- Co-operate with the asylum bodies, in particular to give his personal data, to hand over the identity and other documents which he may possess, to allow his photographing and fingerprinting, as well as the search of his luggage and the vehicle by which he has arrived in the Republic of Macedonia, as well as to give data about his property and income;
- Subject himself to medical examinations, treatment and omitted immunisation upon request of the bodies competent for the activities in the field of the healthcare, in case of a threat for the public health; and
- To respect the house rules of the Reception Centre or other place of accommodation assigned by the Ministry of Labour and Social Policy.

The Section for Asylum at the Ministry of the Interior shall provide an interpreter and legal assistance for the asylum seeker in the course of the procedure.

The asylum seeker has the right to appeal against the decision rejecting the asylum application within 15 days from the receipt of the First Instance Decision which is pronounced by the Section for Asylum. The appeal shall be submitted to the Second Instance Commission for Administrative Procedure in the Field of Judiciary, Internal Affairs, State Administration, Local Self-government and Religion within the Government of the Republic of Macedonia. The appeal postpones the execution of the decision. The aforementioned Second Instance Commission is obliged to decide upon the appeal within two months from the day the appeal was submitted.

Against the decision of the Second Instance Commission, an administrative dispute may be initiated before the Supreme Court, i.e. an appeal may be submitted within 30 days from the day of receipt of the Commissions' decision.

The accelerated procedure is implemented when the asylum application is manifestly unfounded, unless an unaccompanied minor or mentally disabled person has submitted the application. Pursuant to Article 35 of the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003), the asylum application is considered to be manifestly unfounded if:

- In the claim there are no grounds for fear of persecution because the application has not been submitted for reasons identified by the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003), but for the possibility of employment and better living conditions, or when the asylum seeker offers no evidence that he/she would be a subject to persecution or when his/her claims are impossible or contradictory;
- The application is based on a deliberate deception or an abuse of the procedure for recognition of the right to asylum;
- The person has arrived from a safe country of origin, unless he proves that the country of origin is not safe for him/her; and
- The person has arrived from a safe third country, where he/she could have applied for asylum, unless he proves that the third country is not safe for him/her;

The asylum seeker commits a deliberate act of deception and abuse of the procedure for the recognition of the right to asylum in case when:

- Without reasonable explanation, he/she deliberately makes false statements in his/her asylum application, orally or in written form, and these statements are of crucial nature and significance for determining his/her status of recognised refugee;
- Without reasonable explanation has based his/her application on a false identity or on forged documents, which he/she asserts to be authentic;
- He/she deliberately destroys, damages or conceals a travel document, other document or evidence relevant for the procedure, in order to obstruct the course of the procedure and to deceive the asylum bodies regarding his/her identity;
- The asylum application is submitted in order to obstruct the execution of the decision for expulsion from the territory of the Republic of Macedonia, while the asylum seeker, previously had enough possibilities to apply for recognition of the right to asylum,
- The asylum seeker's application has been rejected in another country, following an examination on the substance of the claim, in a procedure comprising adequate procedural safeguards, pursuant to the Convention, provided in Article 2, sub-paragraph 1 of the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003); and
- Has been granted asylum in another country and continues to enjoy protection in that country;

The First Instance Body - the Section for Asylum is obliged to deliver a decision within 15 days from the day of submission of the asylum application in an accelerated procedure. The asylum seeker in this case has the right to appeal to the Second Instance Commission for Administrative Procedure in the Field of Judiciary, Internal Affairs, State Administration, Local Self-government and Religion within the Government of the Republic of Macedonia within three days from the day of delivery of the decision. The Commission delivers a decision within 15 days from the day of submission of the appeal. In the accelerated procedure, an administrative dispute may not be initiated against the decision of the Second Instance Commission of the Government.

b) Number of appeals

The Section for Asylum currently conducts procedures upon 1155 applications for recognition of the right to asylum submitted during 2003, which cover a total of 2311 persons, out of which 1155 are adults. A total of 597 first instance decisions (1229 persons – 597 adults) have been delivered by the end of September 2004, out of which the status of a refugee was recognised in 6 cases (12 persons

– 6 adults); in 365 cases (809 persons – 365 adults) the right to asylum on humanitarian grounds (subsidiary protection) was recognised; in 113 cases (209 persons – 113 adults) the applications for recognition of the right to asylum were rejected and in 113 cases (199 persons – 113 adult) the procedure was stopped, due to reasons stipulated in Article 24 of the Law on Asylum and Temporary Protection (The procedure may be stopped if the asylum seeker, without justified reason, does not appear when summoned by the Section for Asylum – which for this purpose delivers a conclusion) . Against such decisions of the Section of Asylum, inclusive of September 2004, 152 appeals were submitted, out of which 80 appeals were submitted against decisions rejecting the application for recognition of the right to asylum, 70 appeals were submitted against the decision to recognise the right to asylum on humanitarian grounds and 2 appeals were submitted against the decision to stop the procedure. 43 appeals have been submitted to the Supreme Court of the Republic of Macedonia against the decision of the Second Instance Commission for Administrative Procedure in the Field of Judiciary, Internal Affairs, State Administration, Local Self-government and Religion within the Government of the Republic of Macedonia.

c) Assessment of the average duration of the procedures

Records of the Section for Asylum show that the regular procedure for recognition of the right to asylum from the day of the submission of the application until the day of the Supreme Court decision lasts on average 15 months.

d) Identification of services involved and number of staff dedicated to asylum procedures

The Section for Asylum conducts the procedure for the recognition of the right to asylum in the first instance. However, in the initial phase of the procedure, especially regarding the identification of the persons who need international protection, other services are involved, and particularly the Border Police, regular police stations and other bodies within the Ministry of the Interior. Upon the identification of the alien who has a need of international protection, all of the aforementioned services are obliged to escort him/her immediately to the Section for Asylum as a sole responsible and qualified service for conducting the procedure for recognition of the right to asylum. The Section for Asylum consists of one Head of Section and three inspectors in charge of conducting procedures on submitted applicationc for recognition of the right to asylum.

e) Methodology for country of origin information.

In accordance with the current practice, each of the employees while conducting a concrete procedure upon a submitted application for recognition of the right to asylum, prior to scheduling the interview, prepares and collects data relating to the country of origin or country of residence of the asylum seeker. Thereby, mostly used are the reports prepared by the international organisations (UNHCR, IOM, OSCE) and the ones prepared by the non-governmental organisations. Information are also collected from other sources via Internet.

3. Do you apply the following concepts (if yes, how?):

a) safe third country;

b) safe country of origin;

c) manifestly unfounded claims.

The Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003) stipulates the concepts of:

a) Safe third country

b) Safe country of origin and

c) Manifestly unfounded application.

a) Safe third country

As a Safe third country or First country of asylum, pursuant to Article 10 of the abovementioned Law, shall be considered the state in which the asylum seeker retained prior to his arrival in the Republic of Macedonia, and whereto it may be presumed he can return safe from persecution for reasons of race, religion, nationality, membership of particular social group or his political opinion, or from torture, inhuman or degrading treatment or punishment.

As Safe third country shall be considered the state:

- Where there is no serious risk of persecution due to the aforementioned reasons or from torture, inhuman or degrading treatment or punishment;
- Which respects and implements the principle of non-refoulment; and
- Which will receive the asylum-seeker, provide him access to a procedure for recognition of the right to asylum which provides the basic procedural safeguards and will examine the application for recognition of the right to asylum in substance;

b) Safe country of origin

As a Safe Country of Origin pursuant to Article 9 of the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003) shall be considered the state where its citizens or stateless persons, having there their last habitual residence are safe from persecution for reasons of race, religion, nationality, membership of a particular social group, political opinion, or they are safe from torture, inhuman or degrading treatment or punishment. This shall be determined particularly based upon the respect of human rights defined by the international instruments, existence of democratic institutions (democratic processes, elections, political pluralism, freedom of thought and public expression of the thought, availability and effectiveness of the legal protection) and the stability of the country.

The Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003) for the implementation of these concepts does not foresee creation of safe countries' list. Thus, these concepts shall not be applied by automatism, rather it will depend on the information on the countries of origin at the day of submission of application for recognition of the right to asylum and the conduct of procedure, and on the fulfilment of the conditions prescribed by this Law, that are aforementioned. In cases when Section for Asylum will refer on these concepts, the asylum seeker, during the procedure for recognition of the right to asylum, may prove that the country of origin or the first country of asylum is not safe for him.

c) Manifestly unfounded applications

The Law on Asylum and Temporary Protection (Official Gazette of the Republic of Macedonia No. 49/2003) stipulates the concepts of Manifestly unfounded applications in the part that regulates the accelerated procedure (Article 34, 35, 36 and 37). In doing so, the previous two concepts are stipulated as part of the reasons which make the application for recognition of the right to asylum manifestly unfounded and provides basis for conducting of the accelerated procedure. For more details see answer [24 F 02](#).

4. Describe the procedural guarantees for asylum applicants:

- a) information, interview, right to counsel and representation, interpretation/translation;**
- b) independence of review and appeal procedures;**
- c) measures for unaccompanied minors.**

The Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003) prescribes several procedural guarantees in the procedure for recognition of the right to asylum from the moment of declaring the need of international protection until the moment of completion of the procedure. The Principle of Non-Refoulement - Article 7, legal assistance - Article

14, non-sanctioning of the illegal entry in the Republic of Macedonia - Article 17, right to an interpreter - Article 21, right of personal and direct presentation the request (right to a hearing) - Article 28, right to an appeal and right to a judicial protection - Article 39 are stipulated by this law.

a) Information, interview, right of counselling and representation, interpretation/ translation

Information

According to the established procedure upon individually submitted request for recognition of the right to asylum, and pursuant to Article 14 of the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003), the asylum seeker, immediately after declaring the request to the Section for Asylum, receives verbal legal assistance and explanations regarding his/her rights and obligations in the procedure that will take place, in his mother language or in the language he/she understands, within the boundaries of possibilities. The Section for Asylum notifies the Office of the UN High Commissioner for Refugees in Skopje for the presence of an asylum seeker, which, pursuant to the above stated article has the right of access and communication with the asylum seekers in all stages of the procedure.

Interview

The provisions of Article 28 of the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003) prescribe that the asylum seeker have the right to be interviewed by an authorised official from the Section for Asylum in order to present orally and immediately all facts and reasons that place him in need for international protection. Upon a request of the asylum seeker, the interview shall be carried out by a official of a same gender coming from the Section for Asylum. During the interview, minutes shall be kept and the persons who participated in the hearing shall sign the minutes.

Right on counseling and representation

Pursuant to Article 14 of the Law on on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003), the Asylum seeker has the right to legal assistance and explanation regarding the conditions and procedure for recognition of the right to asylum. The asylum seekers in all stages of the procedure may communicate with persons who provide legal assistance, with the representatives of the High Commissioner for Refugees, as well as with non-governmental humanitarian organisations. The representatives of the High Commissioner for Refugees have the right of access and communication with the asylum seeker in all stages of the procedure, wherever they are staying.

Interpretation/translation

According to Article 21 of the Law on Asylum, when the asylum seeker does not understand the language of the procedure, the Section for Asylum shall provide an interpreter for that person in the language of his country of origin or in the language he understands. The Ministry of the Interior shall cover the costs for the interpreter. The asylum seekers are entitled to an interpreter of a same gender. The interpreter is bound to keep as confidential the data learned during the procedure.

b) Independence through the evaluation of the asylum request and the appeal procedures.

The right to appeal and the right to judicial protection are foreseen in the Article 32 of the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003). The asylum seeker may appeal against the decision of the Asylum Section in front of the competent Second Instance Commission at the Government within 15 days from the day of delivery of the decision. The appeal shall suspend the execution of the decision. The Commission shall decide within two months from the day of submission of the appeal. This Commission is composed of President and members. In accordance with the Law on Government of the Republic of Macedonia ("Official Gazette of RM", No. 59/2000, 12/2003), the Ministers and the public servants who participated in the decision-making in first instance, can not be appointed as a President and

members of the Commissions. The Commission decides on the basis of documents - writs (presented evidence) obtained by the body deciding in first instance without undertaking direct hearing of the claimant. Against the decision of the Second Instance Commission of the Government, an administrative dispute may be initiated in front of the Supreme Court of the Republic of Macedonia

c) Measures intended for unaccompanied minors

According to the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003), the unaccompanied minors are treated as vulnerable category and therefore the articles 23 and 34 of the same Law envisage special procedural guarantees for this category of persons.. According to Article 23, to this category of vulnerable persons a guardian shall be assigned in accordance with the Law on Family ("Official Gazette of the Republic of Macedonia", No. 80/92, 9/96, 38/04). In the practice, the Ministry of Labour and Social Policy assigns the guardian upon a request of the Asylum Section.

Article 34 of the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003) foresees procedural guarantee related to the exclusion of the unaccompanied minors by the accelerated procedure. Namely, the accelerated procedure shall not be implemented even though the asylum application is manifestly unfounded, when the application is submitted by an unaccompanied minor.

5. What concept of protection do you apply?

a) How do you apply the 5 grounds in article 1A and the exclusion clauses of Article 1F of the 1951 Convention?

b) Are non-state agents of persecution included in your understanding of the refugee definition of Article 1A GC?

c) Do you have in place subsidiary protection(s)?

d) Do you have in place a temporary protection system to deal with mass influx of displaced persons?

The Law on Asylum and Temporary Protection ("Official Gazette of RM" No. 49/2003) envisages a possibility for recognizing status of refugee according to the 1951 Convention and the 1967 Protocol and recognition of the right to asylum on humanitarian grounds according to the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms and according to the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

a) Application of the 5 grounds in article 1A and the exclusion clauses of Article 1F of the 1951 Convention.

Article 2 of the Law on Asylum and Temporary Protection completely takes over the definition on refugee from the 1951 Convention relating to the Status of Refugee (including the Protocol). Recognised refugee, pursuant to the Law, is a person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or his political opinions; is located outside the state of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that state; or who is stateless and being outside the state in which he had a habitual place of residence, is unable, or owing to such fear, is unwilling to return to it.

According to the definition, in the course of the procedure for recognizing the right to asylum, it will be determined whether the basic pre-conditions are being fulfilled, as stated in the definition:

- To be outside the state of his nationality or to be outside the state in which he had a habitual place of residence;
- To exist well-founded fear;
- The well-founded fear to be correlated to the persecution;
- The persecution to be based on reasons of race, religion, nationality, membership of particular social group or his political opinions and

- The state of his nationality or the state in which he had habitual place of residence to be unwilling or unable to avail him protection;

In the course of the procedure based upon the statements stated in the application for recognition of the right to asylum and upon the information on the country of origin shall be determined if these elements are fulfilled. These pre-conditions shall be cumulatively fulfilled, as for the asylum application shall be rejected in case if some of the stated elements is missing.

In the procedure on the submitted application for recognition of the right to asylum, related to the determination of the identity of the applicant, the Section for Asylum, ex officio, in co-operation with others offices within the Ministry of the Interior (National Bureau of INTERPOL, State Security and Counter-Intelligence Directorate) will check whether the provision for exclusion from Article 6 of the Law on Asylum and Temporary Protection (“Official Gazette of RM” No. 49/2003) are applicable for that person (directly taken over from Article 1F from the Convention), i.e. if the person has:

- Committed a crime against peace, humanity or a war crime, according to the international acts in which such crimes are stipulated;
- Committed a serious (non-political) crime outside territory of the Republic of Macedonia prior to being admitted in it as refugee;
- Has been guilty of acts contrary to the goals and principles of the United Nations Organisation;

In case where it is determined that the person cannot enjoy the right to asylum due to the above stated reasons, ex officio will be determined if there are obstacles for his return, i.e. if there are elements applicable from Article 7 paragraph 3 (The Principle of Non-Refoulment).

b) Inclusion of the non-state agents of persecution in the understanding of the refugee definition of Article 1A GC.

In the course of procedure for recognition of the right to asylum, especially the part of determining the existence of persecution, the law enforcement agencies are being determined. Thereby, there is possibility for recognition of non-state agents of persecution. In that case it shall be determined :

- Whether the persecution is limited to a particular geographic part of the state of his origin;
- Whether there was possibility for direct safe access to the other part of the state that is considered as safe for the asylum seeker (in case the non—state agents of persecution will control part of the territory of the state which the asylum seeker has left);
- Whether the asylum applicant have requested protection from the state authorities competent for his safety;
- Whether these authorities have provided him protection or is it possible for them to provide protection;

c) Subsidiary protection(s).

In addition to the recognition of a status of refugee, the Law on Asylum and Temporary Protection (“Official Gazette of the Republic of Macedonia”, No. 49/2003) in Article 2, Paragraph 1, Point 2 also stipulates recognition of the right to asylum for humanitarian protection. The right to asylum for humanitarian protection shall be granted to person who is unable to return to his country where he would be subjected to torture, inhuman or degrading treatment or punishment. Pursuant to Article 30 of the abovementioned law, the grounds for recognition of the right to subsidiary protection shall be determined ex officio.

d) Temporary protection system dealing with mass influx of displaced persons.

Chapter VI of the Law on Asylum and Temporary Protection (“Official Gazette of the Republic of Macedonia”, No. 49/2003) stipulates the right to temporary protection in case of mass influx of

displaced persons coming directly from a state where their life, safety or freedom have been threatened by war, civil war, occupation, internal conflict linked with violence or mass violation of human rights. The Government decides upon the right of the temporary protection, and periodically re-examines the grounds and need for its extension. The temporary protection cannot last longer than two years. The persons under humanitarian protection shall have the right to submit application for the recognition of the right to asylum, at any time.

6. Have you identified the services competent for the application of provisions for determining the State responsible for the examination of an asylum application and for recording and processing the fingerprints of asylum seekers in this connection (with a view to possible future implementation of the Dublin II and Eurodac-regulations)?

In accordance with the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003) the Section for Asylum within the Ministry of the Interior, as a sole central expert office competent for making decisions, shall decide upon filed requests regarding recognition of the right of asylum. This Section, with adequate enlargement and training of the personnel, shall be competent for future implementation of the Dublin II regulations regarding determining the state which will be responsible for reviewing the requests for recognition of the right to asylum.

In the Rulebook on the Form of the Application for Recognition of the Right to Asylum, the Mode of Fingerprinting and Photographing of Asylum Seekers, the Form and the Procedure for Issuing and Replacement of Documents for Asylum Seekers and For Persons with Recognised Right to Asylum or to Temporary Protection in the Republic of Macedonia and on the Mode of keeping records ("Official Gazette of the Republic of Macedonia", No.48/03), pursuant to Article 8, upon the request of the Section for Asylum, the asylum seeker shall be fingerprinted and photographed at the Department of Criminal Police.

7. Describe your registration and identification (including IT) systems for asylum applicants.

The Article 67 of the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003) determines the Section for Asylum, as a sole competent office, in charge of establishing, processing and using of the Central Data Collection (pursuant to the Law on Personal Data Protection ("Official Gazette of Republic of Macedonia", No. 07/05)) which contains personal data on the asylum seekers, recognised refugees and persons under humanitarian protection, data on their residence and data on the rights they are enjoying in the Republic of Macedonia.

The Section for Asylum shall use two registration systems upon submitted application for recognition of the right to asylum: System for registration of asylum seekers and system for registration of recognised refugees and persons under humanitarian protection.

For registration of asylum seekers, the Section for Asylum is using the modified system used by the United Nations High Commissioner for Refugees - RICS (Registration of Individual Cases). The system provides opportunity for entering data on the submitted Application, on the asylum seeker, on the persons who are escorting the asylum seeker and data on the course of the procedure through all phases until the final decision.

The part on data pertaining to the submitted Application, will automatically number the application, and will contain entries of data relating to the: date of entry into the Republic of Macedonia of the asylum seeker, date of submission of the application of the asylum seeker, the reasons owing to which the person is seeking the right to asylum (race, nationalities, social group and ...), current address of the place of residence in the Republic of Macedonia of the asylum seeker, address of the country of origin, residence status prior entering the Republic of Macedonia, data on the eventual relatives in the Republic of Macedonia.

The Form of the Application contains entries of data relating to the: name and surname of the applicant, maiden name, father's name and name of the mother, place and country of birth, sex,

marital status, citizenship, ethnicities and religion, education completed, employment in the country of origin, identity documents which the applicant possesses, languages and space for photograph of the asylum seeker.

The part on data pertaining to the accompanying persons shall contain entries on the children of the applicant with their identification data and family relation (son, daughter) and possibility for imprinting photograph.

The part on data pertaining to the course of the procedure will record all events starting from the day of submission of the asylum application to the day of issuing of the final decision (submission of the Application, interview, the first instance ruling, appeal, decision in the second instance, etc) with the date and place for possible comment.

This is an internal system and only the authorised officials from the Section for Asylum shall have access to the system with the data on the asylum seekers. The system provides possibilities of receiving reports on various basis (sex and age, date of the submission of the asylum application, religion, and similar information) system on registration of asylum seekers and system on registration of recognised refugees and persons with recognised right of humanitarian protection.

After the final completion of the procedure for recognition of the right to asylum, the data relating to the recognised refugees and concerning the persons with recognised right to asylum of humanitarian protection shall entry in the special system for automatic processing of the data, the Central Database at the Section for Asylum, within the Ministry of the Interior. The system contains identification data for the stated category of aliens. The system enables opportunity for receiving reports related to the number of recognised refugees and persons with recognised right for humanitarian protection who are residing on the territory of the whole state.

8. Describe your system of reception conditions for asylum applicants.

The Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003) regulates the rights of the asylum seekers. Pursuant to this Law, this category of persons shall have the right to:

- *Residence and accommodation*

In accordance with Article 48 of this Law, the asylum seekers have the right for accommodation in a Reception Centre or at other accommodation facilities assigned by the Ministry of Labour and Social Policy. While designating the place of accommodation, preservation of family compactness shall be taken into consideration. In accordance to the activities for implementation of CARDS 2002 Programme, activities are underway for building a Reception Centre for asylum seekers, which will operate within the framework and authority of the Ministry of Labour and Social Policy. Deadline for implementation of this project is October, 2005. The Centre will satisfy all European criteria and standards for accommodation of this category of persons, including conditions for providing care for asylum seekers with special needs, unaccompanied minors, as well as victims of torture and other forms of violence. Until completing this project, the asylum seekers will be provided with accommodation in the shelter centre within the framework of the Ministry of the Interior. The basic condition for providing accommodation in the stated centre will be the need of international protection of the person who submitted application for recognition of the right to asylum. This Centre, in co-operation with the UNHCR Office in Skopje will provide food and primary healthcare. Beside accommodation in the Reception center, there is a practice of providing accommodation for asylum seekers in the families of the nationals of the Republic of Macedonia.

- *Information*

According to the established procedure upon individually submitted request for recognition of the right to asylum, and pursuant to Article 14 of the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003), the asylum seeker, immediately after declaring the request to the Section for Asylum, receives verbal legal assistance and

explanations regarding his/her rights and obligations in the procedure that will take place, in his mother language or in the language he/she understands, within the boundaries of possibilities. The Section for Asylum notifies the Office of the UN High Commissioner for Refugees in Skopje for the presence of an asylum seeker, which, pursuant to the above stated article has the right of access and communication with the asylum seekers in all stages of the procedure.

- *Interview*

The provisions of Article 28 of the Law prescribe that the asylum seeker have the right to be interviewed by an authorised official from the Section for Asylum in order to present orally and immediately all facts and reasons that place him in need for international protection. Upon a request of the asylum seeker, the interview shall be carried out by a official of a same gender coming from the Section for Asylum. During the interview, minutes shall be kept and the persons who participated in the hearing shall sign the minutes.

- *Right on counseling and representation*

Pursuant to Article 14 of the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003), the asylum seeker have the right to legal assistance and explanation regarding the conditions and procedure for recognition of the right to asylum. The asylum seekers in all stages of the procedure may communicate with persons who provide legal assistance, with the representatives of the High Commissioner for Refugees, as well as with non-governmental humanitarian organisations. The representatives of the High Commissioner for Refugee have the right of access and communication with the asylum seeker in all stages of the procedure, wherever they are staying.

- *Interpretation/translation*

According to Article 21 of the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003), when the asylum seeker does not understand the language of the procedure, the Section for Asylum shall provide an interpreter for that person in the language of his country of origin or in the lanuage he understands. The Ministry of the Interior shall cover the costs for the interpreter. The asylum seekers are entitled to an interpreter of a the same gender. The interpreter is bound to keep as confidential the data learned during the procedure.

- *Identity documents*

In accordance with Article 39 and 40 of the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003) the identity documents issued to the asylum seekers are valid until the delivering of a final decision in the asylum procedure, i.e. until the expiration of the time period within which the person is obliged to leave the territory of the Republic of Macedonia after the final decision rejecting his application comes into force. The Ministry of the Interior – the Section for Asylum issues the identity documents for asylum seekers.

- *Residence*

According to the provisions from Article 38 of the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003) the asylum seeker have the right to reside and the right to free movements in the territory of the Republic of Macedonia.

- *Health protection*

Pursuant to Article 48 of the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003), the asylum seekers have the right to basic health services. The Ministry of Labour and Social Policy takes care for the provision of means of subsistence and healthcare for the asylum seekers, while they find themselves in the reception centre or other places of accomodation assigned by this Ministry. Pursuant to Article 49 of the aforementioned Law, the asylum seekers are obliged to subject themselves to medical examinations, treatment and ommited immunisation upon request of the bodies competent for the activities in the field of the healthcare, in case of a threat for the public health.

- *Education*

Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003) explicitly does not prescribe the right and obligation for education of the children of the asylum seekers, or juvenile asylum seekers. However, according to the established practice with regards to the asylum seekers from Serbia and Montenegro -Kosovo, the children of this category of asylum seekers are included into the regular state educational system.

- *Employment*

The asylum seekers have no access to the labour market until completion of the procedure, i.e. until taking a decision that recognises their right to asylum in the Republic of Macedonia. Nevertheless, pursuant to Article 48 of the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003), a possibility to work is foreseen only within the Reception Centre or other place of accommodation assigned by the Ministry of Labour and Social Policy.

The Republic of Macedonia, to a great extent, implements the European standards and conditions regarding the admission of the asylum seekers. When the new Reception Center within the Ministry of Labour and Social Policy becomes operational this system will be completely in line with the European standards.

9. Describe the framework for cooperation with UNHCR and NGOs.

The cooperation with the UNHCR and non-governmental organisations is taking place in connection with:

- The legal procedure in assessing the grounds of the submitted applications and exchange of statistical data on the number of asylum seekers, persons with a recognised refugee status and persons with right to asylum on humanitarian grounds;
- The accommodation and assistance to asylum seekers.

The Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003) establishes a principle of shared competencies. The Ministry of the Interior – the Asylum Section is in charge of the legal procedure for assessment of the grounds of the application for recognition of the right to asylum, while the Ministry of Labour and Social Policy is in charge of the accommodation and assistance to asylum seekers and of the integration of the recognised refugees. In accordance with such division of competencies, the cooperation with the UNHCR, regarding issues under the mandate of this UN Agency, mainly involve these two ministries. The legal framework for cooperation is regulated by the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003):

- Article 13 - according to this article the Asylum Section shall cooperate with the UN High Commissioner for Refugees at all stages of the procedure for recognition of the right to asylum;
- Article 14 - grants the right to the asylum seekers, to communicate with persons providing legal aid, representatives of the UN High Commissioner for Refugees, as well as with non-governmental humanitarian organisations, at all stages of the procedure, and
- Article 48 – according to which the asylum seekers may contact the UN High Commissioner for Refugees, as well as non-governmental humanitarian organisations to receive legal aid in the procedure for recognition of the right to asylum;

The cooperation between the Ministry of the Interior– Section for Asylum and the UNHCR Office in Skopje started after the establishment of the Section for Asylum, in the end of 1998. The UNHCR Office is actively involved in the efforts to build an asylum system compatible with the system of the European Union member-states, being also involved in the legislative and procedural issues and in the exchange of information and statistical data. Representatives of the UNHCR Office in Skopje have been and are involved in all working groups and activities related to asylum issuing. Thus, the UNHCR has participated in:

- The activities for drafting the new Law on Asylum and Temporary Protection;
- The activities of the Macedonian Country Team for development of the National Action Plan on Asylum and Migration;
- The activities for implementation of the CARDS 2002 Programme – by their representative in the Steering Committee;

In addition to the aforementioned activities, as of 2000, the Section for Asylum has been financially supported by the UNHCR in respect of staff education and training, as well as regarding the fulfilment of certain legal obligations (free of charge legal aid to asylum seekers, interpreters, etc.).

The cooperation between the Ministry of Labour and Social Policy and the UNHCR is based on the Memorandum of Understanding signed by the UNHCR and the Government of the Republic of Macedonia on 08.11.1994. Every year, this Ministry, assisted by UNHCR, implements various sub-projects dealing with accommodation, alimentation, provision of primary healthcare, legal protection and education of persons under humanitarian protection who reside on the territory of the Republic of Macedonia.

This Ministry had exceptional cooperation with the non-governmental sector in offering basic care to persons under humanitarian protection, especially in the course of the Bosnian and the Kosovo crises.

10. Describe your integration policy for refugees.

Pursuant to the National Action Plan of the Republic of Macedonia on Asylum and Migration (For more details see [24 Annex 01](#)), the integration policy is related to the rights, obligations and possibilities of the recognised refugees. The policy of integration is primarily directed towards intensifying of the process of inclusion of these persons in the social life, by finding modalities for their adjustment to the new environment. The integration policy is not directed towards recognition of privileges for refugees and immigrants, but towards reduction of the obstacles and providing equal rights and possibilities for these persons. The Republic of Macedonia undertakes steps towards improvement of the system of integration, in order to create appropriate possibilities for further integration of the refugees in society and better conditions for life.

To fulfil these objectives and to find durable solutions for the problems of refugees, the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003) envisages certain rights, which these persons may exercise. Primarily, it must be mentioned that these persons are socially insecure, so pursuant to the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003), persons with recognised refugee status in the first two years have the right to financial assistance and accommodation. The right to accommodation, in accordance with the principles of participation of the local community, is provided for by affording adequate housing for temporary use or of financial assistance needed to provide housing, until these persons are capable to earn funds for their subsistence, but not longer than two years from the date when the decision to recognise refugee status has been adopted. Regarding the financial assistance, pursuant to Article 53 of the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003) a person with a recognised refugee status, who has no income or cannot earn income from his property, has the right to financial assistance as monthly allowance, as a part of the basic financial assistance to the holder of this right, and allowance for the other family members who do not have income (assistance co-beneficiaries) until they themselves start earning their subsistence, but not later than two years from the date of receiving the decision for recognition of the status of a refugee. In addition to these rights, persons with recognised refugee status have the right to primary healthcare, until they acquire the capacity of an insured person.

The rights and obligations of refugees are regulated in Article 51 of the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003). Pursuant to

Article 51, unless otherwise provided for in this or another law, recognised refugees have the same rights and obligations as the nationals of the Republic of Macedonia, with the following exceptions:

- They do not have the right to vote;
- They are not subject to conscription for military service;
- They may not perform activities, be employed and establish associations of citizens and political parties in a cases in which the law prescribes the condition that the person is a national of the Republic of Macedonia;

In light of the above stated, it can be concluded that these persons are equivalent with the nationals in terms of their rights, i.e. they have unimpeded access to social, healthcare, educational and justice institutions of the system. These persons have the right to participate in the labour market under conditions prescribed in the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003), in which respect, equal rights are prescribed, in principle. Namely, pursuant to Article 56 of Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003) recognised refugees exercise the right to work under the same conditions foreseen by the respective legislation for aliens having permanent residence permit in the Republic of Macedonia, while in terms of the employment rights they are equivalent with the macedonian nationals.

The activities directed towards integration of refugees also encompass design of special programmes for study of the Macedonian language, education and vocational training (learning various types of skills/crafts) and other measures. The implementation of this objective requires cooperation with the existing non-governmental organisations, as well as establishment of new NGO's of such character.

At the same time both the non-governmental organisations and the civil society, with their information campaigns for promotion of tolerance towards the refugees and against xenophobia are of special importance in the process of integration of refugees.

11. Describe the system put in place to collect data and statistics on asylum and refugee movements in your country and provide the following data (reference period: 2001-2004): number of asylum seekers, number of refugee and other protection status recognised, 10 main citizenships of origin of asylum seekers, for each year. (In answering this question it is recommended to use the information to be submitted to EUROSTAT for the joint annual questionnaire on migration).

Pursuant to Article 67 of the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003), the Section for Asylum within the Ministry of the Interior is in charge of keeping information and statistical data on asylum. The Section for Asylum within the Ministry of the Interior has established a Central Data Base. This was in compliance with the previous Law on Personal Data Protection ("Official Gazette of the Republic of Macedonia" Nos. 12/94 and 4/02), and it is in accordance with the newly adopted law on 25.01.2005 ("Official Gazette of the Republic of Macedonia", No.07/05). The Data Base contains personal data on asylum seekers, recognised refugees and persons under humanitarian protection, data on their residence, and the rights they are enjoying in the Republic of Macedonia.

According to data collected by the Section for Asylum within the Ministry of the Interior, the situation regarding asylum seekers and persons with recognised right to asylum in 2002, 2003 and 2004 is the following:

Year	Number of asylum seekers	Refugee status	Humanitarian protection,	Decision-making		
				Suspended procedure	Rejected requests	In procedure
2002	118	1	/	15	102	/
2003	2311(5)*	12	809(2)	199	209	1082(3)
2004	48	/	/	1	17	30

Source: Ministry of the Interior
 * The data in brackets pertain to unaccompanied minors

During 2002, procedures upon submitted requests for recognition of the right to asylum were implemented pursuant to the Law on Movement and Residence of Aliens ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 26/93 and 45/02). The procedures upon requests for recognition of the right to asylum submitted during 2003 were pursuant to the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003) that entered into force on 3.08.2003. Bearing in mind that the Section for Asylum still processes requests for recognition of the right to asylum submitted during 2003, from the requests submitted during 2004, processed as priority were only the manifestly unfounded ones, for which the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003) prescribes an accelerated procedure.

In the period between 2002 and 2004, the citizens of the following three states have submitted requests for granting asylum in the Republic of Macedonia:

States	2002	2003	2004
Serbia and Montenegro	116	2310(5)*	47
Turkey	1	1	/
Bulgaria	1	/	1

Source: *Ministry of the Interior*
 * The data in brackets pertain to unaccompanied minors.

G. POLICE COOPERATION

1. Please provide information on legislation or other rules governing the police and police cooperation, and their adhesion to relevant international conventions.

Laws related to the police and its duties in the Republic of Macedonia and to police cooperation are the following:

- Law on Internal Affairs ("Official Gazette of the Republic of Macedonia" Nos. 19/95, 55/97, 38/02, 33/03 and 19/04);
- Law on Organisation and Operation of the State Administrative Bodies ("Official Gazette of the Republic of Macedonia" Nos. 58/00 and 44/02);
- Criminal Code ("Official Gazette of the Republic of Macedonia", Nos. 37/96, 80/99, 4/02, 43/03 and 19/04);
- Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", Nos. 15/1997, 44/2002 and 74/2004);

- Law on Public Peace and Order Disturbances (“Official Gazette of the Republic of Macedonia”, Nos. 25/72, 29/83, 51/88, 19/90 and 26/93);
- Law on Misdemeanours (“Official Gazette of the Republic of Macedonia”, No. 15/97);
- Law on Traffic Road Safety (“Official Gazette of the Republic of Macedonia”, Nos. 14/98, 38/02 and 38/04);
- Law on Asylum and Temporary Protection (“Official Gazette of the Republic of Macedonia”, No. 49/03);
- Law on Law on Movement and Residence of Aliens (“Official Gazette of the Republic of Macedonia”, Nos. 36/92, 26/93 and 45/02);
- Law on Crossing the State Border and Movement in the Borderzone (“Official Gazette of the Republic of Macedonia”, Nos. 36/92, 12/93, 11/94 and 19/04);
- Law on Weapons (“Official Gazette of the Republic of Macedonia”, No. 7/05);
- Law on Securing Persons and Property (“Official Gazette of the Republic of Macedonia”, No. 80/99);
- Law on Travel Documents of the Citizens of the Republic of Macedonia (“Official Gazette of the Republic of Macedonia”, Nos. 67/92, 20/03 and 46/04);
- Law on General Administrative Procedure (“Official Gazette of SFRY”, Nos. 52/56, 10/65, 4/77, 11/78 and 9/86; and “Official Gazette of the Republic of Macedonia”, Nos. 44/02);
- Law on Administrative Disputes (“Official Gazette of the Republic of Macedonia”, Nos. 4/77 and 44/02);
- Law on Public Gatherings (“Official Gazette of the Republic of Macedonia”, No. 55/95);
- Law on Classified Information (“Official Gazette of the Republic of Macedonia”, No. 9/04);
- Law on Personal Data Protection (“Official Gazette of the Republic of Macedonia”, No. 7/05);
- Law on Financial Police (“Official Gazette of the Republic of Macedonia”, No. 55/02);
- Law on Prevention of Laundering Money and Other Proceeds from Crime (“Official Gazette of the Republic of Macedonia”, No. 46/04); and other laws.

To perform the tasks within the competence of the Ministry of the Interior, the officers of the Ministry act in accordance with the following secondary legislation:

- Decree on the Use of Means of Coercion and Firearms (“Official Gazette of the Republic of Macedonia”, Nos. 22/98 and 17/04);
- Rulebook on Mode of Operation of the Ministry of the Interior (“Official Gazette of the Republic of Macedonia”, Nos. 12/98 and 15/03);
- Code of Police Ethics (“Official Gazette of the Republic of Macedonia”, No. 3/04; see [24 Annex 05](#));
- Rulebook on the Mode of Storing and Protecting Documents, Reports, Data and other acts of the Ministry of the Interior which by Virtue of Law, other Regulations or a Decision by a Competent Body are Designated as State, Military or Business Secret (“Official Gazette of the Republic of Macedonia”, Nos. 48/95 and 34/03);
- Rulebook on the Performance of Duties of the State Security and Counterintelligence Directorate (“Official Gazette of the Republic of Macedonia”, No. 48/98);
- Rulebook on the Performance of Duties of the Internal Control and Professional Standards Sector at the Ministry of the Interior;
- Rules for Conduct and Mutual Relations between Employees with Special Tasks and Authorities at the Ministry of the Interior;
- Rules on the Treatment of Temporarily Impounded and Found Objects by Authorised Officials of the Ministry of the Interior (“Official Gazette of the Republic of Macedonia”, No. 56/1995);
- Rulebook on the Control of State Border Crossing, Movement and Stay at Border Crossing Points and Records Keeping (“Official Gazette of the Republic of Macedonia”, No. 74/92);

- Decision Designating Protected Persons and Facilities (“Official Gazette of the Republic of Macedonia”, No. 88/02).

The Law on Internal Affairs, in Article 44, explicitly provides that in the performance of the duties within its competence, the Ministry can cooperate and exchange information with foreign police and state authorities, organisations from other states and international organisations in the area of the internal affairs.

The Republic of Macedonia, as a member-state of the United Nations and the Council of Europe has signed and ratified the following international conventions related to the police and the police cooperation:

Council of Europe Conventions

- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and Protocol No. 1 and Protocol No. 2 to the Convention.
(The Convention and the Protocols were signed on 14.06.1996, ratified on 06.06.1997 and entered into force on 01 October 1997 – the Convention, and 01.03.2003 – the Protocols);
- European Convention on Mutual Assistance in Criminal Matters, with the Additional Protocol; (the Convention and the Protocol were signed on 28.07.1999, ratified on 28.07 1999 and entered into force 26.10.1999);
- Convention on Cybercrime;(The Convention was signed on 23.11.2001, ratified on 15.09 2004, and entered into force 01.01.2005);
- European Convention on Extradition with the additional Protocol No 1 and Protocol No 2 to the Convention.
(The Convention and the Protocols were signed on 28.07.1999, ratified on 28.07.1999 and entered into force on 26.10.1999);
- Convention on the Transfer of Sentenced Persons with the additional Protocol to the Convention
(The Convention and the Protocols were signed on 28.07.1999, ratified on 28.07.1999 and entered into force on 26.10.1999);
- Criminal Law Convention on Corruption.
(The Convention was signed on 06.06.2000, ratified on 21.11.2002 and entered into force 01.11.2003);
- Additional Protocol to the Criminal Law Convention on Corruption (signed on 15.05.2003);
- Civil Law Convention on Corruption (signed on 08.06.2000; ratified on 29.11.2002, and entered into force on 01.11.2003);
- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.
(The Convention was signed on 14.12.1999, ratified on 19.05.2000 and entered into force 01.09.2000);
- European Convention on the Suppression of Terrorism.
(The Convention was signed on 08 November 2001, ratified on 29 November 2004 and will enter into force on 01.03. 2005);
- Protocol amending the European Convention on the Suppression of Terrorism (signed on 15.05.2003);
- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.
(The Convention was signed on 14.12.1999, ratified on 19.05.2000, and will enter into force on 01.03. 2005);
- Convention for Protection of Individuals with Regard to Automatic Processing of Personal Data No. 108 of the Council of Europe of 28.01.1981. (The Convention was signed on and ratified by the Republic of Macedonia (“Official Gazette of the Republic of Macedonia”, No. 07/05);

UN Conventions

- International Covenant on Civil and Political Rights, adopted on 19.12.1966 (Official Gazette of the Peoples Republic of Macedonia, International Agreement, - 7/71-73);
- International Convention for the Suppression of Terrorist Bombings
(The Convention was signed on 16.12.1998, and ratified on 06.05.2004);
- International Convention for the Suppression of the Financing of Terrorism
(The Convention was signed on 31.01.2000, and ratified on 06.05.2004);
- Convention for the Suppression of Unlawful Seizure of Aircraft
(of 07.01.1998, acceded to by succession);
- Convention on Offences and Certain Other Acts Committed on Board Aircraft
(of 30.08.1994, acceded to by succession);
- Convention on the Physical Protection of Nuclear Material
(of 20.09.1996, acceded to by succession);
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
(of 04.01.1995, acceded to by succession);
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
(of 04.01.1995, acceded to by succession);
- Convention on the marking of plastic explosives for the purpose of detection
(of 21.09.1998, acceded to by succession);
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents
(Entered into force on 17.11.1991, acceded to by succession on 29.01.1998);
- Convention on the Safety of United Nations and Associated Personnel
(The Convention was signed on 06.03.2002, ratification procedure is under way);
- Convention for the Suppression of the Traffic in Human Beings and of the Exploitation of the Prostitution of Others, adopted on 21 March 1950 (“Official Journal of SFRY”, International Agreements, 2/51-39)
(The Republic of Macedonia acceded to the Convention by succession);
- Convention relating to the Status of Refugees, adopted on 28.08.1951
 - Protocol relating to the Status of Refugees, adopted on 31.01.1967
(The Convention and the Protocols were acceded to by succession, and the Republic of Macedonia ratified them in 1994);
- International Convention against the Taking of Hostages
(Entered into force on 17.11.1991, acceded to by succession on 29.01.1998);
- United Nations Convention against Transnational Organised Crime
 - Protocol to Prevent, Suppress and Punish Trafficking in Human Beings, Especially Women and Children
 - Additional Protocol against the Smuggling of Migrants by Land, Sea and Air
(The Convention and the Protocols were signed on 12.12.2000, ratified on 28.09.2004).

In October 1993 the Republic of Macedonia acceded, on the basis of succession, to the following conventions:

- Single Convention on Narcotic Drugs of 1961, amended by Protocol of 1972;
- Convention on Psychotropic Substances of 1971;
- Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

Besides the aforementioned conventions of the Council of Europe and the United Nations, the Republic of Macedonia, in regulating the police operation and police cooperation is guided also by the generally accepted international principles, incorporated in the following documents:

- Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (UN Resolution 40/34- 1985 adopted on 29.11.1985);
- Code of Conduct for Law Enforcement Officials (UN Resolution 34/169/1979 adopted on 17.12.1979); and
- Council of Europe Declaration on the Police (Resolution 690- 1979 adopted on 8.05 1979).

Specific agreement that also have impact on police work and cooperation are the following:

- Agreement between the Republic of Macedonia and the European Union concerning the status of forces led by the European Union in the Republic of Macedonia (signed on 26.03.2003);
- Agreement on the Multinational Peace Force South-Eastern Europe with the Additional Protocol (The Agreement was concluded on 26.09.1998).

INTERPOL

On the 62nd INTERPOL General Assembly, which took place in Aruba in 1993, the Republic of Macedonia acceded to the International Criminal Police Organisation – INTERPOL. The Republic of Macedonia fulfils all obligations based on this membership and respects the statutory norms and regulations of INTERPOL.

The ratified international conventions, according to the Constitution of the Republic of Macedonia, are a part of the internal legal order and can not be changed by law.

The Criminal Code of the Republic of Macedonia (“Official Gazette of the Republic of Macedonia”, Nos. 37/96, 80/99, 4/02, 43/03 and 19/04), as one of the laws by which the police abides when undertaking measures within its legally defined responsibilities, is aligned with relevant international conventions.

The United Nations Convention against the Transnational Organised Crime with the Protocols to it is implemented in the Law on Criminal Procedure, articles 270- a and 270- b which regulate the procedure of protection of witnesses, collaborators of justice and of victims, and also in the provisions of the Criminal Code which regulate the procedure for enforcement of the measure ‘temporary securing of property’ and assets linked to the criminal offence, and which deal with temporary freezing, seizure, withholding of funds, bank accounts, financial transactions or proceeds from crime (Article 203 - Article 208).

Liability of legal persons, instituted in the Article 10 of the United Nations Convention Against Transnational Organised Crime is incorporated in the Articles 477-a - 477-l of the Law on Criminal Procedure, while the application of the special investigative techniques which are an efficient means for suppression of organised crime (Article 20 of the Convention) are incorporated in the Articles 142-b- 142- f of the Law on Criminal Procedure.

The aforementioned Convention is implemented in the Criminal Code, as well, by establishment of the criminal offence *Trafficking in human beings* (Article 418- a), *Smuggling of migrants* (Article 418- b), *Laundering money and other proceeds from crime* (Article 273), in the provisions dealing with the confiscation of property and proceeds and seizure of objects (article 97- article 100), as well as in the provisions specifying sanctions for the legal persons (Article 96- a- 96- f).

The extradition (Article 15 of the Convention), the transfer of sentenced persons, (Article 17 of the Convention), mutual legal assistance (Article 18 of the Convention) are transposed in the provisions of the Law on Criminal Procedure, stipulating the procedure of extradition of accused and sentenced

persons and the procedure for transfer of sentenced persons (Article 509- 525-b), as well as in the procedure for provision of international legal assistance and enforcement of international agreements related to criminal law cases (Article 502- 508).

The Convention on Cybercrime is incorporated in the Criminal Code, as follows: Article 149- a *Prevention of access to a public IT system*, Article 251 *Damaging and unauthorised misuse of a computer system*, Article 251- a *Creation and spreading of computer viruses*, Article 251- b *Computer fraud*.

The provisions from the European Convention on the Suppression of Terrorism are incorporated in the Article 313 of the Criminal Code, which prescribes the *Terrorism* as a criminal offence, in the Article 419 which sanctions the *International terrorism* as a criminal offence and in the Article 394-a (terrorist organisation).

The provisions of the Rome Statute are incorporated in the Criminal Code, in Article 366-a *Presentation of false evidence*, Article 368- a *Illegal influencing of witnesses*, Article 394-a *Terrorist organisation*, Article 403-a *Crime against the humanity*, Article 407- a *Approval or justification of genocide, crimes against humanity or war crimes*, Article 407- b *Abuse of chemical or biological weapons*, Article 416-a *Organising a group and conspiracy to commit genocide and war crimes*, Article 416-b *Command responsibility* and Article 416- c *Responsibility of the subordinates for an act committed upon an order of the superior*.

The definitions of the criminal offence *Receiving bribe* (Article 357 of the Criminal Code) and of the criminal offence *Giving bribe* (Article 358 of the Criminal Code) which establishes corruption as a crime, are in conformity with the provisions of the Criminal Law Convention on Corruption, the Civil Law Convention on Corruption, as well as the Convention drawn up on the basis of Article K.3 of the Treaty on European Union, on the protection of the European Communities' financial interests, the First and the Second Protocol to the Convention.

Provisions of the aforementioned international conventions are furthermore incorporated in the Law on Prevention of Corruption, which incriminate *Bribing of voters* (Article 14), *Favourism or discrimination after the elections* (Article 15), *Influencing the election, appointment or dismissal to managerial posts* (Article 16), and *Influencing employment of close relatives* (Article 29).

The provisions of the European Convention on Mutual Assistance in Criminal Matters, with the Additional Protocol, and the Second Additional Protocol to the European Convention of Mutual Assistance in Criminal Matters, are incorporated in the Articles 502 to 508 of the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", Nos. 15/97, 44/02 and 74/04) which regulate the procedure of rendering international legal assistance and enforcement of international agreements regarding criminal cases.

Article 502 of the Law on Criminal Procedure contains an explicit guarantee that the international assistance in criminal matters is rendered pursuant to the provisions of the Law on Criminal Procedure, unless specified otherwise by the provisions of the European Convention on Mutual Assistance in Criminal Matters with the protocols to it, the United Nations Convention on Transnational Organised Crime or other international documents ratified in accordance to the Constitution of the Republic of Macedonia.

Pursuant to Article 503 of the Law on Criminal Procedure, the requests of the domestic courts for international legal assistance in criminal cases are communicated to the foreign bodies through diplomatic channels. In the same way, the domestic courts are submitted the requests for legal assistance from the foreign bodies.

However, in emergency cases, if reciprocity is established, the requests for legal assistance can be submitted through the Ministry of the Interior.

The European Convention on Extradition, together with the Additional Protocol and the Second Additional Protocol, as well as the Convention on the Transfer of Sentenced Persons with the

additional Protocol to the Convention are incorporated in the Articles 509- 525 of the Law on Criminal Procedure, which stipulate the extradition procedure for the accused and sentenced persons, and the procedure for transfer of the sentenced persons.

The Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime is incorporated through the introduction of the offence *Laundering money and other illegal proceeds* (Article 273 of the Criminal Code) and in the Articles 203- a to 207 of the Law on Criminal Procedure.

The Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003) governs the conditions and procedure for recognition and cancellation of the right to asylum to an alien and a stateless person, who request recognition of the right to asylum in the Republic of Macedonia, as well as the rights and the duties of the asylum-seekers and the persons who are recognised the right to asylum in the Republic of Macedonia. The Law provided for harmonisation of the domestic legislation to the Convention on the Status of Refugees of 1951 and the Protocol on the Status of Refugees of 1967. Implementing the provisions of the Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 and Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1894, the Law on Asylum and Temporary Protection guarantees the right to asylum, under conditions and within a procedure established by this law.

The Law on Prevention of Money Laundering and other Proceeds of Crime ("Official Gazette of the Republic of Macedonia", No. 46/04) implements the provisions of the UN Convention against Transnational Organised Crime, the Council Directive on Prevention of the Use of the Financial System for the Purpose of Money Laundering 91/38/EEC and the European Union Directive 2001/97-EEC, The 40 FATF Recommendations and Eight Special Recommendations on Terrorist Financing, adopted by FATF).

The provisions of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, which is ratified by the Assembly of the Republic of Macedonia on 27.02.1997 are incorporated in the Draft Law on Interception of Communications, which is in parliamentary procedure.

The new Law on Protection of Personal Data is harmonised with the Directive of the European Parliament and the Council 95/46/EC of 1995 for the Protection of Individuals with regard to Processing of their Personal Data.

A new Law on Aliens is being drafted, which should align domestic legislation with European standards. In defining conditions under which the aliens can enter, reside and leave the territory of the Republic of Macedonia, the provisions from the following European legislation, as well as international instruments are being transposed: Convention Implementing the Schengen Agreement of 14.06.1985; the Common Consular Instructions (CCI) on Visas for the Diplomatic Missions and Consular Posts with the Annexes; Council Decision of 22 December 2003 amending the third subparagraph (Basic criteria for examining applications) of Part V of the Common Consular Instructions; Council Decision 2004/17/EC amending Part V, point 1.4., of the Common Consular Instructions and Part I, point 4.1.2, of the Common Manual as regards inclusion of the requirement to be in possession of travel medical insurance as one of the supporting documents for the grant of a uniform entry visa; the Council decision of 29 April 2004 to amend the General Consular Rules with the introduction of a provision on border control of the accompanied minors; the Council Resolution of 26 June 1997 on unaccompanied minors who are nationals of third countries; the Council Directive of 17.12.2003 on residence permits issued to third country nationals who are victims of trafficking in human beings or who are subjects of an action for facilitation of illegal migration who cooperate with the competent authorities; the Council Resolution of 04.03.1996 on the status of third country nationals residing on a long-term basis in the territory of the Member States; Council Resolution of 30.11.1994 on the admission of third-country nationals to the territory of the Member States for study purposes; the Council Directive of 28. 05.2001 on the mutual recognition of decisions on the expulsion of third country nationals; Council Directive of 22.09.2003 on the right of third country nationals residing lawfully in the territory of the Member States to family reunification; Council

Directive of 25.11.2003 concerning the status of third-country nationals who are long-term residents; the Council Decision of 03.12.1998 on the common standards for filling in the uniform format for residence permits; Recommendations and Best Practices of February 2002 regarding controls and surveillance at external borders, expulsion and re-admission; and many others.

2. How are the law enforcement agencies organised (ministries responsible, structure, manpower, horizontal co-operation structures, budget)? What are the laws, regulations and administrative rules incumbent on the police and the exercise of police functions?

Ministry of the Interior

The internal affairs on the territory of the Republic of Macedonia are under the competencies of the Ministry of the Interior - a state administration body headed by a Minister of the Interior. According to the current (yet actually transitory) establishment, the organisational bodies of the Ministry of the Interior in charge of public and state security are: the Bureau for Public Security and the Directorate for State Security and Counter-intelligence, managed by Directors.

(The organigram of the new structure of the Ministry, according to the Strategy for Police Reform is presented in [24 Annex 4](#)).

The public security affairs are under the competencies of the Bureau for Public Security, organised in the Department for Police, Department for Criminal Police, and Department for Border Police. Since January 2005, the newly established Department for Organised Crime has become operational.

The Department for Police is in charge of maintaining the public peace and order, road traffic control and regulation, as well as safety at lakes and other tasks that require engagement of uniformed police. The Department has organisational units in charge of: public peace and order, road traffic safety, external security of facilities, etc.

The Department for Criminal Police is in charge of crime prevention, detection and apprehension of perpetrators of crimes, forensics and other issues as set forth in the Law on Internal Affairs. The Department has its organisational units dealing with: ordinary crime, international police cooperation, drugs, arms, organised crime and forensics.

In the process of implementation of the Action Plan for the Reform of the Police, the Department for Criminal Police is being transformed. A new Department for Organised Crime has already been established. Its scope of duties include detection of corruption and severe types of economic and financial crime.

The Department for Border Police is in charge of state border protection, border crossing control, establishing border incidents and other state border violations, as well as other tasks set forth in law. The Department has its organisational units dealing with: analysis, border crossing points, state border surveillance, operations, border police operation support, Euro-integration issues in the context of cross-border cooperation, foreign aid coordination.

Certain tasks such as analysis and research, securing of persons and internal securing of facilities, aliens and immigration issues, preparation for defence operations, are performed by separate organisational units of the Bureau for Public Security.

The duties within the competencies of the Bureau for Public Security are performed by staff with special duties and powers (authorised officials) and civil servants without police authorities.

Duties in the context of state security such as protection from espionage, terrorism and from other acts aimed at threatening or destroying, by use of means of violence, the democratic institutions established under the Constitution of the Republic of Macedonia, as well as protection from serious forms of organised crime are under the competencies of the Directorate for State Security and Counter- Intelligence.

The Ministry of the Interior has certain common organisational units which perform tasks both for the Bureau for Public Security and for the Directorate for State Security and Counterintelligence such as: the Public Relations Office, Sector for Anti-Terrorism, Sector for Internal Control and Professional Standards, Sector for International Cooperation and European Integration, Sector for Financial and Common Affairs, Sector for Legal and Personnel affairs, Sector for Telecommunications, Crypto-Protection and IT, Sector for Administrative and Supervisory Duties and Sector for Reintegration.

The activities of the abovementioned organisational units are performed by staff with special duties and authorities (authorised officials) and civil servants.

On the entire territory of the Republic of Macedonia there are 12 regional organisational units established- Sectors for Internal Affairs which are organised depending on the size of the covering area, the number of inhabitants in the given area, the crime and misdemeanour rates and other criteria. These Sectors are managed by Heads of Sectors. The Sectors have 23 Internal Affairs Units in total. There are one or several police stations, headed by Chiefs of Police Stations, covering one or several municipalities, established for the performance of field police and other internal affairs activities. With the implementation of the reforms in the police, the number of regional organisational units (sectors) should be decreased to 8.

The Ministry of the Interior has a total number of 12.462 employees. Out of them 8216 are uniformed police officers, 1205 authorised officials at the Criminal Police, 508 authorised officials are in the Directorate for State Security and Counter-intelligence, 750 staff at the Units for Regional Fire Protection and 1.777 employees working on other tasks at the Ministry.

It should be noted that in the line of the decentralisation process the competence for fire protection will be transferred to the municipalities.

The implementation of the ongoing Police Reform (see [24 Annex 03](#)) has resulted in changes in the structure and competencies of the police forces, which have been taking place in stages. For more details see [24 G 06](#).

The Ministry of the Interior is financed by the Budget of the Republic of Macedonia. The structure of revenues is the following: original revenues established in the Budget, revenues accumulated by the Ministry and revenues from additional self-financing activities. In accordance with the relevant legislation, budget allocations and other revenues are transferred to three accounts of the Ministry: the budget account, revenue account and self-financing account.

The 2004 Budget of the Republic of Macedonia for the Ministry of the Interior for 2005 amounts to 6.667.599.000 MKD (in the 2004 it amounted to 5.677.838, 000 MKD). Envisaged are three budgetary programmes of the Ministry: Administration (99.035.000), Security (5.775.827.000) and the Police Academy (44.841.000). The Programme for the administration provides the funds for the administrative support to the functions of the Ministry, support to the legislation and coordination of the functions within the Ministry. The Budget Programme Security reflects the basic functions of the Ministry. The funds for the Police Academy are earmarked for training of police personnel, continuous training of the police officers and academic and research activity. Besides these programmes, for the Ministry of the Interior funds from the governmental programmes which are of priority for the Government are allocated. Within these priorities, under the Programme for Enhancement of the Defence and the Security, 336.081.000 MKD are allocated for Border Police. This Programme includes the expenditures for security and control of the border of all the borders of the Republic of Macedonia.

The Public Prosecutor's Office

The Public Prosecutor's Office is a single and autonomous state body that prosecutes perpetrators of crimes and of other offences punishable by law.

In the performance of activities related to prosecution of perpetrators of crime and other punishable offences, the Public Prosecutor has the authority to:

- Undertake necessary measures and legal means to prosecute crimes and other punishable offences and their perpetrators and to direct the preliminary procedure;
- Undertake all procedural actions within the basic function of the Public Prosecutor of instituting and presenting indictments;
- Decide on initiating or continuing criminal prosecution against perpetrators of crimes;
- Present regular and extraordinary legal remedies against court decisions;
- Is responsible for consistent execution of sanctions pronounced for punishable acts, as well as of the protection of the rights of persons to whom detention has been pronounced, and perform other activities prescribed by law.

The functions of the Public Prosecutor's Office of the Republic of Macedonia are performed by Public Prosecutors as follows: the Office of the Public Prosecutor of the Republic of Macedonia, Offices of Higher Public Prosecutors (3 in total) and Offices of Basic Public Prosecutors (22 in total).

Public Prosecutors have one or several Deputies. The Deputy Public Prosecutors may undertake all actions under the competencies of the Public Prosecutor's Office set forth by law, in proceedings before courts, other bodies and legal entities.

The Public Prosecutors' Offices are established for the area of jurisdiction of courts of certain instance, before which the Public Prosecutors' Office acts. One Basic Public Prosecutor's Office may be established for the area of jurisdiction of one or several basic courts.

Higher Public Prosecutors' Offices are established to cover the area of jurisdiction of the Appellate Courts.

The Public Prosecutor's Office of the Republic of Macedonia is established for the entire territory of the Republic of Macedonia, and is seated in Skopje.

Public Prosecutor's Offices that deal with significant number of similar cases can establish units as internal organisational entities, in order to enhance the efficiency and specialise in relevant field of work of the Office. Such units are headed by the relevant Public Prosecutor or a Deputy Public Prosecutor designated under the Annual Work Plan of the Public Prosecutor's Office.

The Public Prosecutor's Office of the Republic of Macedonia has established a Unit for fight against Organised Crime. This Unit processes criminal cases prosecuted *ex officio* perpetrated by an organised group of at least three persons, acting for a given period of time, in order to gain direct or indirect financial benefit or other material proceeds and that perpetrate one or several crimes for which the law prescribes a prison sentence of at least four years.

The operation of the offices of the Public Prosecutor is funded from the Budget of the Republic of Macedonia, i.e. budget funds are allocated to the budget beneficiary - the Public Prosecutor's Office of the Republic of Macedonia.

The Budget for 2005 of the Republic of Macedonia for the Public Prosecutor's Office foresees 195.069.000 MKD, structured within a single programme, while the Budget for 2004 amounted to 188.361.000 MKD. Besides that, within the Government's programme "Rule of Law" – reform of the judiciary, 10.000.000 MKD for capital expenditure are allocated for 2005.

Customs Administration

The Customs Administration is a state administrative body within the Ministry of Finance with the capacity of a separate legal entity. It has specific competencies in the fight against organised crime, implementing its functions of a law enforcement state body through the Sector for Control and Investigations. The Customs Administration has authorities of a law-enforcement agency in customs-related offences, identified in the Customs Law ("Official Gazette of the Republic of Macedonia", No. 21/98, 63/98, 86/99, 25/00, 109/00, 31/01, 4/02, 55/02, and 42/03).

The general organisational set up of the Customs Administration is regulated in the Customs Administration Law ("Official Gazette of the Republic of Macedonia", No. 46/2004), while the internal organisational set up is defined in the Rulebook on Organisation and Operation of the Customs Administration No. 02-545/1, dated 9 March 2004 and the Rulebook amending and supplementing the Rulebook on the Organisation and Operation of the Customs Administration No. 02-545/1, dated 22 September 2004, adopted by the Minister of Finance.

The Customs Administration, with Headquarters in Skopje, performs the activities under its competencies on the entire territory of the Republic of Macedonia, through its regional offices.

The activities within the scope of competencies of the Customs Administration are performed by the following units:

- Central Headquarters, which coordinates and manages the customs administration activities on the entire territory of the Republic of Macedonia; and the
- Customs Houses which are established depending on the volume and structure of the foreign goods and passenger traffic.

The Central Administration has six Sectors, organised in 18 Units and 17 Offices, and 3 separate Units. Within one of these departments there is a Customs Coordination Unit and the General Director's Advisors' Office.

There are 5 Customs Houses as regional units, having 5 services, 39 customs offices, which have a total number of 12 sections.

Most customs offices and customs sections are established at border crossings for passenger, railway and air traffic, while the others are inland customs offices and sections for import/export customs clearance.

The total number of posts envisaged in the Rulebook on the Systematisation of Posts at the Customs Administration is 997, 360 of which are at the Central Administration and 637 at the Customs Houses.

Out of the total number of envisaged posts, 844 have been filled.

After the latest reforms of the organisational structure of the Customs Administration, a Sector for Professional Standards has been established, which following completed recruitment and training, performs daily control of the work of the Central Administration and the regional units for purposes of supervising the application of laws, application of prescribed procedures, performance of competencies and tasks. Accordingly, prevention, detection and elimination of misconduct, fraud, losses, abuse and mismanagement in the organisational units of the Customs Administration is improved. Such offences are processed in accordance with the Labour Relations Law ("Official Gazette of the Republic of Macedonia", Nos. 80/93, 14/95, 53/97, 21/98, 25/00, 3/01, 50/01, 25/03 and 40/03), in accordance with the Customs Administration Law, Law on Civil Servants ("Official Gazette of the Republic of Macedonia", Nos. 59/00, 112/00, 34/01, 103/01, 43/02, 98/02, 17/03, 40/03, 85/03 and 17/04) and the Collective Agreement of the Custom Administration No. 01-1984/1, dated 17.03.2003 adopted and signed by the Director of the Customs Administration and the

President of the Trade Union at the Customs Administration, under which disciplinary measures can be pronounced.

A Sector for Human Resource Management has also been established, with a new function and clearly defined objectives, role and responsibilities related to the operative strategy, as well as the five year plan and the operative plan. In cooperation with the Customs and Fiscal Assistance Office (CAFAO MAK) and with the support of other foreign aid, in pursuance with the Customs Administration Law, by-laws are being drafted under which new systems compatible with the EU standards in terms of recruitment, assessment, and management of the job performance, career advancement, training, dismissal from work, pensions, salaries, award system, and working conditions, will be introduced.

Another new Unit is the Internal Audit Unit, which in terms of its hierarchical set up is accountable to the Director of the Customs Administration, and is tasked with planning, organising and performing audits in accordance with the laws, international audit standards and the established auditing policies of the Ministry of Finance, following the demands of the World Bank Mission in connection with the approval of the PSAL (Public Sector Adjustment Loan) and the PSMAL (Public Sector Management Adjustment Loan) arrangements.

The 2005 Budget of the Republic of Macedonia has the following allocations for the Customs Administration: revenues and expenditures - salaries, wages and benefits (net basic salaries and wages, contributions and personal income tax paid at source) services and goods (travel costs and current expenditures, utilities, heating, transport and communications, materials, current maintenance, services under contracts and other operative expenditures, current transfers and subsidies (transfers to households and natural persons) interest payment (foreign debt payment), procurement of capital assets (procurement of office furniture and equipment, construction, reconstruction and improvement) and capital transfers (capital transfers to government institutions).

The 2005 Budget of the Customs Administration is 507.322.000 MKD. (In the year 2004 the Budget amounted to 523.262.000 MKD).

Financial Police

The Financial Police is a body within the Ministry of Finance ("Official Gazette of the Republic of Macedonia", No. 55/02), with specific law - enforcement authority, related to financial crime and specified in the Law on Financial Police. The Financial Police is a specialised body, which performs control over the application of the tax and customs regulations, detection of serious crimes of tax evasions, money laundering, banking and insurance frauds, smuggling, serious forms of corruption, financing of terrorism, control of suspicious concluded contracts, control of game of chance, suspicious loans and credits and other types of crimes of avoiding payment of significant amounts of customs duties, excise taxes or other public fees prescribed by law, connected with the financial aspect of the crime, material proceeds and tracking the money, resulting from violation of laws and regulations or international treaties.

Pursuant to the Law on Financial Police ("Official Gazette of the Republic of Macedonia", No. 55/02) the Financial Police operates on the entire territory of the Republic of Macedonia. The Financial Police is managed by a Director, and the activities are performed by 9 financial police officers, appointed and dismissed by the Minister of Finance, upon the proposal of the Director of the Financial Police.

The Financial Police has two Departments: Department for Information Gathering and Case Development and Department for Police Investigations.

The Department for Information Gathering and Case Development gathers data about potential perpetrators of financial crimes, in cooperation with other bodies within the Ministry of Finance and its sectors, and especially in cooperation with the Public Revenue Office, the Customs Administration, and the Ministry of the Interior, the Public Prosecutor's Office, the State Commission for Prevention

of Corruption, and other state administration authorities and legal entities, as well as with citizens, the media or uses direct information from financial police officers. The data are registered and analysed in order to establish grounds for suspicion that a financial crime has been committed and to assess whether it is necessary to further investigate the case through police investigation.

The Department of Police Investigations undertakes preliminary or complete police investigation in cases in which there are reasonable grounds to suspect that a person or several persons have committed a crime of tax evasion, money laundering, corruption or other financial crimes, dealing with these activities from the start of the police investigation until the submission of the proposal to institute criminal charges to the relevant Public Prosecutor's Office; the department also follows the course of the criminal proceedings.

The Financial Police is funded from the Budget of the Republic of Macedonia i.e. from the budget line for the Ministry of Finance in amount of 7.191.000 MKD for 2005. These funds will be used for additional employments, equipment for the Financial Police and training for the Financial Police Officers.

Horizontal Cooperation

The Public Prosecutors' Offices cooperates with the other law enforcement agencies in performing its basis prosecuting function. It also cooperates with the courts, other state administrative bodies and legal entities.

Under international treaties, the Public Prosecutor's Office of the Republic of Macedonia cooperates with the Public Prosecutor's Offices of other countries, especially in terms of preventing and prosecuting organised crime and other severe forms of crime, through exchange of data, direct cooperation, training, specialisation of personnel and other forms of cooperation.

On the basis of the Law, the Public Prosecutors give instructions to the authorised officials of the Ministry of the Interior and other relevant state administrative bodies in undertaking measures in order to detect the perpetrators of the crime, to prevent hiding or absconding of the perpetrators and accomplices, to detect and secure the traces of the crime and the objects that can serve as evidence. The Public Prosecutor is furthermore authorised by law to request from the Ministry of the Interior and other relevant state administrative bodies, other responsible bodies and legal entities to gather all information and undertake other measures aimed at detection of crimes and other punishable offences and their perpetrators. The Public Prosecutor is also authorised to request from the Ministry of the Interior to make available for examination the documents and other evidence collected by the Police while detecting the crime and other punishable offences and their perpetrators.

The Ministry of the Interior and other state administrative bodies, legal and other entities, are obliged to undertake the necessary measures in the shortest possible period and forward to the Public Prosecutor the requested data, reports and documents. In case the state administrative bodies and other entities do not forward the request information, data and documents to the responsible Public Prosecutor, the Public Prosecutor shall inform the Minister of the Interior or other responsible persons at the state administrative bodies that the Public Prosecutor has requested information from, and may propose undertaking relevant measures set forth by the law.

For purposes of prosecuting organised crime and corruption, and other crimes for which a minimum prison sentence of four years is prescribed, and when this is required by the specific circumstances, the Public Prosecutor may request from the relevant state administrative bodies one or more authorised officials to be at his/her disposal for a certain period of time, both in the pre-trial and in the criminal proceedings instituted upon the Public Prosecutor's proposal. The official head of the relevant administrative body, in this case the Ministry of the Interior, is obliged immediately to accept the request of the Public Prosecutor and detach, for a certain period of time, the requested official to work for the Public Prosecutor's Office. The detached officials follow the orders and instructions of the Public Prosecutor and are directly accountable for the performance of tasks before the Public Prosecutor.

The provisions of the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", Nos. 15/97 and 44/02 and 74/04) prescribe the obligation of all state administrative bodies and institutions performing public mandate to report crimes that are prosecuted *ex officio*, about which they have been informed or found out in another manner. When reporting the crime they are also obliged to state the evidence that they are aware of, and to undertake measures to secure the traces of the crime, the objects against which or with which the crime was committed, as well as other evidence.

If the proposal for institution of criminal charges has been submitted to the court, to the Ministry of the Interior or to a Public Prosecutor with a jurisdiction over a different area, they shall accept the proposal and immediately forward it to the competent Public Prosecutor.

The Ministry of the Interior has powers and duties in relation to detection and prosecution of criminal perpetrators in accordance with the Law on Criminal Procedure. Namely, if there are reasonable grounds for suspicion that an *ex officio* prosecuted crime has been committed, the Ministry of the Interior is obliged to undertake the necessary measures to prevent the absconding or hiding of the perpetrators or accomplices, to detect or secure the traces of the crime and the objects that can serve as evidence, and to collect all information that would be of use in the successful processing of the case in criminal proceedings. Upon the gathered information, the Ministry of the Interior establishes the criminal charges in which the available evidence is also stated. The Ministry of the Interior also informs the Public Prosecutor in cases where collected evidence presents no ground to institute criminal charges.

If the Public Prosecutor cannot assess from the charge whether its findings are credible, or the evidence stated in the charge does not present sufficient ground to decide whether to proceed with investigation, or if the public prosecutor has only heard of the committed crime, especially if the perpetrator is unknown, if the Public Prosecutor cannot process the case alone or through other bodies, he/she will request from the Ministry of the the Interior to collect necessary data and undertake other measures to detect the crime and its perpetrator

The Public Prosecutor may require needed data and information from the state agencies, institutions which perform public mandate and other legal entities, from the local self-government units and from citizens; the Public Prosecutor may furthermore request to be provided with documents, official notes, files, objects and information; he/she may contact and ask for expert opinion necessary to decide upon the criminal charges.

In connection with the horizontal cooperation among the Ministry of the Interior the Customs Administration and the Financial Police - bodies within the Ministry of Finance see next question.

Within the Ministry of the Interior a coordinative body comprised of all agencies involved in combating organised crime and corruption has been established (see [24 | 2](#))

Laws incumbent on the police and the performance of police functions:

- Law on Internal Affairs ("Official Gazette of the Republic of Macedonia", Nos. 19/95, 55/97, 38/02, 33/03 and 19/04);
- Law on Organisation and Operation of the State Administrative Bodies ("Official Gazette of the Republic of Macedonia", Nos. 58/00 and 44/02);
- Criminal Code ("Official Gazette of the Republic of Macedonia", Nos. 37/96, 80/90, 4/02, 43/03 and 19/04);
- Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", Nos. 15/1997, 44/2002 and 74/2004);
- Law on Misdemeanours ("Official Gazette of the Republic of Macedonia", No. 15/97);
- Law on Misdemeanours against Public Order and Peace ("Official Gazette of the Republic of Macedonia", Nos. 25/72, 29/83, 51/88, 19/90 and 26/93);

- Law on General Administrative Procedure (“Official Gazette of SFRY”, Nos. 52/56, 10/65, 4/77, 11/78 and 9/86; and “Official Gazette of the Republic of Macedonia”, Nos. 44/02);
- Law on Administrative Disputes (“Official Gazette of the Republic of Macedonia”, Nos. 4/77 and 44/02);
- Law on Public Gatherings (“Official Gazette of the Republic of Macedonia”, No. 55/95);
- Law on Securing Persons and Property (“Official Gazette of the Republic of Macedonia”, No. 80/1999);
- Law on Classified Information (“Official Gazette of the Republic of Macedonia”, No. 9/2004);
- Law on the Personal Identification Number (“Official Gazette of the Republic of Macedonia”, No. 36/92);
- Law on Personal Data Protection (“Official Gazette of the Republic of Macedonia”, Nos. 07/95);
- Law on Asylum and Temporary Protection (“Official Gazette of the Republic of Macedonia”, No. 49/03);
- Law on the Citizenship of the Republic of Macedonia (“Official Gazette of the Republic of Macedonia”, Nos. 67/92, 8/04, 45/04);
- Law on Movement and Residence of Aliens (“Official Gazette of the Republic of Macedonia”, Nos. 36/92, 26/93 and 45/02);
- Law on Weapons (“Official Gazette of the Republic of Macedonia”, No. 07/05);
- Law on Road Traffic Safety (“Official Gazette of the Republic of Macedonia”, Nos. 14/98, 38/02 and 38/04);
- Law on Crossing the State Border and Movement in the Borderzone (“Official Gazette of the Republic of Macedonia”, Nos. 36/92, 12/93, 11/94 and 19/04);
- Law on Travel Documents of the Citizens of the Republic of Macedonia (“Official Gazette of the Republic of Macedonia”, Nos. 67/92, 20/03 and 46/04);
- Law on Financial Police (“Official Gazette of the Republic of Macedonia”, No. 55/2002); and other laws.

The following by-laws further regulate the performance of police duties:

- Decree on the Use of Means of Coercion and Firearms (“Official Gazette of the Republic of Macedonia”, Nos. 22/98 and 17/04);
- Rulebook on Mode of Operation of the Ministry of the Interior (“Official Gazette of the Republic of Macedonia”, Nos. 12/98 and 15/03);
- Code of Police Ethics (“Official Gazette of the Republic of Macedonia”, No. 3/04);
- Rulebook on the Mode of Storing and Protecting Documents, Reports, Data and other acts of the Ministry of the Interior which by Virtue of Law, other Regulations or a Decision by a Competent Body are Designated as State, Military or Business Secret (“Official Gazette of the Republic of Macedonia”, Nos. 48/95 and 34/03);
- Rulebook on the Performance of Duties of the State Security and Counterintelligence Directorate (“Official Gazette of the Republic of Macedonia”, No. 48/98);
- Rulebook on the Performance of Duties of the Internal Control and Professional Standards Sector at the Ministry of the Interior;
- Rules for Conduct and Mutual Relations between Employees with Special Tasks and Authorities at the Ministry of the Interior;
- Rules on the Treatment of Temporarily Impounded and Found Objects by Authorised Officials of the Ministry of the Interior (“Official Gazette of the Republic of Macedonia”, No. 56/1995);
- Rulebook on the Control of State Border Crossing, Movement and Stay at Border Crossing Points and Records Keeping (“Official Gazette of the Republic of Macedonia”, No. 74/92);

- Decision Designating Protected Persons and Facilities (“Official Gazette of the Republic of Macedonia”, No. 88/02).

In addition to the abovementioned regulations, for purposes of improving the efficiency and successful performance of police duties, the Ministry of the Interior adopts other by-laws, as well rulebooks, instructions, etc.

Within the general administrative functions of the Ministry, the Ministry is also applying the following laws:

- Law on the Personal Name (“Official Gazette of the Republic of Macedonia”, No. 8/95);
- Law on Personal Identification card (“Official Gazette of the Republic of Macedonia”, Nos. 8/95, 38/02 and 16/04);
- Law on Personal Citizens Identification Number (“Official Gazette of the Republic of Macedonia”, 36/92);
- Law on Registers (“Official Gazette of the Republic of Macedonia”, Nos. 8/95 and 38/02);
- Law on Registering the Residence and the Dwelling of Citizens (“Official Gazette of the Republic of Macedonia”, Nos. 36/92, 12/93 and 43/00);
- Law on Registers of Births, Marriages and Deaths (“Official Gazette of the Republic of Macedonia”, Nos. 8/95 and 38/02);

3. Are all police authorities in the country under the same command? Do the powers of individual police authorities overlap? Please describe the procedures for co-operation and co-ordination between the different bodies involved.

The Law on Internal Affairs (“Official Gazette of the Republic of Macedonia”, Nos.19/95, 55/97, 38/02, 33/03 and 19/04) explicitly determines that internal affairs refer to: protection of life, personal safety and the property of the citizens; crime prevention, detecting and apprehension of crime perpetrators and their hand over to the competent bodies; protection of human rights and freedoms guaranteed by the Constitution; prevention of forceful destruction of democratic institutions established by the Constitution; maintenance of public order and peace; prevention of inflammation of national, racial and religious hatred and intolerance; security of certain persons and facilities; regulation and control of traffic on roads and other affairs related to traffic security on the roads; stay and movement of aliens and other matters stipulated by law.

The authorised officers from the Ministry of the Interior, for the performance of their duties and assignments are accountable to their immediate superior and according to the system of subordination - accountable to the superior of the organisational form at the higher level which covers the area in which the relevant officer is working. All the organisational forms responsible for internal affairs are systematised within the Department for Police, the Department for Organised Crime and the Department for Border Police, as well as in several autonomous organisational forms that perform activities for the needs of the Department for Police and the Department for Organised Crime. All these organisational forms are part of the Bureau for Public Security. The Bureau is managed by a Director. Heads of the Department for Police, of the Department for Organised Crime and of the Border Police Department are undersecretaries who are functionally connected with the Director of the Bureau for Public Security, and they are accountable directly to the Director for the duties and assignments from their field of work, respectively. The Government of the Republic of Macedonia, upon a nomination by the Minister of the Interior, appoints and dismisses the Director of the Bureau for Public Security. The Director is accountable for his performance to the Minister and to the Government of the Republic of Macedonia.

The territory of the Republic of Macedonia is covered by 12 regional organisational forms – Sectors for Internal Affairs, managed by Heads of Sectors. 23 Sections for Internal Affairs have been established within these sectors. For direct police work, police stations have been established for the area of one or more municipalities. These police stations are managed by police commanders.

The Directorate for State Security and Counterintelligence is a body within the Ministry, managed by a Director, appointed and dismissed by the Government of the Republic of Macedonia, upon a nomination by the Minister of the Interior.

The State Secretary of the Ministry unites the operations and promotes horizontal coordination of all the organisational forms within the Ministry. He/she is appointed by the Government of the Republic of Macedonia, upon a nomination by the Minister.

At the top of the hierarchical structure of the Ministry is the Minister of the Interior, who is appointed and dismissed, upon a nomination by the President of the Government, by the Assembly of the Republic of Macedonia. According to the provisions of the Constitution of the Republic of Macedonia, a body of state administration in the field of Police must be headed by a person, who has been a civilian for at least three years before his/her appointment. The Minister is accountable for his/her work to the Government of the Republic of Macedonia and to the Assembly of the Republic of Macedonia.

The provisions of the Rulebook on Mode of Operation of the Ministry of the Interior clearly and precisely regulate the competences, authorisations and responsibilities of all police and other bodies within the Ministry. Namely, the operations of the public security system are carried out by the Bureau of Public Security, and the Directorate for State Security and Counter-intelligence is in charge of the state security, while all the organisational forms within these two bodies have their respective, clearly and precisely determined, competencies.

In view of this, all police services within the Ministry of the Interior have their own tasks and responsibilities, which clearly points to the fact that authorities do not overlap in the police services.

The Ministry of the Interior and other state administrative bodies cooperate on a daily basis. The distinctions of the scope of work and authorities of these institutions are defined by the Law on Organisation and Operation of the State Administrative Bodies, and further developed with sectoral laws and by-laws.

The Law on Internal Affairs prescribes that the citizens, enterprises and other legal entities and administrative bodies should facilitate the Ministry of the Interior to perform its duties in an orderly manner. At the same time, it is prescribed that the Ministry, within its competence, should extend professional assistance to citizens, enterprises and other legal persons and administrative bodies in the exercise of the established rights and obligations, in the protection of life, personal safety of the citizens and their property.

The Law also prescribes that the Ministry of the Interior should provide the citizens, enterprises and other legal persons, and state bodies with information, data and reports for which they are directly concerned, from within the scope of operation of the Ministry.

The provisions of the Law on General Administrative Procedure ("Official Gazette of SFRY", 9/86 – consolidated text, "Official Gazette of the Republic of Macedonia", No. 44/02) regulate the cooperation i.e. providing legal assistance between the state administrative bodies. Pursuant to this Law, the administrative bodies that have public authority to make decisions on administrative issues have the duty to provide to each other legal assistance in the administrative procedure. The bodies for internal affairs have the duty to provide to the body competent for enforcement of the execution, upon its request, assistance in the enforcement of the execution.

According to the Law on Organisation and Operation of the State Administrative Bodies ("Official Gazette of the Republic of Macedonia", Nos. 58/00 and 44/02), which regulates the organisation, competencies and the operation of the state administrative bodies, the state administrative bodies performing inspection tasks have the duty in performing inspection matters of common interest to cooperate between themselves, as well as with other administrative bodies.

In case of a dispute over competence between the ministries, or other controversial issues related to their responsibilities, these ministries are obliged to establish an inter-ministerial group to solve the

disputable issues. If an agreement can not be reached, the ministries must inform the Government of the Republic of Macedonia. The Government shall review the disputable issue and give appropriate instructions to the ministries.

On 10.11.2003, the Government of the Republic of Macedonia adopted the document *Specific Action Oriented Measures against Organised Crime*, supported by the Council of the European Union on 28.11.2003. The Document, *inter alia*, establishes measures pertaining for efficient inter-institutional cooperation between the Ministry of the Interior and the Ministry of Finance. In that view, a Memorandum for Cooperation in Organised Crime Prevention in the Republic of Macedonia was signed by the Ministry of the Interior and the Ministry of Finance in November 2004. This Memorandum, reiterating the mutual efforts and interest for promotion of the cooperation and coordination in the prevention and fight against organised crime in the Republic of Macedonia establishes that the cooperation between the two Ministries would be performed through direct activities between the organisational unit of the Ministry of the Interior responsible for prevention of organised crime, the Directorate for Prevention of Money Laundering, the Customs Administration and the Financial Police within the Ministry of Finance. The frame for the cooperation is their competencies prescribed by law. The Memorandum includes available means of cooperation: mutual information exchange; establishing mutual priorities; coordination of the activities; creation of common multidisciplinary teams to act in revealing specific cases; undertaking joint actions; creation and development of common standards, particularly regarding information gathering and their processing and development of compatible IT systems and software; and joint activities of permanent training of personnel. The Memorandum will be subject of continual joint analysis. The document also provides for drafting Protocols, which would be additionally concluded between the Ministry of the Interior – Criminal Police Department and the Directorate for Money Laundering Prevention, the Customs Administration and the Financial Police.

The identified need for explicit definition of issues and procedures for cooperation between the various bodies, implicates initiation of procedures for drafting other Memoranda for cooperation in specific areas, between bodies of the state administration.

4. Which administrative and/or judicial control bodies and procedures exist? How is (a) internal and (b) judicial oversight organised and enforced?

Control by the Assembly of the Republic of Macedonia

The control over the Ministry of the Interior is exercised by the Assembly of the Republic of Macedonia and the Government of the Republic of Macedonia, while the judicial control is exercised by the competent courts.

The Assembly of the Republic of Macedonia exercises supervision over the operation of the Directorate for State Security and Counter-intelligence. Pursuant to the provisions of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia", Nos. 19/95, 55/97, 38/02, 33/03 and 19/04) the Assembly of the Republic of Macedonia supervises the operation of the Directorate for State Security and Counter-intelligence, through the respective committee.

The terms of reference and the composition of the Committee for Supervision over the Operation of the Directorate for State Security and Counterintelligence are defined by the Decision on Establishment of Permanent Working Bodies of the Assembly of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia", Nos. 85/02 and 30/03).

According to the aforementioned Decision, the Committee reviews the issues pertaining to:

- Respect of the constitutional and legal rights and liberties, by the Directorate for State Security and Counterintelligence;
- Legality in the exercise of authority on the part of the Security and Counter-Intelligence Directorate and the Intelligence Agency in terms of possible exceeding of authority,

unauthorised activities, abuse and other detrimental actions, in violation of their rights determined by Law;

- Methods and means applied by the Directorate for State Security and Counterintelligence in terms of legality and respect for the rights of the citizens and other entities;
- Financial, human resources and technical capacity of the Directorate for State Security and Counter-Intelligence and the Intelligence Agency, and other issues regarding the Directorate for State Security and Counter-Intelligence and the Intelligence Agency.

The Committee, pursuant to the provisions of the Law on Internal Affairs, submits a report on the performed activities at least once a year.

Before submitting the report to the Assembly of the Republic of Macedonia the Committee submit the report to the Government of the Republic of Macedonia, for an opinion. The Government of the Republic of Macedonia has to deliver the opinion within 30 days from the date when the report is received.

The legal basis for availability of data to the Committee is provided in the Law on Internal Affairs, which stipulates an explicit obligation for the Director of the Directorate for State Security and Counterintelligence to ensure access and to provide to the Committee all reports and data from within the Directorate's scope of work.

The reports and data presented at the session of the Committee are considered a state secret.

The Assembly of the Republic of Macedonia communicates the conclusions on the Committee's report to the Government of the Republic of Macedonia.

Furthermore, the control of the Assembly of the Republic of Macedonia over the operation of the Ministry of the Interior is also exercised by parliamentary questions (for more details see [I B 02](#)) and through a motion for interpellation of at least five Representatives of the Assembly regarding the work of a public official elected or appointed by the Assembly, the Government or any of its individual members, as well as regarding issues related to operation of the state bodies.

Control by the Government of the Republic of Macedonia

According to the provisions of the Law on Organisation and Operation of State Administrative Bodies ("Official Gazette of the Republic of Macedonia", Nos. 58/00 and 44/02), the supervision over the operation of the ministries is exercised by the Government of the Republic of Macedonia (for details see [I C 10](#)).

The supervision over the operation of the Ministries enforced by the Government of the Republic of Macedonia comprises the supervision over the legality and efficiency of their operation.

Internal Control

The internal control within the Ministry of the Interior is carried out by the Sector for Internal Control and Professional Standards, which as a separate organisational unit directly works on clearing up and documenting of exceeding of the legal powers, abuses of official duty or other illegal acts perpetrated by the employees in the Ministry of the Interior.

At the same time, the abovementioned organisational unit, pursuant to the established scope of work, proposes also adequate measures for suppression and resolving of the identified phenomena of abuse of official powers by the officers of the Ministry of the Interior.

Pursuant to the provisions from the Rulebook on Mode of Operation of the Sector for Internal Control and Professional Standards of the Ministry of the Interior (strictly confidential No. 15.1-7716/1 of 29.09.2003), Decision on Abolishing the Type and Degree of Secrecy No. 161/5294/1 of 03.02.2004 and the Rulebook Amending the Rulebook on Mode of Operation of the of the Sector for Internal

Control and Professional Standards of the Ministry of the Interior No.161-38562 of 12.07.2004, the detection and documenting of the unlawful and unprofessional conduct of the employees in the Ministry is performed on the basis of data, information and findings that, upon their own motion or upon a request, are presented and submitted by the officers in the Ministry, on the basis of petitions by citizens, and upon an order of the Minister of the Interior.

When the needs so require, and on the basis of an approval by the Minister, the Sector for Internal Control and Professional Standards can subject the employees in the Ministry of the Interior to medical and other examinations directed at detecting the presence of alcohol or narcotic substances in their organisms.

The inspectors of the Sector for Internal Control and Professional Standards, as well as the inspectors of the Sector who are detached to the regional organisational units of the Ministry have the duty to act and to examine the allegations presented in the petitions submitted by citizens, related to unlawful and unprofessional conduct of the employees in the Ministry. The submitted petitions are recorded in the Register of Petitions.

The Sector informs in writing the employee that there is a petition submitted against him/her, and informs him/her about the reasons the petition was submitted. But, as an exception, the Sector can place the officer under surveillance for a given period of time, before informing him/her about the petition, in order to establish whether the allegations for the petition are well-founded.

Investigations on the less severe forms of unlawful and unprofessional conduct should be completed not later than 30 days from the submission of the petition, and those on severe unlawful and unprofessional conduct within 90 days. As an exception, and approved by the head of the Sector if there are justified reasons for it, the investigation can be extended over a longer period of time, but not longer than 6 months.

In cases when the investigation lasts longer than 30 days from the date of submission of the petition, the petitioner will be informed within 30 days from the submission of the petition that the investigation continues in order to ascertain additional facts.

If in the course of the investigation it is established that there are grounds to instigate a dismissal procedure on the basis of violation of the working discipline, the Sector will propose that the investigation continues before the Dismissal Committee, pursuant to the Collective Agreement of the Ministry of the Interior.

The head of the organisational unit or the inspector of the Sector prepares a final report about the investigation and the results from it, which is forwarded to the head of the Sector. After its reviewing and approval by the head of the Sector, the final report is submitted to the Minister.

The Inspector of the Sector, who has prepared the final report on the undertaken investigation, will inform in writing the concerned officer, the head of the organisational unit where that officer is employed, the submitter of the petition (unless he/she is anonymous), and the Minister, about the result of the investigation.

The investigations upon petitions related to violation of human rights by an officer of the Ministry, corruption, extensive use of force and firearms and other more severe cases of unlawful and unprofessional conduct, are carried out exclusively by the inspectors of the Sector. In the course of the investigations, the inspectors use the prescribed operational and operative-technical means and methods.

After the completion of the investigation, a final report is composed which, inter alia, contains one of the following conclusions: results from the investigation corroborate the suspicion that the officer against whom the investigation was carried out was acting unlawfully or unprofessionally; there is insufficient evidence to either corroborate or rule out the suspicion of unlawful or unprofessional action; the suspicion was unfounded. Also, there is a possibility that the results of the investigation

show that the officer had acted unlawfully or unprofessionally but there were circumstances relieving them of liability.

The Sector for Internal Control and Professional Standards can open an investigation also on the basis of data, information and findings that are presented by the officers of the Ministry, upon their own motion or upon a request, related to unlawful or unprofessional conduct of an officer in the Ministry.

Also, every head of an organisational unit within the Ministry can request that an investigation is opened.

If in the course of the investigation it is established that the unlawful conduct of the officer of the Ministry of the Interior contains elements of a criminal offence, the Sector for Internal Control and Professional Standards has the obligation to directly inform the public prosecutor and to simultaneously inform the Department for Criminal Police.

Besides the aforementioned modes, the internal control is also performed through opening and carrying out of a procedure to establish violations of the working discipline, which is legally regulated by the provisions of the Collective Agreement of the Ministry of the Interior ("Official Gazette of the Republic of Macedonia", Nos. 8/98, 11/98, 12/00, 3/03 and 3/04)

When a case of violation of the working discipline was established, or a case of non-performance of the obligations prescribed by the law, by the Collective Agreement of the Ministry of the Interior or by the employment contract, the undersecretaries in the Ministry, the director of the Directorate and the officers authorised by the Minister submit a proposal to instigate a procedure to establish the responsibility of the officer.

The proposal, pursuant to Article 143 of the Collective Agreement of the Ministry of the Interior, is delivered to the officer and he/she is requested to submit a written statement regarding the allegations contained in the proposal. The proposal is also delivered to the Trade Union.

The procedure is carried out by a Dismissal Committee, which is established by a Decision of the Minister of the Interior, and which is composed by a chairperson, two members and their deputies.

However, in cases of violations of the working discipline or non-fulfilment of the obligations from Article 133 paragraph 1 items 3, 18, 19 and 20 of the Collective Agreement (if the employee is unjustifiably absent from work during three consecutive working days or five working days within a year; does not adhere to the schedule of working hours; does not ask for a leave in time; or does not inform the Minister or the head of the organisational unit or another responsible officer about the absence from work; due to illness or justified reasons is absent from work, but does not inform the Minister or the manager of the organisational unit or another responsible officer within 24 hours), as well as in the cases when the officer, upon a criminal complaint, is sentenced to a measure of detention, the proposal to instigate a proposal to establish the responsibility of the officer is submitted directly to the Minister to bring a decision without procedure before the Dismissal Committee.

Until the enactment of a final decision for termination of employment by dismissal, the officer can be suspended from the post and from the Ministry in the cases established by the Labour Relations Law ("Official Gazette of the Republic of Macedonia", Nos. 80/93, 14/95, 53/97, 21/98, 25/00, 3/01, 50/01, 25/03, and 40/03) and in cases of severe violation of the working discipline, if one of the following situations occur:

- The life or the health of the officers or other persons are directly threatened; or assets of greater value are damaged;
- The presence at the job post and further work in the Ministry will have a detrimental impact on the operation of the Ministry;
- It impedes or makes impossible the establishing of responsibility for violation of the working obligations;

- When a criminal procedure is instigated against that person for a criminal offence perpetrated in the course of work or in relation to the work.

The Dismissal Committee has the duty to urgently review the proposal and to set a hearing to which the officer against whom the procedure is instigated and the representative of the Trade Union of the basic organisational unit where the officer is a member are summoned.

After the hearing, the committee establishes the responsibility of the officer and prepares a written proposal to the Minister to enact an appropriate decision.

If the committee establishes that the officer is not responsible or that the conditions to enact a decision for termination of employment by a dismissal are not fulfilled, it proposes to the Minister to reject the proposal and to terminate the procedure.

The decision for termination of employment by dismissal is enacted by the Minister of the Interior.

Depending on the degree of responsibility of the officer, the conditions under which the violation of the working obligations was perpetrated, the previous work and conduct of the employee, severity of the violation and its consequences, the Minister can replace the dismissal with a fine which can not be higher than 15% of the monthly salary of the employee, in duration between 1 and 6 months.

The officer has the right to file an appeal against the decision of the Minister of the Interior to the competent committee within the Government of the Republic of Macedonia. After the second instance ruling, the employee has a right to submit a complaint before a competence court, within a legally prescribed timeframe (for more details see [I F 11](#)).

Judicial Control

Pursuant to Article 142 paragraph 9 of the Law on Criminal Procedure (“Official Gazette of the Republic of Macedonia”, Nos. 15/97, 44/00 and 74/04) the person against whom actions are undertaken by the Ministry of the Interior can within 30 days from the date of undertaking the actions, request, from an investigative judge to examine their legality and the potential violation of rights, and the competent court has the duty to establish this by a ruling. The Ruling is delivered to the requesting party, to the Ministry of the Interior and to the competent public prosecutor. Pursuant to Article 22 paragraph (6) of this Law, an appeal is permitted against this ruling. The appeal should be submitted within 48 hours to the criminal council composed of three professional judges. The Chamber has the duty to act upon the appeal within three days.

Besides the aforementioned rights, pursuant to Article 530 of the Law on Criminal Procedure, the person who was, due to mistake or unlawful operation of the body, unfoundedly or unlawfully deprived of liberty, enjoys the right of compensation of damage.

Under Article 530 of the Law on Criminal Procedure the person also enjoys the right of compensation of damage in the person:

- Was in detention, and no criminal procedure was instigated or the procedure was terminated by a final ruling, or the person was by a final ruling acquitted from the charges, or the charges were rejected;
- Served a sentence deprival of liberty, and on the occasion of the reopening of the criminal procedure, or the request for protection of legality, or the request for extraordinary review of the final court judgement, a measure of deprival of liberty in duration shorter than the sentence which the person had already served was pronounced, or a criminal sanction which does not consist of deprival of liberty was pronounced, or the person was found guilty, but relieved of the sanction;
- Has spent in detention a longer period of time than the duration of the pronounced sentence.

Pursuant to Article 526 of the Law on Criminal Procedure, the right of compensation of damage is enjoyed also by the person against whom by a final decision a criminal sanction was pronounced, or a person who was found guilty but released from punishment and afterwards due to an extraordinary legal remedy the new procedure was terminated with a final judgement, or was by a final decision acquitted of the charges, or the charges were rejected, except in the following cases:

- If the procedure was terminated or the charges were rejected, due to the fact that in the new procedure the damaged as a plaintiff i.e. the private prosecutor has withdrawn from the prosecution or the damaged has withdrawn from the proposal and the withdrawal has been a consequence of the agreement with the accused;
- If by a decision in the new procedure the indictment was rejected due to incompetence of the court and the authorised prosecutor has initiated the prosecution before the competent court.

A person enforces the right of compensation of damage through submission of a request to the Ministry of Justice to reach a settlement regarding the existence of damage, the type and the amount of compensation.

If the request for compensation of damage is not accepted, or the Ministry of Justice does not reach a decision within three months from the date of submission of the request, the damaged may bring a charge for compensation of damage at the competent court. The charge is submitted against the Republic of Macedonia.

The judicial control over the work of the police is enforced also within a civil procedure instigated upon a lodged complaint for compensation of damage having occurred as a consequence of the unlawful conduct of the police.

According to the provisions of the Law on Obligations ("Official Gazette of the Republic of Macedonia", No.18/01) the damage is defined as reduction of one's property and prevention of its growth (material damage), as well as inflicting other physical or emotional pain or fear (non-material damage).

The material damage is compensated by re-establishing the situation existing before the damage occurred, and if that is not possible, the court can decide that the damaged person is paid an appropriate amount of money on the grounds of compensation of the damage.

For suffered emotional pain due to reduction of the life activity, mutilation, defamation of character, damage to honour, to freedoms or rights of the person, for death of a close relative, for fear, and for suffered physical pain the court, if it finds that the circumstances of the case, and especially the severity of the pain and the fear and their duration so justify, will award a fair financial compensation on the grounds of non-material damage, irrespectively of the material damage, and also in the absence of it.

5. What powers do the police have:

a) In terms of preventing potential threats?

b) In terms of criminal investigation?

a)

Pursuant to Article 1 of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia", Nos. 19/95, 55/97, 38/03, 33/03 and 19/04), the Ministry of the Interior undertakes measures and actions related to the:

- Protection of the life, personal security and property of citizens;
- Prevention of crimes, detection and apprehension of perpetrators of crimes and their handing over to competent bodies;
- Protection of human rights and freedoms guaranteed by the Constitution;

- Prevention of violent overthrow of the democratic institutions established under the Constitution of the Republic of Macedonia;
- Maintenance of the public order and peace;
- Prevention of incitement of national, racial, or religious hatred or intolerance;
- Securing certain persons and facilities;
- Regulating and controlling road traffic and performing other activities related to road traffic safety;
- Protection of the state border, controlling state border crossing and stay in the borderland;
- Stay and movement of aliens;
- Establishing and resolving border incidents and other violations of the state border;
- Setting, control, and maintenance of marks demarcating the border line at land and water;
- Control of the conditions for manufacture, trade, procurement, possession and carrying of arms, spare parts for arms and ammunition;
- Control of the manufacture, trade, storage, transport and protection from explosive and other hazardous materials and storage and protection of inflammable liquids and gases;
- Control of the registering and cancellation of the place of sojourn and residence of citizens;
- Assisting in eliminating the consequences caused by natural disasters and epidemics that could threaten the life and health of citizens and the property;
- Research and development within the scope of the ministry's competencies;
- Other activities determined by the law.

The activities related to maintenance of the public peace and order, regulation and control of the road traffic, safety at lakes, and other activities referred to in Article 1 of the Law on Internal Affairs, the nature or circumstances of which require engagement of uniformed officers of the Ministry, are performed by the police.

The activities related to the securing of the state border, control of state border crossing, establishment and resolution of border incidents and other violations of the state border and other activities set forth in the laws are performed by the Border Police.

The Criminal Police performs activities related to prevention of crimes, detection and apprehension of perpetrators of crimes, forensics related activities, control of the stay and movement of aliens, and inspection surveillance in the field of protection from fire and explosions. The Directorate for State Security and Counterintelligence deals with the activities related to protection from espionage and terrorism, or to other activities aimed at threatening or overthrowing the democratic institutions established under the Constitution of the Republic of Macedonia by use of violence, as well as activities related to protection from serious forms of organised crime.

In accordance with the provisions of the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", Nos. 15/97, 44/02 and 74/04) which are further elaborated in the Rulebook on Manner of Operation by the Ministry of the Interior ("Official Gazette of the Republic of Macedonia", Nos. 12/1998, 137/98, 10/99, 91/01, 1/02 and 15/03), in the performance of duties under the competencies of the Ministry of the Interior, authorised officials undertake prescribed activities and measures in cases foreseen in the law or other regulations, such as:

- Request ID documents in order to verify the identity of persons;
- Warn citizens if there is a reasonable suspicion that, by their conducts, they could threaten or violate the public peace and order or threaten the life and property of another person or when it could be reasonably expected that the citizens would cause another person to perpetrate a crime or a misdemeanour;
- Summon citizens for purposes of gathering necessary information in connection with committed crimes or for gathering information that could be of use for successful processing of the case in criminal proceedings;

- Issue orders to citizens and other legal entities and bodies when this is required to protect the life and personal safety of people and of the property; to prevent the perpetration of a crime which is prosecuted *ex officio* or a misdemeanour; to secure the traces of a crime and objects that could serve as evidence in criminal or misdemeanour proceedings and; to maintain or prevent the violation of the public peace and order and to restore the public peace and order in other cases;
- Gather necessary information from citizens;
- Perform searches of vehicles, persons and luggage;
- Limit the movement in a given area and facility (blockade, raid and ambush);
- Enter the home and premises upon presenting identification documents and a court decision i.e. Order;
- Secure and examine the crime scene;
- Secure and examine places of major traffic accidents, railway and airplane accidents or of natural disasters;
- Inspect the business books and other documentation of state authorities, institutions with public competences or other legal entities;
- Search for persons and objects for purposes of detecting and apprehending perpetrators of crimes, finding objects that are related to the crime, establishing the identity of apprehended unknown persons, establishing the identity of a found and unidentified corpse, and gathering information on persons and objects;
- If necessary, stop and pursue a suspicious vessel, check the flag, check the vessel's logs, search the vessel and escort the vessel to a relevant body if the vessel does not abide by regulations;
- Provide assistance upon reasoned request by relevant body for execution of a court order in accordance with the conditions laid down in law.

Authorised officials may use means of coercion prescribed in the Decree on Use of Means of Coercion and Fire Arms ("Official Gazette of the Republic of Macedonia", Nos. 22/98 and 17/04) to restore the violated public peace and order of large scale; overcome the resistance of a person that violates the public peace and order, or a person to be apprehended, detained or deprived of liberty; to counter an attack against themselves, another person or a facility which is secured and; to forcibly remove a person from a given area, or a person who does not follow the orders of an authorised official.

If it is possible the authorised officials shall use those types of coercion that in a given situation shall not cause damage or shall cause minimal damage.

Authorised officials that used means of coercion or firearms shall submit a written report to their superior official who shall assess the grounds, justification and the regularity of use of the means of coercion, i.e. fire arms.

The Report shall contain the data regarding time, place and manner of applying the means of coercion or firearms, the person against whom the means have been applied, the eventual consequences from the use of such means and, the personal name of the authorised official who has used means of coercion i.e. fire arms.

In case when the use of means of coercion or fire arms has caused serious bodily injury or death of a person or when the means of coercion have been used against several persons, the organisational unit in charge of internal control at the Ministry of the Interior shall consider the circumstances under which such means or firearms have been used, and shall prepare a report assessing the grounds, justification and correctness of the use of means of coercion, or fire arms.

The Report on the use of means of coercion in circumstances of disturbed public peace and order of large scale is submitted to the Government of the Republic of Macedonia.

However, after the adoption of the Law on Financial Police ("Official Gazette of the Republic of Macedonia", No. 55/04), and of the Law Amending the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", No. 74/04), in addition to the Ministry of the Interior, the financial police is also involved in prevention of possible crimes, and in the conduct of criminal investigations, in cases and in a manner prescribed by law.

In accordance with the provisions contained in the Law on Financial Police, the Financial Police is a state administration body within the Ministry of Finance.

The scope of competencies of the Financial Police as set forth in the Law on Financial Police encompasses the following:

- Control of the correct application of tax and customs regulations;
- Gathering information and data, in cooperation and in coordination with other sectors of the Ministry of Finance, Ministry of the Interior, Public Prosecutor's Office and other state authorities and legal entities in order to detect persons violating the law, i.e. persons involved in activities related to tax evasion, money laundering, smuggling, illegal trade in goods and products, or other types of crimes, which involve large and significant amounts of tax, customs and other revenues;
- Investigations against one or several persons that are reasonably suspected of being involved in unlawful financial activities contrary to the economic interest of the country overall or against the interest of certain economic branches, organised in the country or of international nature and are within the competencies of the Ministry of Finance;
- Investigations of natural or legal persons involved in activities, which are in collision with the applicable regulations against money laundering, tax evasion, or other types of financial crime;
- Investigations of financial crime that cannot be proven directly based on the existing evidence and require application of methods of circumstantial evidence, such as for example: expenditures, assessment of the value or existence of bank accounts, etc, used in cases when part or the entire financial documents of the tax payer do not exist or have been destroyed or are unavailable owing to other reasons;
- Investigations in cases when there are reasonable grounds to believe that a suspicious contract has been concluded;
- Introducing database about potentially risky taxpayers, i.e. persons who have already been convicted of serious crimes, or who due to other reasons are considered as a risk in order to protect the staff in the service from physical attacks i.e. bodily injury;
- Expert computer analysis of seized evidence in form of computer data, from mobile telephones or other electronic devices and outlets that contain information of interest for the suppression of financial crime.

In the performance of its duties, the Financial Police is authorised to:

- Inspect and research business books, other documents, records, minutes, memoranda, computer data and data on electronic outlets which contain information and elements of tax returns of persons under investigation;
- Take statements from the suspects and witnesses about business books, minutes and other documents in order to gather the necessary information and evidence;
- Provide samples of handwriting for authentication and proof the origin of documents;
- Search business premises of the suspect and other premises, based on the assessment of the financial police or upon request of the Public Prosecutor's Office;
- Search the home of the person (apartment, house, cottage and alike) based on a court warrant;

- Apprehend persons under investigations or who obstruct or impede the investigation or proceedings;
- Temporarily stop and search vehicles that are reasonably suspected of being used in transport of goods and people, search warehouses, and other storage facilities regardless of who is the owner of the facilities;
- Confiscate traded/transported goods, when there is no evidence that the fees have been paid or in lack of documents on the origin of the goods;
- Temporarily impound the vehicle or other means of transport used for carriage of goods, if the value of the goods is higher than one third of the value of the means of transport used for their carriage;
- Temporarily impound money, securities, objects and documents from the start of the investigation until the completion of the proceedings;
- Seize electronic, mechanical or other devices that possibly contain data, logs, and other documents or other type of information considered to be potential evidence; and
- Submit a request to the court for temporary measure of prohibition of disposal with property, equipment and assets on account from the start of the investigation until the completion of the proceedings.

The staff at the Financial Police (financial police officers) possess fire arms that they may carry and use in the performance of their official duties in the following circumstances:

- To counter a direct attack against themselves threatening their property; and
- To prevent the absconding in a means of transportation.

Prior to using the fire arms, the financial police officers are obliged to warn the person against whom they intend to use the fire arms.

b)

In accordance with Article 142 of the Law on Criminal Procedure, ("Official Gazette of the Republic of Macedonia", Nos. 15/97, 44/02 and 74/04), when there are reasonable grounds for suspicion that an *ex officio* prosecuted crime has been committed, the Ministry of the Interior has the duty to undertake the required measures to detect the perpetrator of the crime, to prevent the absconding or hiding of the perpetrator or accomplice/accomplices, to detect and secure the traces of the crime and objects that could serve as evidence, and to gather all information that could be of use in successful processing of the case in the criminal proceedings.

For purposes of performing the abovementioned duties, authorised officials of the Ministry of the Interior may undertake the following measures and actions:

- Request necessary information from citizens;
- Stop, check the identity and inspect or search persons, vehicles, luggage if there are reasonable suspicions that traces of the crime can be found or objects that could serve as evidence. The ministry of the interior may use reasonable means of force only as last resort and if required for the performance of the inspection, or search of the person, vehicle or luggage;
- Issue an order redirecting, directing or, limiting the movement of persons and vehicles in a given area for a certain period of time;
- Undertake necessary measures to establish the identity of persons and of objects;
- Undertake investigation, issue a wanted circular and notice regarding the property and material proceeds or objects that are searched for;
- In the presence of an official or responsible person, search certain premises and buildings of state administration bodies, institutions having public mandate and other legal entities and inspect their documentation.

The authorised officials have duty to take minutes about the facts and circumstances established in the course of a given action, which could be of interest for the criminal proceedings and about objects found or impounded.

Persons and passengers in vehicles under search or inspection are to be informed that minutes shall be prepared about the performed actions.

The period for which the person or vehicle may be kept for purposes of performance of activities by the Ministry of the Interior must be reduced to the shortest necessary time for the performance of such activities.

The Ministry may issue written summons to citizens for purposes of gathering necessary information. The summons must contain an explanation of the reasons for summoning and advice on their rights.

The summoned person may be brought with use of force only when this is based on a court decision and only when it is obvious that the person avoids to report upon duly forwarded summons, in which the person has been warned of the possibility to be brought to the police by use of force and when the person shall not offer justification for not responding to the summons. The person that has reported to the police based on a summons, or a person brought by use of means of force, who refuses to give information, may not be summoned again on the same grounds.

Persons summoned or brought by use of force must be informed in a language they understand of the reasons for the summoning, i.e. apprehension, of their rights and must not be forced to give a statement. Furthermore, they must be advised that they are not deprived of their liberty and after giving or after refusing to give information, they may leave.

Based on a warrant of an investigative judge, i.e. the President of the Court Chamber, authorised officials of the Ministry of the Interior may gather information from persons in detention, if this is necessary for detection of other crimes committed by the same person or the accomplices or of crimes committed by other perpetrators. The information shall be gathered within a period determined by the investigative judge and in his/her presence or in the presence of a person appointed by the investigative judge i.e. by the President of the Court Council.

Furthermore, authorised officials of the Ministry of the Interior may bring before the investigative judge persons found on the crime scene or keep them in custody until the judge comes, but not longer than 6 hours, if the persons could provide information of importance for the criminal proceedings, or if it is probable that they could not be heard at a later stage, or if this would imply significant delays or other difficulties.

In accordance with the provisions of the Law on Criminal Procedure, authorised officers of the Ministry of the Interior may take photographs and take fingerprints from persons who are reasonably suspected of having committed a crime, and when this is required for establishing of the identity, or in other cases of interest for successful processing of the case, and may publish the photographs of the persons, upon a court approval.

Furthermore, authorised officers of the Ministry of the Interior may take fingerprints from persons who are reasonably believed to have been in contact with objects i.e. when it is necessary to establish to whom the fingerprints found on the objects belong.

In addition to the abovementioned measures and activities, when there is a threat of delay, prior to institution of the investigation, authorised officials of the Ministry of the Interior may temporarily impound objects which according to the Criminal Code may be impounded or that can serve as evidence in court proceedings and may furthermore search the home and persons under conditions and in a manner laid down by the provisions of the Law on Criminal Procedure.

If the investigative judge is not able to immediately attend the crime scene, the authorised officials of the Ministry of the Interior, may inspect and order forensic examinations, except autopsy and

exhumation of corpse. In case the investigative judge comes at the crime scene in the course of the inspection, the judge takes over the inspection. The Public Prosecutor shall be informed of all undertaken actions.

When the perpetrator of the crime is not known, the Public Prosecutor may request the Ministry of the Interior to undertake certain investigative actions, if considering the circumstances in a given case, it would be reasonable to undertake such actions prior to institution of the investigation.

The Public Prosecutor may order one or several authorised persons from the relevant ministry or other state administration authority to be made available for the prosecution for not longer than one year, in the pre-trial or in the criminal proceedings instituted upon the Public Prosecutor's request when it is a matter of crimes punished with imprisonment of at least four years, crimes perpetrated by several persons, or when there are especially justified reasons.

In accordance with the Law on Criminal Procedure the person caught in the perpetration of crime prosecuted *ex officio* may be deprived of their liberty by any person (citizen's arrest), if there is a threat of the person's absconding. The person deprived of liberty must be immediately taken before an investigative judge or to the Ministry of the Interior and if this is not possible, one of these bodies must be immediately informed.

Authorised officials of the Ministry of the Interior may deprive of liberty a person who is reasonably suspected of having committed a crime prosecuted *ex officio*, without a court decision, when there is threat of delay and some of the reasons to determine detention exist (if the person is in hiding, if his/her identity cannot be established or if there are circumstances pointing to the risk of absconding), but are obliged to bring such a person before an investigative judge. In apprehending such persons, the authorised officials of the Ministry of the Interior shall inform the investigative judge about the reasons and time of deprivation of liberty, preparing an official note in this respect. If there is no official note, the investigative judge shall enter the information in the minutes.

As an exception, authorised officers of the Ministry of the Interior may keep the person who is reasonably suspected of having committed a crime prosecuted *ex officio*, if this is required to establish the identity, to check the alibi or if there are other reasons for gathering information necessary for processing the case against a person, and if there are grounds to determine detention (if the person is in hiding, if his/her identity cannot be established or if there are circumstances giving which imply that the person shall repeat the crime, or that he/she would complete the attempted crime or that he/she would commit the crime that he/she threatens with) in cases when the grounds for determining detention is the reasonable fear that the person shall destroy the traces of the crime or when there are special circumstances pointing that the person will interfere with the investigation by influencing the witnesses, accomplices or persons harbouring criminals, only if there is a fear that this person shall destroy the traces of the crime.

Persons deprived of liberty must be immediately informed in a language they understand about the reasons for the deprivation of liberty or of any criminal charges raised against them, as well as about their rights and may not be asked to give a statement.

In the abovementioned cases, if the person deprived of liberty asks assistance from defence lawyer, the authorised official of the Ministry of the Interior shall provide the contact with the defence lawyer, or shall provide a defence lawyer, and shall delay all actions until the defence lawyer is present, but only for a maximum of 2 hours from the time the defence lawyer has been informed.

Authorised officials of the Ministry of the Interior may hold the person in police custody for not more than 24 hours from the moment the person has been deprived of liberty. After the 24-hour period, they are obliged to release the person or bring him/her before the competent investigative judge.

Persons are kept in custody in specially designed police stations, determined by a ministerial decree. The reception officer approves the police custody and prepares minutes regarding each apprehended person in which the following information is entered: day and hour of deprivation of

liberty, the reasons for the deprivation of liberty, the time the person has been advised of his/her rights, visible signs of injuries, illnesses, mental disorders and similar; when the person contacted with the family, defence lawyer, the diplomatic or consular mission and similar; information when the interview has been conducted, information whether the person has been transferred to another police station, whether the person has been released or brought before court, and other important information. The person deprived of liberty co-signs the minutes in the part related to the hour and date of deprivation of liberty, the hour and date of the release and the advice about the right to have a defence lawyer, and cosigns the minutes in their entirety. The reception officer must explain the lack of signature of the person deprived of liberty. The person deprived of liberty is handed a copy of the minutes upon release to liberty or upon being brought before an investigative judge. In a case, in conformity with the provisions of the Law on Criminal Procedure, where the person is not brought before an investigative judge, and has been transferred to another police station, a copy of the minutes is forwarded to the concerned police station.

If the person deprived of liberty is brought before an investigative judge, in accordance with the provisions set forth in the Law on Criminal Procedure, the investigative judge is obliged *ex officio* to examine the legality of the deprivation of liberty, being also obliged to establish this in a ruling.

If the person deprived of liberty is not brought before an investigative judge, then within 30 days from the release to liberty, the person has the right to request from the investigative judge of the competent court to examine the legality of the deprivation of liberty and to establish this in a separate ruling. An appeal may be lodged against such a ruling within 48 hours, to the Chamber of the Basic Court that deliberates a decision within three days. The appeal delays the execution of the ruling.

In accordance with the provisions contained in the Law on Criminal Procedure, based on a court order, authorised officials may search homes and persons.

However, the Law on Criminal Procedure also provides for the possibility that authorised officials perform search of a person, without a search warrant and without presence of witnesses, when fulfilling an order for apprehension or upon depriving a person from liberty in case there are reasonable grounds to suspect that the concerned person possesses weapons or other objects that could be used for attack, or if there are reasonable suspicions that the concerned person would throw away, hide or destroy the objects that are to be impounded from him/her, as evidence in criminal proceedings.

The Ministry of the Interior may apply polygraph testing when there are reasonable suspicions that the person has perpetrated a crime, if the concerned person has given a written consent. Persons under influence of alcohol, narcotics and psychotropic substances, then persons with serious heart conditions, persons who have evident signs of mental disorder or a mental disability, pregnant women, or women immediately after delivery, may not be subjected to polygraph testing.

The Ministry of the Interior may not subject to polygraph test children below the age of 14. Younger and older juveniles may be subject to polygraph testing as an exception if there are reasonable grounds to suspect that they have perpetrated a crime and only based on a written consent of their parent or guardian.

Officials authorised by law at the Customs Administration of the Republic of Macedonia have similar competencies as their counterparts in the Ministry of the Interior in the pre-trial proceedings and in the investigating procedure, in cases of detecting crimes and perpetrators, gathering evidence for purposes of criminal prosecution of perpetrators of crimes of: *Production and release for trade of harmful curative products* (Article 212 of the Criminal Code); *Production and release for trade of harmful food and other products* (Article 213 of the Criminal Code); *Unauthorised production and release for trade of narcotics, psychotropic substances and precursors* (Article 215 of the Criminal Code); *Unauthorised procurement and possession of nuclear materials* (Article 231 of the Criminal Code); *Bringing hazardous materials into the country* (Article 232 of the Criminal Code); *Carrying abroad cultural monument, an archive material or a natural rarity* (Article 266 of the Criminal Code);

Money laundering and other proceeds from crime (Article 273 of the Criminal Code); *Smuggling* (Article 278 of the Criminal Code); *Tax fraud* (Article 278-a of the Criminal Code); *Withholding goods subject of smuggling and customs frauds* (Article 278-b of the Criminal Code); *Tax evasion* (Article 279 of the Criminal Code); *Unlawful keeping weapons and explosive materials* (Article 396 of the Criminal Code); *Trafficking in human beings* (Article 481-a of the Criminal Code), as well as crimes under Article 59 and 60 of the Excise Law and other crimes related to import, export and transit of goods across the border.

The Financial Police has similar competencies as the Ministry of the Interior in the pre-trial proceedings and in the investigative procedures in connection with detecting crimes and their perpetrators and gathering evidence for purposes of criminal prosecution of perpetrators of crimes of: *Tax evasion* (Article 279 of the Criminal Code); *Money laundering and other proceeds from crime* (Article 273 of the Criminal Code); *Smuggling* (Article 278 of the Criminal Code); *Illicit trafficking* (Article 277 of the Criminal Code) and other criminal offences which involve large and significant amounts of taxes, customs duties and other revenues.

Upon entry into force of the Law Amending the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", No. 74/ 04), based on an order by an investigative judge, i.e. an order of the Public Prosecutor, special investigative techniques may be applied, such as:

- Interception of communications and entry into the home or other premises or vehicles in order to create conditions for interception of communications, under conditions and in a procedure established by law;
- Access to and examination of computer systems, seizure of computer systems or parts thereof or the computer data storage base;
- Secret monitoring, surveillance and visual-sound recording of persons and objects by use of technical devices;
- Simulated trade of objects, and simulated offering and receiving bribes;
- Controlled deliveries and transportation of persons and objects;
- Use of undercover agents for surveillance and gathering information and data;
- Opening a simulated bank account at which criminal proceeds may be deposited;
- Registration of simulated legal entities or use of existing legal entities to gather information.

Special investigative techniques may be used only for purposes of gathering information and evidence necessary for successful processing of the case in criminal proceedings which cannot be otherwise gathered or their gathering would imply great difficulties; for crimes for which a prison sentence of at least four years has been prescribed; and for crimes for which at least five year prison sentence has been prescribed when there are reasonable suspicions that they have been committed by an organised group, gang or other criminal associations.

In cases when there is no information on the identity of the perpetrators of the crime, special investigative techniques may be applied regarding the objects of the crime.

In cases determined by law, in the pre-trial investigation, special investigative techniques may be applied only upon orders of the Public Prosecutor or investigative judge. They can also be applied in the investigation procedures upon an order of the investigative judge.

Special investigative techniques are applied in pre-trial proceedings upon written order of the investigative judge, which contains a relevant explanation and upon written and explained proposal of the Public Prosecutor. At this stage of the criminal proceedings, the investigative judge may issue a written order on the application of all special investigative techniques, except for the special investigative technique of interception of communications and entry into the home and other premises or vehicles for purposes of creating conditions for intercepting the communications. In case of a disagreement between the Public Prosecutor and the Investigative judge regarding the

application of special investigative techniques, the Chamber of the Basic Court comprised of three judges shall decide on the matter.

In the pre-trial proceedings when there is no information on the identity of the perpetrators of the crime, special investigative techniques may be applied upon written and explained order issued by the Public Prosecutor, based on the written and explained proposal by the Ministry of the Interior. In such cases the Public Prosecutor may issue a written order for application of all special investigative measures, except for the application of the special investigative technique of interception of communications and entry into the home and other premises or vehicles for purposes of creating conditions for interception of communications, access and examination of the computer system and seizure of computer system and computer data storage base.

The Ministry of the Interior, the Customs Administration of the Republic of Macedonia and the Financial Police execute the orders for application of special investigative techniques.

The orders shall contain the data about the person against whom special investigative techniques are applied when the perpetrator is known, the grounds of suspicion that the crime has been perpetrated, the facts on which special investigative techniques are applied and the manner, scope and duration of the measures.

The period in which special investigative techniques may be applied, except for the measure of interception of communications and entry into the home, premises or vehicles for purposes of creating conditions for interception of communications, may be of 4 months duration at most. However, upon proposal of the Public Prosecutor, in which case the orders are issued by an investigative judge, or upon proposal of the Ministry of the Interior, in which case the orders are issued by the Public Prosecutor, when there are justified reasons, the duration of the application of special investigative techniques may be prolonged for at least another three months.

If the special investigative techniques have been applied without orders of the investigative judge, i.e. without orders of the Public Prosecutor or have been applied in contravention of the provisions of the Law on Criminal Procedure, the evidence gathered in the application of such measures may not be used in criminal proceedings.

However, the information, reports, documents, objects gathered in the application of special investigative techniques may be used as evidence in criminal proceedings, under conditions and in a manner determined by the provisions of the Law on Criminal Procedure.

The conditions under which the special investigative technique of interception of communications and entry into the home, premises or vehicles for purposes of creating conditions for communication surveillance, may be applied; the issue of bodies competent to issue orders for the application of this special investigative technique; and the procedure for application of the measure of interception of communications, have been regulated in a separate law - Law on Interception of Communications, which is now in parliamentary procedure. For more details on this Law see [I H 16](#).

6. What are the competencies of the different forces (legal and administrative, geographical organisation, cross-regional co-operation, etc.)?

The existing structure of the police force, as well as its competencies are regulated with the Law on Internal Affairs and secondary legislation.

The implementation of the Police Reform (see [24 Annex 03](#)) has resulted in changes of the structure and competencies of the police forces, carried out in stages. Border Police was established based on the Law Amending the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia", No. 19/04). The Department for Organised Crime, became operational in January 2005.

According to the current (actually transitory) organisation, the structure of the police force is the following:

The duties within the system of public security are performed by the Bureau of Public Security. The Bureau includes the Department for Border Police, the Department for Police and the Department for Criminal Police.

The Department for Police performs the activities of direct enforcement of public law and order, road traffic regulation and security control of the lakes, as well as other duties, that by nature or circumstances require involvement of the uniformed police officers. The Special Task Unit and the Rapid Deployment Unit are functioning within the Department for Police as separate police forces competent to take actions on the entire territory of the Republic of Macedonia.

For the protection of security in the Republic of Macedonia in complex circumstances or violations of public law and order of greater extent, a special police unit within the Ministry of the Interior is established. The Special Unit is comprised of police members, and is run by a brigade commander. The Special Unit is established on the principle of secondment of police members within its composition, at a time and place determined by a special order in case of activation of the Special Unit. The orders for state of readiness and for its full direct involvement are given by the Minister of the Interior or, upon his/her authorisation, by the director of the Bureau for Public Security.

The Department for Criminal Police performs duties of crime prevention, detection and apprehension of perpetrators of criminal offences, as well as forensic operations

The Department for Border Police performs duties of state border protection; control of the state border crossing points; detection and resolving of border incidents and other violations of the state border; and other activities established by law.

For performing certain tasks, such as analytics and research; security of persons and internal securing of buildings; aliens and immigration issues; defence preparations etc, special organisational units within the Bureau for Public Security are organised.

Following the implementation of the reform, these organisational units will operate within the new Department for Civil Affairs

According to the Action Plan for the Reform Strategy, by the end of 2005, within the Bureau for Public Security, the following services shall operate: the Department for Border Police, Central Police Services and Territorial Police Services.

Reform within the future Central Police Services has started with the introduction of the Department for Organised Crime.

Concerning the setup of the Sectors for Internal Affairs see [24 G 02](#).

With regards to cooperation, the Sectors for Internal Affairs and the police stations cooperate and exchange information needed for performing police affairs. As for the international or interregional cooperation, they cooperate with the law enforcement agencies of all states bordering with the Republic of Macedonia and wider.

The organisational units of the Ministry of the Interior carry out their tasks in accordance with the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia", Nos. 19/95, 55/97, 38/02,33/03 and 19/04), the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", Nos. 15/97, 44/02 and 74/04), the Law on Crossing the State Border and Movement in the Border zone ("Official Gazette of the Republic of Macedonia", Nos. 36/92, 66/92, 12/93, 15/93, 31/93, 11/94 and 19/04), the Rulebook on the Mode of Operation of the Ministry of the Interior ("Official Gazette of the Republic of Macedonia", Nos. 12/98 and 15/03), the Decree on Use of Means of Force and Firearms ("Official Gazette of the Republic of Macedonia", No 22/98 and 17/04), etc. For more details see [24 G 5](#).

7. How are the police staffed and equipped and how are they financed (quantitative overview of staff, buildings, equipment, communication tools, hard- and software, etc.). Is an integrated computer-based investigation system available?

The Ministry of the Interior has 12,462 employees in total, out of which 8,216 are police officers in uniform, 1,205 authorised officers in the Criminal Police, 508 are employed in the Directorate for State Security and Counterintelligence, 750 in the Territorial Fire Units and 1,777 on other posts within the Ministry.

The Ministry of the Interior is financed from the Budget of the Republic of Macedonia. The main source of funds are the original revenues of the Central Budget. Additional revenues, also stated in the Budget, come from charges collected by the Ministry and from additional activities – self-financing activities. Accordingly, in compliance with the regulations in this field, the financing of the Ministry of the Interior is carried out through three accounts, i.e. budgetary account, account for funds from revenue and account for self-financing activities.

The budget of the Ministry of the Interior is mainly managed at central level, through the central services. Namely, the calculations and payment of salaries and contributions for all employees, as well as the procurement of uniforms and equipment - capital assets, is realised at central level through the Ministry of the Interior, while the procurement of consumables and services is realised through the regional organisational branches – Sectors of Internal Affairs.

The Ministry of the Interior (central level) is responsible for keeping the records and compilations of the final accounts.

The Ministry of the Interior has in total 136,688 square metres of facilities at its disposal. It is used for: the Headquarters of the Ministry; Sectors of Internal Affairs – 12 locations; Internal Affairs Bodies – 23 locations; Police stations – 120 locations; Special Tasks Unit and Special Rapid Deployment Unit – 5 locations; Police station for securing facilities and persons; Helicopter Unit; and Training and Handling Centre.

The Main Office of the Ministry of the Interior and the main offices of the Sectors and Sections of Internal Affairs, as well as of 68 Police stations situated at the Sectors and Sections of Internal Affairs - have in total 88,973 square metres of office space at their disposal. The rest of the 52 Police stations, the Rapid Deployment Unit, Special Tasks Unit, the Police station for securing objects and persons, the Helicopter Unit, and the Training and Handling Centre are located at separate locations with a total of 41,715 square metres of space.

The average age of the facilities is 40 years, implying high maintenance costs, additional costs for instalation of modern heating and air-conditioning systems, and other refurbishings. Regarding weapons, the authorised officers are supplied with personal and formation weapons - handguns with calibres of 9 mm, 7.65 mm and 7.62 mm. The Ministry of the Interior also has handguns with mm calibre, whereas the special police units have other more sophisticated weapons – guns and handguns with different calibres appropriate for special tasks.

The structure of the Ministry's vehicle pool is comprised mostly of cars from European and American manufacturers which satisfy the standards for performing police tasks regarding the visual and audio instruments. The Ministry of the Interior also has intervention vehicles LEND ROVER DEFFENDER and combat vehicles BTR and Hermelin. In 2005, it is expected that the equipping of the Border Police with vehicles will be done through CARDS projects. The total number of vehicles, including freight motor vehicles, is 2,500.

The Ministry of the Interior has three helicopters at its disposal, all functional and in good condition. The Lake Police has 13 vessels at its disposal - 1 speedboat and 12 motor boats.

The telecommunication equipment of the Ministry of the Interior is as follows:

- An integrated communication network consisting of 52 communication nodes. The complete transfer of speech and data is carried out through this network.
- The telephone system consists of 35 digital telephone exchanges and 120 small telephone exchanges, connecting more than 6,000 telephones.
- The transfer of data is realised through a single Wide Area Network (WAN), connecting 55 Local Area Networks (LANs).
- The Radio-Communications system is based on the VHF and UHF wavebands. The system is equipped with Storno and Motorola repeaters covering the entire territory of the Republic of Macedonia.

The Ministry is also equipped with mobile and stationary Motorola radio stations.

The local computer network in the Ministry of the Interior is divided in two parts:

1. The local network at the Ministry Main Office and the local network at the border crossing points, based on the Ethernet 10/100/1000 standard (IEEE 802.3).
2. The local network at the local organisational branch units, Sectors of Internal Affairs, and Department of Internal Affairs, based on the Token-ring standard.

All the facilities, irrespective of the local network type, are cabled structurally, with an Ethernet cabling according to the strict standards of Nexans passive network elements and cabling.

Depending on the local network type, appropriate active network components are used:

- Appropriate switches and hubs for the token-ring network (IBM token-ring hub, CAU, MAU).
- Appropriate switches and hubs for the Ethernet network (CISCO switches, hubs).

The complete information system of the Ministry of the Interior is centralised on servers located at the Main Office facilities. The access to the central server (IBM mainframe) goes through standard terminals or personal computers with IBM Personal Communications installed, while the communication goes through Telnet (TCP/IP protocol) or through IEEE 802.2 (SNA protocol). The access to other servers goes through the TCP/IP protocol.

Most of the activities of the information system of the Ministry of the Interior, which include entries, updates and direct data search in the central records, are performed through the central server in the Ministry (an IBM Mainframe). There are approximately 200,000 on-line daily transactions on the central server, while the peaks reach 10 to 15 transactions per second. During everyday operations, 400 to 500 terminals from the total of 1000 terminals, connected to the network of the central computer server of the Ministry, are simultaneously active. The availability of the central server is 24x7x365, and it has the following characteristics:

- IBM Multiprise 2003/206 with 512 MB RAM working on 17.4 MIPS with 12 parallel channels
- 6 HDD with 9 GB each (54GB) in mirror (means physically 12 HDD)
- 2 OSA2 adapters with TR/ETH enabled

With regard to the system and application software, this server employs the VM/ESA 2.4 and VM/ESA 2.3.2 operating systems, the CICS/VSE 2.3 transaction server, the Language Environment 1.4 application development package, and the DB2 (relational) and DL/I, VSAM (hierarchical) databases.

Apart from the central server, other servers are also used, e.g. file, mail, DNS communication server, as well as the criminal intelligence server. These servers are located at the Ministry's Main Office and have the following technical characteristics:

Fujitsu Siemens PrimePower 650 with 6GB RAM working on UNIX operating system SUN Solaris v8	1 piece
IBM Netfinity 5500 with 512 MB RAM working on Windows 2000 operating system	3 pieces
IBM Netfinity 5000 with 256 MB RAM working on Windows 2000 operating system	2 pieces
IBM Netfinity 3000 with 128 MB RAM working on Windows 2000 operating system	3 pieces
PC Compatible Server with 256 MB RAM working on Windows 2000 operating system	3 pieces

In the work of the Border Police for the control of the state border crossings, local servers connected in local networks at the relevant border crossing points are used. These servers have the following technical characteristics, PC Compatible Server with 256 MB RAM working on Windows NT operating system - 13 pieces.

At the moment, the Ministry does not have an integrated computer system for criminal intelligence. The analysts and inspectors conducting investigations have direct access to the computer records of the Ministry of the Interior and in all regional branches of the Ministry during the collection of data relevant for the investigation. Only the organisational branch for combating drugs and narcotics has an application for conducting investigations - CISNIC (Criminal Information System for National and International Cooperation) which is a donation from the UNDCP. This application is integrated in the software tool for intelligence analysis *Analyst Notebook (i2)* and allows completely computerised conduct of the investigative procedures. At the moment, these applications for computerised conduct of investigations are regionally limited and used only at central level, at the organisational unit for combating drugs and narcotics at the Main Office of the Ministry.

8. Please describe the training system for police officers. Which training facilities and training programmes exist (schools, training content, target groups, knowledge networks, special skills)?

The Police Academy is a higher education institution in the area of security.

The Police Academy educates personnel for the needs of the Ministry of the Interior and other agencies, institutions and legal entities performing activities in the area of security.

The Police Academy provides education for:

1. Acquiring a university degree (graduate studies);
2. Acquiring a professional degree - specialist
3. Acquiring a scientific degree - MA
4. Acquiring a scientific degree – PhD
5. Vocational education and training for persons who have already acquired a degree at other educational institutions:
 - Basic police education and training
 - Special education and training
 - Education and training for management in the area of security (security management).

The Police Academy has two levels of education: higher education and continuing education.

Higher education at the Police Academy is intended for graduate and postgraduate (professional and scientific) studies.

The graduate studies are organised as four-year studies, following study programmes and subject-oriented curricula.

The organisational structure of the higher education at the Police Academy envisages six departments: Department of Criminalistics, Department of Police Sciences, Department of Criminal

Law and Criminology, Department of Security Sciences, Department of Security in the Private Sector and Department of Social, Political and Legal Sciences.

In the fourth year of studies, there are four specialist studies: Criminalistics and Criminology, Security, Security in the Private Sector, and Police-Operative studies. Under these specialist studies, students are trained to fight certain types of crime, such as organised crime, computer crime, terrorism, traffic violations, juvenile delinquency, crimes against the environment, economic and financial criminality.

At the Academy, students are trained in the following academic skills: information technology; foreign languages; Macedonian language and culture; and special physical training.

Police officers who wish to acquire higher education may enrol at the Academy, as part-time students

According to the study programme, the Police Academy educates professionals with higher education in the areas of criminalistics, security and police sciences, for the needs of the Ministry of the Interior and other institutions engaged in these areas.

In addition to the graduate studies, the Police Academy organises two year postgraduate scientific studies (MA studies) and one year postgraduate expert studies (specialisation studies). These programmes are designed to educate/train experts for fight against certain types of crime.

PhD degree can also be acquired at the Academy.

The Academy provides continuing education for persons who have already acquired a degree, organising basic police officer training, special training and training for security management.

a) Basic Police Officer Training

The Basic Police Officer Education and Training is organised for persons who are employed at the Ministry of the Interior, without previous police experience at jobs with special obligations and competencies. The Basic Police Officer Training lasts one year, out of which three months are dedicated to practical field training.

b) Special Education and Training

The Special Education and Training is organised for persons who are employed at the Ministry of the Interior, with previously completed basic police training, working experience and achievements in their work. Depending on the type of work and complexity of the tasks, special training based on special curricula is organised for fight against certain types of criminality and social pathologies. The duration of this training depends on its contents, but is not longer than 12 months.

c) Police Management Training

The Police Management Education and Training is organised for persons who are employed at the Ministry of the Interior and is used to upgrade their skills in management and commanding of police structures and relations. The duration of the training depends on its contents/curriculum, but is not longer than 12 months.

The Police Academy also organises courses on:

Basic Police Officer Training

The contents of the training can be grouped in the following study areas:

- Police work in a democratic society, and legal regulations
- Police conduct, and legal regulations
- Criminalistics with criminology

- General education contents (Macedonian language and Orthography, foreign language, information technology, telecommunications and first aid)
- Current issues related to improvement of police work.

Special skills taught:

- Defence techniques (self-defence) with general physical training and test of skills
- Weapons handling, shooting and camping
- Practical exercises and field training
- Foreign language
- Information Technology

Target group: persons with completed secondary school (up to 25 years of age) and newly employed staff at the Ministry of the Interior that after the successful completion of the training would continue working at the Ministry as fully skilled police officers.

Basic training for the Border Police (of 3-month duration)

Contents of training can be grouped within the following study areas:

- General police education
- Legal and criminalistics area
- Police conduct

Special skills:

- Defence police techniques
- Information technology

Target group: persons with completed secondary education who are already employed in the Army of the Republic of Macedonia, and are trained to work as police officers at the Border Police.

Management training for the Border Police (of 3 months duration)

Contents of the training: acquiring basic skills in the police, legal, criminalistic, managerial and other related areas for the commanding personnel of the Border Police Regional Centres and training them as competent police staff to perform police and management related tasks in securing the state border

Special skills:

- Techniques of application of police competencies
- Information technology

Target group: officers of the Army of the Republic of Macedonia – Border Brigade, who are trained to become senior officers at the Border Police.

The Police Academy is a member of the European Association of Police Colleges.

At regional level, the Academy cooperates with the Police Academies from the region and wider especially with the Police Academies from the Netherlands, Turkey and Estonia; exchange experiences, teaching staff and students; and implement projects, etc

9. Is there training tailored to the fight against specific types of crime?

In the Republic of Macedonia there is training designed following the requirements for fight against specific types of crime. In the framework of the four-year graduate studies at the Police Academy, four modules are envisaged in the fourth year of studies: criminalistics and criminology, security, security in the private sector, and police-operative. The study programs of these modules encompass studies of certain types of crime, such as organised crime, terrorism, traffic violations, juvenile delinquency, crimes against the environment, and economic and financial crime.

In addition to graduate studies, in cooperation with the Ministry of the Interior, the Police Academy has designed special program for basic training in the field of organised crime, which covers all personnel (155 in total), that after the Reform of the Ministry are assigned to work in the Department for Organised Crime. The realisation of this Program started in mid January 2005, following the completion of the procedure of personnel assignment. Considering the large size of the group, the training is carried out in 4 cycles. The managerial personnel is covered by the first training cycle, and in April 2005, this personnel will attend specialist management training.

The designed training programme for fight against organised crime envisages studying several topics, such as:

- Organisational structure and the competences of the Department:
 - Detailed introduction to the new organisational scheme and the competencies of the Department for Organised Crime and the separate organisational units is a pre-condition for providing effectiveness in the operation and exercise of the legally prescribed competencies. This introduction will facilitate acquiring more detailed knowledge about the coordinative-supervisory function at central level, the method for transferring competences from the central to the local level, as well as acquiring knowledge on professional performance standards.
- The latest amendments to the national legislation:
 - The latest amendments to the national criminal law legislation (The Criminal Code and the Law on Criminal Procedure) are the newly adopted laws – the Draft Law on Interception of Communications, the Law on Public Prosecutor's Office, the Law on Prevention of Money Laundering and other Proceeds of Crime, and other laws. In this context, the newly established crimes are elaborated, as well as the amendments to the criminal law procedure and legal possibilities for witness protection, and implementation of the special investigation measures (SIM)
- Multidisciplinary approach
 - With an aim of providing indispensable multidisciplinary approach in the work, as well as to gain understanding of the competencies of institutions involved in the fight against organised crime, money laundering and corruption, the representatives from the Public Prosecutor's Office, assigned to work at the Unit for Fight Against Organised Crime are invited to participate in the training programme. Representatives from other institutions with competencies in the fight against organised crime, such as the Financial Police, the Directorate for Prevention of Money Laundering, the Customs Administration of the Republic of Macedonia, the Anti-Corruption State Commission, and others, are involved when elaborating other topics.
- Up to-date working methods
 - The training is particularly focused on elaboration of up to-date working methods in the field of detection of activities of organised criminal groups. In addition to application of SIM, the training particularly elaborate the Information Technology skills and knowledge of databases, criminal intelligence and intelligence analysis, as well as the pro-active methods for conducting financial investigations in parallel with criminal

investigations, in order to secure effective confiscation of the proceeds from crime. The training for application of the up to-date methods, in certain aspects is conducted in parallel with the training for implementation of the new legal regulations.

- International instruments and cooperation
 - The international instruments and international cooperation are of particular importance for establishing of effective system for fight against organised crime. In the course of the training, the most important international instruments and possibilities for international cooperation under the mentioned instruments, as well as indictments and the conduct of judicial proceedings, are particularly elaborated.

10. Is there functioning co-operation with liaison officers in third countries within the common framework? If yes, where do such liaison officers exist?

The police cooperation with third countries is being realised through INTERPOL liaison officers and channels, the SECI (South-eastern Europe Cooperation Initiative) liaison officers, and liaison officers from third countries appointed in the Republic of Macedonia.

SECI Center for Combating Transborder Crime

There are liaison officers from the Ministry of the Interior and the Customs Administration appointed at the SECI Centre in Bucharest. Within the Sector for International Police Cooperation at the Ministry of the Interior, a National Single Point of First Contact for the SECI Center was established. The exchange of knowledge, information and data between the services of Republic of Macedonia and third countries is conducted through the appointed officers in Republic of Macedonia and the main office of the SECI Centre.

Bulgaria

There is a liaison officer from the Republic of Bulgaria appointed in the Republic of Macedonia, with main office at the Bulgarian Embassy in Skopje, through which a direct cooperation with the Bulgarian police is established.

Scandinavian countries

The cooperation with the Scandinavian countries operates through the Nordic liaison officer located at the Norwegian Embassy in Sofia, Bulgaria.

Canada

The cooperation with Canada is conducted through the liaison officer located at the Canadian Embassy in Rome, Italy.

United States of America

The International Criminal Investigative Training Assistance Program (ICITAP) has appointed a police task advisor at the US Embassy in Skopje.

The police cooperation with different agencies from the USA (DEA, FBI, US Secret Service) functions through the Regional Safety Office (RSO) at the US Embassy in Skopje. In addition, a direct and long-term cooperation is also established with the DEA Office in Athens and the US Secret Service in Bucharest. The cooperation in training of the personnel is also conducted through the US Embassy in Skopje at the FBI Law Enforcement Academy – ILEA in Budapest.

United Nations

The National Project Office within the UN Drugs and Crime Office is an agency for technical support and cooperation, The office is located in Skopje and a liaison officer for cooperation with the Ministry of the Interior is appointed there.

International Criminal Tribunal for Former Yugoslavia

The Ministry of the Interior has appointed a liaison officer for direct cooperation with the Office of the International Criminal Tribunal for the former Yugoslavia with a main office in Skopje. After this Office was closed in August 2004 the cooperation continued through the main office of the Tribunal with in Prishtina, as well as in a manner of direct communication with the representatives of the Prosecution Office of the International Criminal Tribunal for Former Yugoslavia in Hague.

11. Describe the co-operation with neighbouring countries (also as regards border control and border surveillance)? Which police cooperation agreements exist or are planned?

In order to improve the cooperation with the neighbouring countries, the Ministry of the Interior undertakes activities on concluding agreements and cooperation promotion. The cooperation between the Republic of Macedonia and the neighbouring countries is carried out through concluding bilateral agreements.

The Republic of Macedonia cooperates with the neighbouring countries, as follows:

Republic of Albania

The following agreements are concluded with the Republic of Albania:

- Agreement between the Government of the Republic of Macedonia and the Council of Ministers of Republic of Albania on Cooperation in Combating Terrorism, Organised Crime, Illegal Trade with Narcotic Drugs, Psychotropic Substances and Precursors, Illegal Migration and other Illegal activities, concluded in Skopje on 17.06.2004. The Agreement is expected to be ratified by the Assembly of the Republic of Macedonia in the first quarter of 2005.
- Agreement between the Macedonian Government and Albanian Government on Maintenance, Recovery and Demarcation of the Border Line and Border Signage at the Macedonian-Albanian State border dated 04.12.1997, ratified on 11.02.1998 ("Official Gazette of the Republic of Macedonia", No. 9/98). A Joint Committee is established for implementation of this Agreement.
- Agreement between the Macedonian Government and Albanian Government on Abolition of Visas for diplomatic and official travel documents and the amount of fees for issuing other types of visas, dated 04.12.1997, ratified on 11.02.1998 ("Official Gazette of the Republic of Macedonia", No. 9/98).
- Agreement between the Macedonian Government and Albanian Government on International Transport of Passengers and Goods in the Road Traffic, dated 15.01.1998 ("Official Gazette of the Republic of Macedonia", No. 15/98).
- Agreement between the Macedonian and Albanian Government on Maintenance, Renovation and Demarcation of the Border Line and Border Marks (Signage) dated 04.12.1997, ratified on 11.02.1998 ("Official Gazette of the Republic of Macedonia", No. 9/98). In accordance with the Agreement, a Joint Committee was established as well as two sector committees for recovery of the border marks and demarcation of the border line on the Macedonian – Albanian state border. The Joint Committee held its first meeting on 04.12.1998 in Skopje;
- Agreement between the Macedonian and Albanian Government on Regulation of the Cross - Border Traffic of Persons in the Border Zone dated 04.12.1987, ratified on 19.03.1998 ("Official Gazette of the Republic of Macedonia", No. 15/98). The Agreement foresees the establishment of a Permanent Joint Macedonian-Albanian Committee, determines its competencies, tasks, meeting modality and ways of operation;

- Agreement between the Macedonian and Albanian Government on Prevention and Resolving the Incidents on the Macedonian - Albanian State Border Line dated 04.12.1997, ratified on 11.02.1998 (“Official Gazette of the Republic of Macedonia”, No. 9/98). On the basis of this Agreement a Main Joint Macedonian – Albanian Committee on Border Incidents was established, as well as two sector joint committees on border incidents, for both border sectors;
- Agreement on Cooperation between the Ministry of the Interior of the Republic of Macedonia and the Ministry of Public Order of the Republic of Albania dated 16.07.2000. On the basis of this Agreement, the following documents were also signed:
 - A Protocol on Defining Directions and Modes of Cooperation in the Field of Border Crossing Control and Prevention of Illegal Migration between the Ministry of Public Order of the Republic of Albania and the Ministry of the Interior of the Republic of Macedonia dated 16.07.2000;
- Protocol on Cooperation in the Security Field between the Ministry of the Interior of the Republic of Macedonia and the Ministry of Public Order of the Republic of Albania and the National Information Service of Albania dated 05.06.1992;
- Memorandum of Understanding between the Ministry of Defence of the Republic of Macedonia and the Ministry of Defence of the Republic of Albania on Cooperation and Promotion of Contacts dated 05.02.2003.

It is also noteworthy to mention the project document “Danida” on strengthening the border cooperation between Republic of Albania and the Republic of Macedonia regarding the border line Debar-Diber, signed on January 2004 between the Ministry of Public Order of the Republic of Albania and the Ministry of the Interior and Ministry of Defence of the Republic of Macedonia.

The goal of this project is the strengthening of safety and establishment of reciprocal trust on the border line Debar-Diber between the Republic of Macedonia and the Republic of Albania through a close cooperation in identifying, prevention and fight against the cross-border crime and illegal activities, throughout the following:

- Improvement of the information exchange and communication;
- Providing education and training;
- Preparation and strengthening of joint actions and joint control; and
- Preparation of a legal framework - Memorandum of Understanding.

The harmonisation of positions regarding the Memorandum of Understanding between the Ministry of the Interior and Ministry of Defence of the Republic of Macedonia and the Ministry of Public Order of the Republic of Albania for promotion and strengthening of the cooperation in the field of border security is currently underway (the signing of this Memorandum should take place in the first half of 2005).

The consolidation of the text of the Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Albania on Readmission of Persons whose stay is illegal, i.e. Agreement on Readmission, is in progress.

Republic of Greece

The following agreements are concluded with the Republic of Greece:

- Interim agreement dated 13.09.1995 (“Official Gazette of the Republic of Macedonia”, No. 48/95);, confirmed the mutual existing border between the Republic of Macedonia and the Republic of Greece as permanent and inviolable international border.
- Protocol on Cooperation between the Ministry of the Interior of Republic of Macedonia and the Ministry of Public Order of Republic of Greece, signed in Ohrid, on 08.07.1998.

- Protocol on Cross-border Cooperation dated 23.06.1998.

With the above mentioned Protocol both parties agreed that until a bilateral agreement is signed, their mutual relations regarding the state border between the two states would be managed according to the provision of the Protocol between the Government of FNRJ and the Government of Kingdom of Greece on securing, maintenance and renovation of the border marks (signage) (land and water) on the Yugoslav-Greek border as well as, on alert, prevention, methods of investigation and resolving of border incidents, signed on 17.12.1958. On the basis of the abovementioned Protocol, a Joint Committee on securing, maintenance and recovery of the border signage and resolving the border incidents was established, holding regular meetings. At this moment, in addition to the above mentioned, it is an already established practice with the Republic of Greece to maintain regular working meetings between the services directly involved in the state border security and simultaneously, a link for information exchange pertaining to the border security was established.

Republic of Bulgaria

The following agreements are concluded with the Republic of Bulgaria:

- Agreement on Cooperation in the Security Field between the Ministry of the Interior of the Republic of Macedonia and the Ministry of the Interior of the Republic of Bulgaria dated 20.10.1992, ratified in 1993 ("Official Gazette of the Republic of Macedonia", No. 49/93). On the basis of this Agreement, between the Ministry of the Interior of the Republic of Macedonia and the Ministry of the Interior of the Republic of Bulgaria on 20.10.1992 the following document was also signed:
 - Protocol on Determining the Directions, Mode and Order of Cooperation in the Field of the Border Control and Prevention of the Illegal Immigration;
- Agreement between the Government of the Republic of Macedonia and Government of the Republic of Bulgaria on Readmission of Persons with Illegal Stay dated 04.06.2001, ratified in 2002 ("Official Gazette of the Republic of Macedonia", No. 12/2002);
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on Measures for Prevention and Resolving Border Incidents on the Macedonian – Bulgarian border dated 15.05.2000, ratified on 23.01.2002 ("Official Gazette of the Republic of Macedonia", No. 13/2002). With the Agreement, a main joint Macedonian-Bulgarian Commission on border incidents was established, as well as two sector Joint Committees on Border Incidents that are maintaining regular meetings;
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on Securing Maintenance, Recovery and Demarcation of the Border Line and the Border Marks on the Macedonian-Bulgarian state border, signed on 15.05.2000, ratified on 23.01.2002 ("Official Gazette of the Republic of Macedonia", No. 12/2002). On the basis of the above mentioned Agreement, a Joint Committee on Securing, Maintenance, Renovation and Marking of the Macedonian-Bulgarian border was established;
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on the Fight Against Terrorism, Organised Crime, Illegal Traffic with Narcotic Drugs, Psychotropic Substances and Precursors, Illegal Migration and Criminal Offences dated 26.02.2002 ("Official Gazette of the Republic of Macedonia", No. 6/2003). On the basis of this Agreement, a Protocol on Cooperation between the Police Department – Sector on Border Crossing Points within the Ministry of the Interior of the Republic of Macedonia and the National Service Border Police within the Ministry of the Interior of the Republic of Bulgaria was signed in 2003;
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on International Road Transport, ratified in 1999("Official Gazette of the Republic of Macedonia", No. 23/99);

- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on Opening Two New International Border Crossing Points between the two countries, ratified in 1999 (“Official Gazette of the Republic of Macedonia”, No. 44/99);
- Agreement between the Ministry of the Interior of the Republic of Macedonia and the Ministry of the Interior of the Republic of Bulgaria on establishment of international telephone line, “Vardar”, concluded in Sofia, Republic of Bulgaria on 29 September, 2004.

Serbia and Montenegro

- Agreement between the Federal Republic of Yugoslavia and the Republic of Macedonia Concerning the Delineation and Description of the State Border dated 23.02.2001, ratified in March 2001 (“Official Gazette of the Republic of Macedonia”, No. 19/01). On the basis of this Agreement a Joint Committee for the Demarcation was established and simultaneously the demarcation of the state border was initiated. Until now, from the junction of the three state borders - the Republic of Macedonia, the State Union of Serbia and Montenegro and the Republic of Bulgaria to the border crossing point Tabanovce, all main border marks are placed and also about 90% from the assisting border marks;
- Protocol on Opening Border Crossing Points for Border Traffic between the Republic of Macedonia and Serbia and Montenegro dated 29.03.2003, as well as the modalities for its implementation;
- Memorandum between the Government of the Republic of Macedonia and the Government of the Republic of Serbia on Cooperation in Fight Against Terrorism, Organised Crime, Illegal Trade with Narcotic Drugs, Psychotropic Substances and Precursors, Illegal Migration and Other Criminal Offences, signed on 25.07.2003;
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Montenegro on Fight Against Terrorism, Organised Crime, Illegal Trade with Narcotic Drugs, Psychotropic Substances and Precursors, Illegal Migration and Other Criminal Offences, signed on 10.06.2003, ratified on 22.07.2003 (“Official Gazette of the Republic of Macedonia”, No. 52/2003).
- Agreement between the Government of the Republic of Macedonia and the Federal Government of the Federal Republic of Yugoslavia on Removal of Visas, dated 03.07.1997, ratified on 25.09.1997 (“Official Gazette of the Republic of Macedonia”, No. 50/97).
- Agreement between the Government of the Republic of Macedonia and the Federal Government of the Federal Republic of Yugoslavia on International Road Transport of Passengers and Goods dated 04.09.1996, ratified on 18.12.1996 (“Official Gazette of the Republic of Macedonia”, No. 69/96).
- Agreement between the Government of the Republic of Macedonia and the Federal Government of the Federal Republic of Yugoslavia on Regulation of Border Railroad Traffic, dated 04.09.1996, ratified on 18.12.1996 (“Official Gazette of the Republic of Macedonia”, No. 69/96).
- Protocol for Opening Border Crossing Points for Cross-border’ Traffic between the Republic of Macedonia and Serbia and Montenegro dated 29.03.2003, as well as modalities for implementation.

The harmonisation of the positions regarding the Agreement Proposal on the basis of cooperation for securing the State border between the Republic of Macedonia and Serbia and Montenegro is in progress.

UNMIK

The following Agreements are concluded with UNMIK:

- Protocol on cooperation between the Ministry of the Interior of the Republic of Macedonia and UNMIK (27.11.2003)
- Memorandum of Understanding between the Republic of Macedonia and UNMIK dated 2001

- Protocol for Police Cooperation, dated 29.08.2002

On the basis of the Protocol on Opening New Border Crossing Points for Small-Border Traffic between the Republic of Macedonia and Serbia and Montenegro, an Interim Protocol on determining Temporary Border Crossing Points for 'small border' Traffic between the Republic of Macedonia and UNMIK (Tanusevci and Strezimir) is signed.

Regarding the cross-border cooperation with the UNMIK, the established practice of holding regular working meetings between the representatives of the border services of the Republic of Macedonia and the UNMIK aimed at information exchange regarding the issues occurring within the everyday operation of the border crossing points is very useful.

12. Please describe the reforms of the police that have been implemented in recent years.

The Constitution of the Republic of Macedonia (17.11.1991) has created a foundation for establishing a legal state on democratic principals which implies legality and legitimacy in proceeding of all state bodies, including the police.

In the transition process specific are the features in the etiology and phenomenology of the crime, appearance of new forms and kinds of crime with elements of violence, appearance of organised and trans-national crime (trafficking in human beings, trafficking in weapons/arms and drugs, terrorism, money laundering, corruption etc). In the past years, activities aiming at developing an adequate security structure have been intensified.

Series of steps for strengthening the capacities for functioning of the Ministry of the Interior have been implemented in accordance with the goals and basic work principles; promotion of the work methodology and; adequate structuring and determining of the competencies of the police according to the needs of the security system in the Republic of Macedonia.

Transfer of competencies to the Border Police

The transfer of the competencies for border security from the Army to the Police is one of the main features of the reform processes in the police, which is realised in accordance with a determined Strategy. For more details see [24 A 08](#).

Asylum and Migration

Issues concerning migration and asylum are of special significance for the Republic of Macedonia. According to the National Action Plan for Migration and Asylum, the national legislation is being harmonised with the European standards and the regional co-operation in this sphere is strengthened which fully corresponds with the goals of the process of stabilisation and association of the Republic of Macedonia in the structures of the European Union.

Human resources development

In the past period, the way of education and training of the police staff for the needs of the Ministry of the Interior and other security structures in the Republic of Macedonia was carried out at the Police High School (established 1972) and at the Faculty of Security and Civil Self-defence (established 1977). In the period since 1995, according to the Law on Establishment of Centre for Education of Security Personnel ("Official Gazette of the Republic of Macedonia", Nos. 27/95 and 98/02), the Centre for Education of the Security Personnel was an educational institution for secondary vocational education of personnel for the needs of the Ministry of the Interior. The last enrolment of candidates in the Police High School was in 1997/98, the last generation completed its education in the school year of 1999/2000. In accordance with the aforementioned law, the Faculty of Security and Civil Self-defence ceased to exist on 31.09.2003.

With the termination of the regular higher education in this field, as well as with cessation of the enrolment of the pupils in the Police High School, certain vacuum appeared that had negative consequences for providing continuous education of personnel for the needs of the Ministry of the Interior and for other security structures in the Republic of Macedonia. Therefore, a new system for education of the security personnel was established, which through various levels of police education and with clear and precise goals provides a profile of police qualification in accordance with the European and international standards.

According to the Law on Police Academy ("Official Gazette of the Republic of Macedonia", No. 40/03) a Police Academy has been established, where personnel for the needs of the Ministry of the Interior and other state bodies, organisations, institutions, and legal entities who are dealing with security is educated. Upon completion of the high education, the personnel achieves the following degrees: professional degree - specialist, academic degree – Master of Science and academic degree – PhD. In addition, the Police Academy is providing continuous training for persons with completed certain level of education (basic police training, special training and training for managing in security area) which will provide them with high degree of initiatives, professionalism and expertise while performing working tasks.

Establishment of system with professional standards

The Ministry of the Interior continuously works on establishing institutional capacities that will enable immediate solving and documenting of the overstepping of legal authorisation, as well as other illegal actions committed by the members of the Ministry. Regarding this, a Sector for Internal Control and Professional Standards is operating within the Ministry and is continuously developing and upgrading according to the best world standards and practices in this fields.

This organisational unit is established above all from the need to enhance the quality in conducting investigations on the basis of appeals and complaints related to illegal and unprofessional conduct of members of the Ministry, as well as for detecting and adequate documenting of illegal activities and conduct of the members of the Ministry. In accordance with the comparative experiences and standards in this field, a special component monitoring the realisation of the financial and material funds is established within this Sector. Namely, regular and continuous checks are performed on the managing of the financial funds of the Ministry and its regular and legal usage.

In accordance with its competencies, the Ministry of the Interior conducts compulsory investigations of cases where fire arms were used on behalf of its members that resulted with injuries or death of a certain person. These cases are investigated by a separate body in accordance with the current methodology, the fundamental postulates of the system of internal control and the professional standards passed under the competencies of the Sector on Internal Control and Professional Standards.

"Community policing" Concept

The Ministry of the Interior is firmly committed to enhance the cooperation between the police and the citizens. This commitment originates from the strategic objective of the Republic of Macedonia to adopt the European standards in all areas of its functioning. This commitment is accomplished in the scope of the reform process that should enable the Ministry to adopt the best practices of the European Union through a construction of a model of police organisation directed at affirmation of the social values, and of effective engagement and complete performing of police functions which will contribute for improvement of the quality of living, protection of the rights and providing peace and coexistence among all citizens of the Republic of Macedonia.

The Ministry of the Interior, within its legal competencies and in cooperation with the international organisations in the Republic of Macedonia, after the successful implementation of the Main Plan for return of the police in the former crisis areas, the return of the larger part of the internally displaced persons and after establishing the police functions through the temporary police stations and patrolling of the ethnically-mixed patrols, carried out voluminous and intensive activities for building mutual trust and partnership between the police and the local population.

Using the comparative experiences from the great number of countries where the cooperation between the police and the local population is functioning successfully, the Ministry of the Interior, in cooperation with the Department on the Police Development within OSCE, works on continuous implementation of this concept, whose objective is strengthening the relations between the local population and the police through partnership, improvement of the communication and information exchange.

The cited concept of cooperation between the police and the citizens represents one of the basic postulates of the Project Strategy on Police Reform (see [24 Annex 03](#)), through planning adequate implementation within the framework of the competencies of the Ministry of the Interior as a modern model of police organisation.

International police co-operation and international co-operation

Since 1992, the Ministry of the Interior started with intensive activities for establishing an international cooperation, first of all, through establishing bilateral cooperation in the field of security with the neighbouring countries and with the countries from the region, and through establishing bilateral and multilateral cooperation with the countries in Europe and in the world.

Recognising the threat from the phenomena of organised crime, the Republic of Macedonia undertook broad scope of activities and measures for providing adequate and effective approach towards this problem, in accordance with the relevant standards and best practices of the European Union.

Part of the activities of the Ministry of the Interior is a creation of institutional capacities for establishing international police cooperation and their concentration in one organisational unit within the framework of the Ministry. After acquiring the status of a state member of INTERPOL, the Republic of Macedonia took over the activities for establishing of organisational unit within the structures of the Ministry of the Interior and created a special Unit – INTERPOL – Skopje, which is gradually developing and strengthening by receiving status of a special SECTOR for NCB (National Central Bureau) INTERPOL.

Confronting organised crime as one of the most serious threats for each country, and simultaneously recognising the place and the organisational layout of the services whose task is the cooperation with the criminal police from the foreign countries, the Ministry of the Interior in 2003 established a Sector on International Police Co-operation that covers relevant segments in the international co-operation of the Ministry of the Interior with INTERPOL, SECI Center for Combating Transborder Crime, EUROPOL, SIRENE etc.

In the Ministry of the Interior, a special organisational unit – Sector for European Integration and International Cooperation is established, whose main competence is following, organising and coordinating the international activities and cooperation of the Ministry on inter-state, regional and international level through concluding and implementing international legal instruments.

On Police reforms see also [I F 05](#) and [I F 07](#).

13. What are the current and future priorities of the police?

The Strategic Priorities of the Police are established by the Strategy for Police Reform (see [24 Annex 03](#)), and the specific measures and activities with the adopted Action Plan. From these documents emanate the immediate priorities of the police:

- Efficient finalisation of the new organisational structure of the police (see [24 Annex 04](#)) – (it encompasses finalisation of the framework of primary legislation and by-laws – Law on Police, Amendments to the Law on Internal Affairs) and start of operation in line with the adopted Strategy .
- Harmonisation of the legislation with the European standards (Law on Aliens, Law on Surveillance of the State Border and other acts).

- Building of a human resources development system as a complementary process. In this context is the further improvement of the appropriate and equitable representation, with a simultaneous respect for the merit-system, strengthening of the professional standards and the internal control.
- Development of cooperation with the local communities, especially in circumstances of decentralisation, including the implementation of the Law on Internal Affairs (“Official Gazette of the Republic of Macedonia”, No. 38/02) regarding the appointment of heads of sectors for internal affairs.

These immediate priorities are also related to:

- Strengthening of crime prevention;
- Improvement in the coordination of the activities between the Police and other law enforcement agencies;
- Strengthening of the international police cooperation (especially EUROPOL).

14. Describe the capacity of the police for detecting corruption and serious economic crime.

Within the Ministry of the Interior, a Department for Organised Crime is operating. Its scope of working tasks encompasses detection of corruption and severe types of economic and financial crime. The Department for Organised Crime, according to the current systematisation of working positions, has 135 criminalistics inspectors and its operations are managed by an Undersecretary in the Ministry. In the framework of the Criminal Police, within 12 regional Sectors and 23 Sectors on Internal Affairs, Sections and Inspectorates for suppression of the organised crime operate. Their priority task and obligation is to detect severe economic crime and corruption. Within the regional units of the Ministry of the Interior, the total number of police personnel that performs tasks on suppression of organised crime is 116, including 21 managers. All the police personnel performing tasks in this field possess university education, and majority of them have finished various specialist courses and seminars organised by national and foreign police and scientific experts, where topics and experience in the field of organised crime have been elaborated.

Activities on suppression of corruption and severe types of economic crime are directly carried out by the Sector for Financial crime, comprised of Section for Economic Crime and Section for Money Laundering and Corruption. It continuously monitors the conditions, movements and different forms of economic and financial crime and corruption, and accordingly, plans and organises most appropriate and efficient measures and activities for prevention and suppression of the mentioned criminal activities. Within this framework, the Sector cooperates with other organisational units in the Ministry, State administration authorities, legal entities, foreign police services and international organisations; conducts supervision over the work of the police Sectors; provide expert and other assistance in the suppression of the economic and financial crime and corruption; plans and carries out training of inspectors in this field; participates in the creation of legislation, reports and other expert materials; and performs other affairs within its scope of work.

For the purpose of detection and investigation of all gathered information, a direct cooperation with the State Commission for Prevention of Corruption has been established, and quality coordination is provided. In particular, this is related to cases when the State Commission for Prevention of Corruption has delivered information on cases of non-compliance with the laws and cases of corruption, especially in the Civil Service and other Public Sector institutions.

It should be emphasised that the police personnel is trained to deal with this kind of criminal offences but, there is a need for additional strengthening of the capacities of the Ministry of the Interior in order to perform more successful completion of pre-trial procedures on cases of corruption. In this view, an accent shall be placed on technical upgrading, computer equipping, and additional technical assets and vehicles.

The adoption of the Law Amending the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", No. 74/2004) has provided the necessary conditions for increased efficiency in detection of corruption and severe forms of economic crime by introducing special investigating measures for providing required evidence, such as:

- monitoring of communications and entrance in home or other premises or means of transport, for creating conditions for monitoring of communications, under conditions and in a procedure established by law.
- an insight and search in the computer system, seizure of computer system or its part, or database for storage of computer data;
- secret, surveillance and monitoring and visual-sound taping persons and objects with technical equipment;
- simulated purchase of objects, as well as simulated bribing, and simulated acceptance of a bribe;
- controlled delivery and transport of persons and objects;
- using methodology of undercover identity for the purpose of monitoring and gathering information and data;
- opening a simulated bank account where financial means originating from committed crime may be deposited, and
- registration of simulated legal entities and utilising the existing legal entities for the purpose of data collection.

With the implementation of the Strategy for Police Reform (see [24 Annex 03](#)), which is implemented gradually and the establishing of a comprehensive set of activities in the field of organised crime, as well as with the mentioned amendments of the legal regulations, the conditions for successful and qualitative fight against all forms of organised crime are established.

15. Is corruption a problem within the police force? If yes, which measures are undertaken to improve the situation? Does a code on police ethics exist? How is it enforced?

a)

The Ministry of the Interior performs its function through various organisational units where the employees have direct contacts with the citizens, and therefore certain forms of corruption appear.

In that view, the Ministry, i.e. the Sector for Internal Control and Professional Standards and the Crime Police Department undertake measures on detection and providing evidence for cases of corruption, and after documenting the case, appropriate petition requests are submitted.

As a result of the already undertaken measures and activities, cases of corruption are detected among the employees who perform activities in the field of traffic control, control of the state border crossing and administrative-supervision affairs, and if there is evidence for committed criminal offence of receiving a bribe, criminal charges are submitted to the Public Prosecutor's Office against those employees.

In cases of violation of working discipline or non-fulfilment of working duties by the employee of the Ministry, pursuant to Article 133 of the Collective Agreement of the Ministry of the Interior ("Official Gazette of the Republic of Macedonia", Nos. 8/98, 11/98, 12/00, 2/03 and 3/04), a proposal for initiating procedure for determining the responsibility will be submitted to the Commission for handling dismissal proceedings. After the hearing and presentation of evidence, the Commission establishes the responsibility of the employee and creates a written proposal to the Minister with regards of bringing appropriate decision. If the Commission establishes that the employee is not responsible or that the conditions for bringing decision for termination of the labour relations by dismissal are not fulfilled, it makes a proposal to the Minister to reject the proposal, i.e. to terminate the procedure. If the Minister does not agree with the proposal, he/she may return the case for reviewing if the factual situation has been irregularly or incompletely established, or the substantive regulation has been erroneously applied, or a different decision may be brought.

Depending on the level of employee's responsibility, the conditions under which the violation of working duties has been made, the previous performance and conduct, the seriousness of the violation and its consequences, the Minister may replace the dismissal with a fine which may not exceed 15% of the total monthly salary paid for a period of 1 to 6 months.

In addition to this, pursuant to Article 142, paragraph 6 of the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", No.15/97), the Ministry of the Interior, on the basis of collected evidences and information, brings criminal charge against an employee who has performed action that represents a criminal offence, and together with all evidence and writings for undertaken measures and activities, submits it to the competent Public Prosecutor.

In the period between 01.01 and 31.12.2002, due to established cases of abuses or corruptive behaviour of the employees in the Ministry of the Interior, disciplinary procedures for establishing responsibility for violation of working discipline were initiated against 53 employees. Out of this, upon a proposal of the Commission for dismissal, decisions for dismissal were brought in 9 cases, decision for fine were brought in 41 cases, and in 3 cases, due to lack of evidence, the procedure was suspended.

In the period between 01.01 and 31.12.2003, due to established cases of abuses or corruptive behaviour of the employees in the Ministry of the Interior, 274 disciplinary procedures for establishing responsibility for violation of working discipline were initiated against 280 employees. Upon a proposal of the Commission for dismissal, decisions for dismissal were brought in 94 cases, decision for fine were brought in 156 cases, and in 30 cases, due to lack of evidence, the procedure was suspended. In addition, in the same period, due to existence of grounds for suspicion for committed crime, criminal charges were submitted to the competent Public Prosecutor against 121 employees of the Ministry of the Interior

In the period between 01.01 and 01.11.2004, due to established cases of abuses or corruptive behaviour of the employees in the Ministry of the Interior, 245 disciplinary procedures for establishing responsibility for violation of working discipline were initiated against 260 employees. Upon a proposal of the Commission for dismissal, decisions for dismissal were brought in 35 cases, decisions for fine were brought in 198 cases, and in 27 cases, due to lack of evidence, the procedure was suspended. In addition, in the same period, due to the existence of grounds for suspicion for committed crime, criminal charges were submitted to the competent Public Prosecutor against 38 employees of the Ministry of Internal Affairs.

b)

Pursuant to Article 74 paragraph 2 of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia", No.19/95, 55/97, 38/02, 33/03 and 19/04), the Minister of the Interior adopted the Code of Police Ethics ("Official Gazette of the Republic of Macedonia", No. 3/04; see [24 Annex 05](#)).

Article 1, paragraph 1 of the Code of Police Ethics prescribes the conduct, organisation, performance and objectives of the Police; the legal basis for the police function; the relationship between the Police and the Criminal Justice System; the qualifications, the selection process, recruitment and training of Police Personnel; the police interventions, the accountability and control of the Police; and the research and international cooperation, for the purpose of compliance with the basic principles and recommendations incorporated in the European Code of Police Ethics adopted by the Committee of Ministers of the Council of Europe on 19.09.2001.

Paragraph 2 of the same Article determines that "the Police Personnel is obliged to comply with the provision of this Code" and in accordance with Article 133, paragraph 1, point 1 of the Collective Agreement of the Ministry of the Interior, non-compliance with the provisions related to the police ethics are considered as basis for initiating procedure for establishing responsibility in cases of violation of working discipline.

Considering the aforementioned, the provisions of the Code are compulsory implemented within the everyday operations of the Ministry of the Interior by all its structural units, according to their scope of work.

16. What is done in the field of crime prevention?

The Law on Internal Affairs ("Official Gazette of the Republic of Macedonia" Nos. 19/95, 55/97, 38/02, 33/03, and 19/04) and the Rulebook on the Manner of Operation of the Ministry of the Interior ("Official Gazette of the Republic of Macedonia" Nos. 12/98 and 15/03), prescribe the activities of a preventive structure for suppression of crime, aiming at general prevention.

Pursuant to the Rulebook, it is prescribed that:

- The authorised officers, in order to prevent committing of criminal acts and other socially destructive behaviour, undertake planned measures to determine the reasons that cause these acts and behaviour;
- overview of the phenomenal and manifestation patterns of criminal behaviour is performed by continuous monitoring and analyses of the patterns, for the purpose of adequate direction of the preventive activity;

The general preventive activity is realised through:

- quality material documentation regarding other social damaging behaviour,
- undertaking joint preventive activities with other institutions or subjects that are competent for realisation of educational, socio-humanitarian objectives, objectives of guardianship and other similar objectives, their inclusion or initiating common activities,
- adequate clear presentation of practical experiences concerning successfully performed activities of preventive organisation and action.

The direct preventive engagement of the authorised officers is conducted independently, and that engagement is directed towards:

- gathering data and information on certain situations, events, and behaviours that facilitate or contribute towards committing certain criminal acts,
- strengthened and continuous physical coverage of the points, places, regions and certain areas where particular criminal acts are frequently committed, or their performance can be expected. The task is realised through the foot-patrol police service and through establishing of mobile preventive patrols, composed in accordance with the needs, from the Police and Crime Police.

The preventive activity for the purpose of suppression murder and similar crimes with elements of violence is executed by undertaking preventive measures and activities aiming at protection of the physical integrity, the life of the citizens and their personal safety, with simultaneous identification of the threats that can expose them to risks. These activities are basically comprised of the following:

- Direct research of the etymology of the violent behaviour (which reasons produce its creation and origin: disturbed mutual relations, threats, endangered children's social safety due to family problems, alcoholism, psychopathic manifestations, etc.),
- Initiation and mobilisation of all social subjects and institutions in order to solve all the issues regarding the protection of life and bodily integrity, and etc.

The preventive activities for the purpose of suppression of commercial crime are undertaken in the following directions:

- Research of the visible patterns and establishing of preventive measures that need to be applied,
- Analysis of the results from the undertaken measures, consideration of further measures based on concrete manifestation patterns of such offences and initiating other authorised subjects to undertake immediate measures to prevent such offences, etc.

The activities of the Ministry aimed at juvenile delinquency prevention are performed in accordance to a previously prepared plan, with concrete assessment of the patterns and level of inclination for delinquent behaviour, and personal character of the juvenile or juvenile group. The following activities are undertaken on the basis of such organisation:

- Adequate notification and initiation of the guardianship bodies in order to undertake measures to remove the reasons for delinquent behaviour, as well as mutual cooperation between these bodies and the police,
- Establishing of a group comprised of representatives from the tutorial body and experts from the police for the purpose of data and information exchange regarding the possibilities and the methods for juvenile delinquency prevention etc.

The preventive activity in the field of the traffic is carried out through:

- Supervision over the implementation of the regulations and undertaking preventive measures for greater safety of all the participants in the traffic,
- Monitoring the traffic conditions, particularly the safety of the road traffic in view of recognising determinative reasons and factors, and accordingly co-ordinated the activities of the police, etc.

The activities to prevent the organised crime include undertaking of systematic and planned measures to:

- find out the patterns of committing organised crime acts and how these patterns are manifested in the targeted areas,
- defining and recognising the indicators that individually or mutually identify the criminal acts of organised crime and their perpetrators, etc.

Within the framework of its activity, the Ministry of the Interior performs training of the Police in compliance with the recommendations of the Council of Europe and other international institutions, for the purpose of finding out respective legal mechanisms that will enable the Ministry to execute its duties and authorities while providing protection and respect for the fundamental human rights and freedoms. The training is carried out in the Police Academy.

Pursuant to Article 18 of the Code of Police Ethics (“Official Gazette of the Republic of Macedonia” No. 3/04; see [24 Annex 05](#)), the police is organised in accordance with the principles of community policing which enables police-public relations, and thus, efficient co-operation with other bodies, local self-government units, non-governmental organisations and citizens.

Following the signing of the Ohrid Framework Agreement (August, 2001), within the framework of the Ministry of the Interior, a training for police personnel has been organised. This training has been carried out through seminars on the topic - Human Rights and the Police, and Police duties in the Democratic Society, supported by OSCE and the Helsinki Committee for Human Rights, where 4500 members of the Police and Crime Police have been trained, and a training of additional 1500 members is foreseen.

A total of 2100 police officers are, thus far, educated in the seminars for Community Outreach carried out by the Ministry of the Interior and the OSCE mission.

There are 46 advisory groups established and 32 co-ordinators trained for communication with the local self-government.

The created National Programme for Suppression of Drug Abuse and Illicit Drug Trafficking (“Official Gazette of the Republic of Macedonia”, No. 35/96) includes the following activities:

- Drug prevention, including activities for carrying out seminars regarding the damaging effects of drug abuse,
- Preventive control of the manufacture process in the pharmaceutical industries by timely preparation of data for manufacturing and trade with narcotics,

- Within the scope of their activities, the ministry of the interior, the ministry of health, the ministry of education, the ministry of finance - the customs service, mass media, as well as part of the non-governmental organisations have particular duties.

The Ministry of the Interior performs repressive prevention, and undertake activities for reducing the availability of drugs and psychotropic substances on the territory of the Republic of Macedonia, as well as out of the borders (through international police co-operation).

- Within the framework of the repressive prevention, the Ministry undertakes activities for prevention - severing the international channels for illicit drug trade, arresting the perpetrators and obtaining proof of their involvement in such illicit activities.
- Referring persons caught abusing drugs to the Centres for Social Welfare or other adequate institutions.

In the past period, in the area of juvenile delinquency prevention, the Ministry of the Interior together with international and non-governmental organisations undertake numerous activities in the field of education of the personnel working in this area. In particular, education has been provided regarding the mode for work with juvenile perpetrators of criminal offences and children - victims of all the types of violence, especially sexual abuse, as well as family violence and trafficking with children.

For that purposes the following seminars and workshops have been carried out:

- In the period from 24-26.09.2003, "Developing a Public Policy for Implementation of the Legal System for Juveniles", supported by USAID and ISC ,
- In the period from 15-16.11.2003: "Family Violence", supported by FOSIM
- In the period from 30.05.to 02.06 "Balkan bridge for drug prevention"
- In the period from 17 - 19.04. 2003, "Trafficking in Human Beings", supported by the USA Department of Justice, ICITAP, OPDAT and OSCE.
- In the period from 05.09.12.2001 a seminar supported by UNICEF was carried out in Dojran on the topic First Seminar for Training in the Field of Juvenile Delinquency.

Training in the field of fight against trafficking in human beings was organised in October 2003, by the Ministry of the Interior in co-operation with the OSCE and IOM, where total of 650 personnel were trained.

Within the framework of the training, the project "REFLEX" aimed at training of professionals for preventing illegal transit, smuggling and trafficking in human beings, was carried out.

Within the framework of the project "REFLEX", the British model for data analysis, the duties of the undercover agents, their records and bases for information gathering was presented at the course held in Britain in February 2004.

During the 2004, three workshops on the topic Trafficking in Human Beings were carried out by Agencies within the US Department of Justice in the USA Embassy. These workshops were organised through International Program for support and training in criminal investigations (ICITAP) and the Program for Support, Development and Training of the Office of Public Prosecutors (OPDAT) and in co-operation with the OSCE mission in Macedonia.

Within the framework of the project "Counter trafficking - technical cooperation/capacity-building", supported by the Government of the Kingdom of Norway, during June and July 2004 the IOM have organised three consequent trainings on topic "Human Trafficking and Illegal Migration".

Training for special investigative techniques and conducting interviews in cases of human trafficking, in organisation of the SECI Centre was carried out in Bucharest - Romania in May.

The Ministry of the Interior within the framework of the ongoing reform in the Police foresees establishing of Special Units for prevention.

The suggested competencies of these units are as follows:

- Cooperation with the Office for public relations, in particular, consultations regarding certain target groups (children, youths, adults, and other specific categories);
- in the field of crime prevention and traffic safety;
- Violence prevention;
- Drug abuse and narcotics addiction prevention;
- Providing adequate safety on the roads to the schools and other institutions;
- Providing pedestrians safety, and technical advices regarding banditry protection and other criminal offences and petty crimes;
- Participation in the work with the media;
- Cooperation with services and other institutions that are involved in the field of prevention;
- Participation in the preparation of concepts for concrete project proposals and measures; and
- Other activities in the field of public security and enabling their implementation.

17. Which cooperation exists with international police co-operation bodies? How is this co-operation organised?

The cooperation of the Ministry of the Interior with the international police cooperation bodies may be viewed from several aspects, and above all, from the viewpoint of the substantive competencies of the Ministry of the Interior. The Ministry is competent for matters related to protection of life; personal security and protection of citizen's property; protection of human rights and freedoms; protection of the constitutional order; prevention and detection of crime; maintenance of the public peace and order; traffic control; control and surveillance of the state border; stay and movement of aliens; control of arms, explosive and other hazardous substances; and etc. Furthermore, according to the provisions of Chapter 7 (Justice and Home Affairs) of the Stabilisation and Association Agreement between the Republic of Macedonia and the European Community, the Ministry of the Interior undertakes activities in respect of border control; visas; asylum; migration; prevention and control of illegal migration; fight against money laundering; prevention and fight against crime and other illegal activities, and; cooperation in the field of prevention and suppression of illicit drug trafficking and abuse.

The Ministry of the Interior of the Republic of Macedonia actively cooperates with the following bodies of international police co-operation:

National Central Bureau (NCB) INTERPOL

In 1993, at the 62nd General Assembly of INTERPOL held in Aruba, the Republic of Macedonia was admitted to membership of the International Criminal Police Organisation-INTERPOL. The Republic of Macedonia fulfils all obligations arising from its membership and complies with international standards. In that direction, the National Central Bureau-INTERPOL was established at the Sector for International Police Cooperation within the Ministry of the Interior.

Regarding its present organisational level, functionality and technical equipment, the National Central Bureau-INTERPOL Skopje represents the Republic of Macedonia as a fully-fledged member of the International Criminal Police Organisation-INTERPOL and an equal subject in the fight against any type of international crime. Under the regional CARDS project of the European Commission, the NCB - Skopje has been completely equipped with modern equipment that contributed towards more effective performance of tasks. The computer network of INTERPOL Skopje satisfies the latest world standards in terms of protection, speed, capacity, functions and provided services. In addition, under this project, several training courses for the personnel have been organised, elaborating the technical aspects (maintenance, administration and use of technical equipment) and the user aspect (use of the services of I-24/7 INTERPOL communication system, training for use of various software like the

central ASF databases of the General Secretariat, etc.). This has raised the quality level of the performed tasks in their everyday work.

Regarding communication with the INTERPOL central information system, the NCB-Skopje actively uses the central ASF databases on persons, stolen vehicles, stolen/lost travel documents and administrative documents, stolen works of art, etc., and contributes by entering data in the databases. Data search and entry, which INTERPOL-Skopje performs on daily basis, are carried out according to the generally prescribed rules and according to the legal regulations of the Republic of Macedonia, such as the Law on Personal Data Protection. In addition, the personnel of INTERPOL-Skopje actively uses all services provided by this system, such as electronic mail, which provides for information exchange between the INTERPOL Member States in closed and protected environment. The electronic mail that arrives in NCB-Skopje is monitored by an operator, which contributes to undertaking action in timely fashion, especially in emergency cases.

The access to the I-24/7 INTERPOL communication system is generally protected, both in technical terms (by using hardware protection devices, Firewall), and in terms of controlling the access of the data user. Namely, the National Officer for protection of the I-24/7 system, employed in INTERPOL Skopje and assigned to this function by the INTERPOL General Secretariat, defines users and controls the access to the system for each user individually, granting users different rights to access in correspondence to their function and tasks.

In the forthcoming period, the regional CARDS project will continue, as a result of the successful implementation of the previous project stages and the excellent cooperation between the members of the project team and employees of this NCB. Upon donation of additional funds, there will be training organised for the personnel who will study the second official language of INTERPOL - the French language. The recommendations of INTERPOL General Secretariat are followed in the day-to-day work.

In the context of INTERPOL standards, the NCB Skopje satisfies almost all standards. INTERPOL Skopje operates in two shifts (8:00 - 22:00), and for the rest of the time, in working days and during weekends and holidays there is a duty officer who, if necessary is able to intervene immediately. The telephone line on which the duty officer may be always contacted, is permanently in function and is published at the official INTERPOL internet web site (where all other data on this NCB may be found, as well as on other INTERPOL members).

The promptness in acting upon requests, which are delivered to INTERPOL Skopje by law enforcing agencies and institutions in the Republic of Macedonia, and by other INTERPOL members, depends largely on the communication and cooperation with them and their speed in acting upon requests for checks forwarded by INTERPOL Skopje in resolving cases.

Taking into consideration the nature of the criminal activities and their regional inter-connection, the NCB of the Republic of Macedonia most closely cooperates with the neighbouring countries and countries of the Balkan region, and then with INTERPOL member states from ZONE 2, which encompasses the European countries.

EUROPOL

Under the Decision of the EU Council for Justice and Home Affairs, dated 27 March 2000, the EUROPOL Directorate was authorised to begin negotiations for conclusion of Agreement on Cooperation with 23 EU non-member states and 3 bodies outside the EU. On 13.06.2002, this Decision of the EU Council, was supplemented with the authorisation to start the procedure with five new states, the Republic of Macedonia being one of them.

On 15th and 16th of October, 2004, in the context of the preparations for the official negotiations, EUROPOL organised the second initial seminar, for the five states, where the Questionnaire for evaluation of capabilities for participation in EUROPOL were presented. The answers to the questionnaire, based on existing national legislation have already been delivered to EUROPOL.

After the ratification of the Council of Europe Convention for Protection of Individuals with Regard to the Automatic Processing of Personal Data, No. 108, from 28.01.1981, and the adoption of the new Law on Data Protection in conformity with the relevant EU legislation, the necessary formal pre-conditions for signing the Agreement on Cooperation with EUROPOL are fulfilled.

In 2003, on the basis of the amendments in the systematisation of positions at the Ministry of the Interior, the Sector for International Police Cooperation was established, where one of the positions is foreseen for EUROPOL liaison officer. The job description will be defined after the signing of the Agreement with EUROPOL.

SECI Regional Centre for Combat against Trans-border Crime

The Republic of Macedonia is one of the initiators of the idea for establishing a SECI Centre. Hence, in 2000, it ratified the Agreement on Cooperation, which is the basic legal act of the Centre. Starting with 2001, Liaison Officers from the Customs and Police have been appointed for work in the SECI Centre. At the same time, at the Sector for International Police Cooperation in the Ministry of the Interior there is a national focal office where a SECI liaison officer acts upon requests from the SECI Centre. The liaison officers that are assigned in the SECI Centre participate in the information exchange, and facilitate the preparation of regional operations and implementation of various projects.

The Ministry of the Interior actively participates in large number of operative activities of the SECI Centre, and according to the results, the Republic of Macedonia is one of the most successful states in the region. More characteristic cases initiated or realised by the Ministry of the Interior are the following: securing the presence of witnesses-victims of trafficking in human beings for court proceedings in Macedonia; organising operative meetings between the representatives of the Republic of Macedonia and the Republic of Albania regarding cases of kidnapping of Macedonian citizens; identification of victims of murders committed in Macedonia related to trafficking in human beings; delivering operative information in cases of kidnapped Macedonian citizens, etc.

The Republic of Macedonia is a regional coordinator of the SECI Working Group for financial and computer crime. In this respect, the Republic of Macedonia fulfilled the obligation to establish Regional Clearing House for analyses of financial crime data, where experts from the Ministry of the Interior, the Ministry of Finance, the Customs Administration, the Public Prosecutor's Office and other institutions have working meetings. For purposes of prevention and suppression of crime in the Region, the Ministry of the Interior is actively involved in the work of the following working groups: Working Group on Terrorism, Working Group on Stolen Vehicles, Working Group for Prevention of Smuggling and Frauds, Working Group for Suppression of Trafficking in Human Beings, and Working Group for Suppression of Drug Trafficking. Similarly, in the framework of the Centre, the Republic of Macedonia was the initiator of the first regional action for suppression of cases of illegal drug trade, initiator for drafting regional witness protection program, initiator of the regional action for suppression of illegal migration, etc.

According to the number of instituted requests and information exchange, the Republic of Macedonia is ranked third among countries having Liaison Officers for the SECI Centre.

18. Which international instruments regarding police are adhered to and implemented (Council of Europe, UN, INTERPOL Convention etc.)

The Republic of Macedonia, as a member-state of the United Nations and of the Council of Europe has signed and ratified the following conventions:

a) The Council of Europe Conventions

- European Convention for Protection of Human Rights and Fundamental Freedoms; (The Convention was signed on 09.11.1955, ratified on 10.04.1997 and entered into force on 10.04.1997);
 - Protocol to the Convention for Protection of Human Rights and Fundamental Freedoms (signed on 14.06.1996, ratified on 10.04.1997 and entered into force on 10.04.1997);
 - Protocol No. 2 to the Convention for Protection of Human Rights and Fundamental Freedoms, conferring upon the European Court of Human Rights competence to give advisory opinions; (The Protocol was signed on 09.11.1995, ratified on 10.04.1997 and entered into force on 10.04.1997);
 - Protocol No. 3 to the Convention for Protection of Human Rights and Fundamental Freedoms, amending Articles 29, 30 and 34 of the Convention; (The Protocol was signed on 09.11.1995, ratified on 10.04.1997 and entered into force on 10.04.1997);
 - Protocol No. 4 to the Convention for Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto; (The Protocol was signed on 14.06.1995, ratified on 10.04.1997 and entered into force on 10.04.1997);
 - Protocol No. 5 to the Convention for Protection of Human Rights and Fundamental Freedoms, amending Articles 22 and 44 of the Convention; (The Protocol was signed on 09.11.1995, ratified on 10.04.1997 and entered into force on 10.04.1997);
 - Protocol No. 6 to the Convention for Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty; (The Protocol was signed on 14.06.1996, ratified on 10.04.1997 and entered into force on 10.04.1997);
 - Protocol No. 7 to the Convention for Protection of Human Rights and Fundamental Freedoms; (The Protocol was signed on 14.06.1996, ratified on 10.04.1997 and entered into force on 01.07.1997);
 - Protocol No. 8 to the Convention for Protection of Human Rights and Fundamental Freedoms; (The Protocol was signed on 09.11.1995, ratified on 10. 04.1997 and entered into force on 10. 04.1997);
 - Protocol No. 11 to the Convention for Protection of Human Rights and Fundamental Freedoms, restructuring the control machinery established thereby; (The Protocol was signed on 09.11.1995, ratified on 10.04.1997 and entered into force on 01.11.1998);
 - Protocol No. 12 to the Convention for Protection of Human Rights and Fundamental Freedoms; (The Protocol was signed on 04.11.2000, ratified on 13.07.2004);
 - Protocol No. 13 to the Convention for Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances; (The Protocol was signed on 03.05.2002, ratified on 13.07.2004 and entered into force on 01.05.2004).
- European Convention for Prevention of Torture and Inhuman or Degrading Treatment or Punishment and Protocol No. 1 and Protocol No. 2 to the Convention (the Convention and the Protocols were signed on 14.06.1996, were ratified on 06.06.1997 and entered into force on 01.10.1997 – the Convention, and 01.03. 2003 – the Protocols);
- European Convention on Nationality (the Convention was signed on 06.11.1997, ratified on 03.06.2003, and entered into force on 01.10.2003);
- European Convention on Exercise of Children's Rights (signed on 03.04.2001, ratified on 15.01.2003, enters into force on 01.05. 2003);
- European Convention on Mutual Assistance in Criminal Matters, with additional protocol; (the Convention and the Protocol were signed on 28.07.1999, ratified on 28.07.1997 and entered into force 26.10.1999);
- Convention on Cyber crime (the Convention was signed on 23.11.2001, ratified on 15.09..2004, and entered into force 01.01.2005);

- European Convention on Extradition with additional Protocol No. 1 and Protocol No. 2 to the Convention (the Convention and the Protocols were signed on 28.07.1999, ratified on 28.07.1999 and entered into force on 26.10.1999);
- Convention on Transfer of Sentenced Persons with additional Protocol to the Convention (the Convention and the Protocols were signed on 28.07.1999, ratified on 28.07.1999 and entered into force on 26.10.1999);
- Criminal Law Convention on Corruption (the Convention was signed on 06.06.2002, ratified on 21.11.2002 and entered into force 01.11. 2003);
 - Additional Protocol to the Criminal Law Convention on Corruption, signed on 15.05.2003;
- Civil Law Convention on Corruption (signed on 08.06.2000; ratified on 29.11.2002, and entered into force on 01.11.2003);
- Convention on Laundering, Search, Seizure and Confiscation of Proceeds from Crime; (the Convention was signed on 14.12.1999, ratified on 19.05.2000 and entered into force 01.09.2000);
- Agreement on the Multinational Peace Force South-Eastern Europe with additional Protocol (the Agreement was concluded on 26.09.1998, and the additional protocol was concluded on 12.01.1999);
- European Convention on International Effects of Deprivation of the Right to Drive a Motor Vehicle (the Convention was acceded to by succession on 30.03.1994, entered into force on 01.07.1994);
- European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (the Convention was acceded to by succession on 30.03.1994 and entered into force on 01.05.1994);
- European Convention on the Suppression of Terrorism (the Convention was signed on 08.11.2001, and ratified on 29.11.2004, and entered into force 01.03.2004);
 - Protocol amending the European Convention on the Suppression of Terrorism (signed on 15.05.2003);
- European Convention on Mutual Assistance in Criminal Matters; (the Convention was signed on 28.07.1999, ratified on 28.07.1999, and entered into force on 26.10.1999);
 - Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters; (the Protocol was signed on 28.07.1999, ratified on 28.07.1999);

b) UN Conventions

- Universal Declaration of Human Rights, adopted on 10.12.1948;
- International Covenant on Civil and Political Rights, adopted on 19.12.1966 (“Official Gazette of SFRY”, International Agreements - 7/71-73);
- International Convention for Suppression of Terrorist Bombings (the Convention was signed on 16.12.1998, ratified on 06.05.2004);
- International Convention for Suppression of Financing of Terrorism (the Convention was signed on 31.01.2000, ratified on 06.05.2004);
- Convention for Suppression of Unlawful Seizure of Aircraft (from 07.01.1998, acceded to by succession);
- Convention on Offences and Certain Other Acts Committed on Board Aircraft (from 30.08.1994, acceded to by succession);
- Convention on Physical Protection of Nuclear Material (from 20.09.1996, acceded to by succession);
- Convention for Suppression of Unlawful Acts against Safety of Civil Aviation (from 04.01.1995, acceded to by succession)

- Protocol for Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for Suppression of Unlawful Acts against Safety of Civil Aviation (from 04.01.1995, acceded to by succession);
- Convention on Marking of Plastic Explosives for Purpose of Detection (from 21.09.1998, acceded to by succession);
- Convention on Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomatic Agents (signed on 29.01.1989, entered into force 17.12.1991);
- Convention on Safety of United Nations and Associated Personnel (the Convention was signed on 06.03.2002, the ratification procedure is under way);
- Convention of Slavery (entered into force on 17.11.1991, acceded to by succession on 18.01.1994);
- Supplementary Convention on Abolition of Slavery, Slave Trade, and Institutions and Practices Similar to Slavery (entered into force 17.11.1991, acceded to by succession on 18.01.1994);
- Convention for Suppression of Trafficking in Persons and Exploitation of Prostitution of Others, adopted on 21.03.1950 (“Official Gazette of SFRY”, International Agreements - 2/51-39). The Convention was acceded to by succession;
- Convention regulating the Status of Persons with Double Nationality (“Official Gazette of SFRY”, International Agreements, 15/56-22). The Convention was acceded to by succession;
- Convention relating to the Status of Stateless Persons – adopted on 29.09.1954 (“Official Gazette of SFRY”, International Agreements - 8/59-64). The Convention was acceded to by succession;
- Protocol relating to a Certain Case of Statelessness adopted on 12.04.1930 (“Official Gazette of SFRY”, International Agreements, 7/60-69). The Protocol was acceded to on the basis of succession;
- Convention relating to the Status of Refugees, adopted on 28.08.1951;
 - Protocol relating to the Status of Refugees, adopted on 31.01.1967 (the Convention and the Protocols are acceded to by succession, and the Republic of Macedonia ratified them in 1994);
- International Convention Against Taking of Hostages (entered into force 17.11.1991, acceded to by succession on 12.03.1998);
- United Nations Convention against Transnational Organised Crime (from 15.11.2000);
- Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- Additional Protocol Against Smuggling of Migrants by Land, Sea and Air (the Convention and the Protocols were signed on 12.12.2000 and ratified on 28.09.2004).

In October 1993 the Republic of Macedonia has acceded, on the basis of succession, to the following conventions:

- Single Convention on Narcotic Drugs from 1961, amended by Protocol from 1972;
- Convention on Psychotropic Substances from 1971;
- Convention against Traffic in Narcotic Drugs and Psychotropic Substances from 1988.

The ratification of the conventions represents an obligation for the Republic of Macedonia to implement them and to harmonise the national legislation accordingly.

c) INTERPOL

On the 62nd INTERPOL General Assembly session, which took place in Aruba, in 1993 the Republic of Macedonia acceded to membership of the International Criminal Police Organisation - INTERPOL. The Republic of Macedonia fulfils all obligations based on the membership in this organisation, and

respects the statutory norms and set standards in this context. In accordance to them, a Section of NCB INTERPOL was established within the Sector for International Police Cooperation within the Ministry of the Interior.

19. What is your capacity to participate in Europol?

Undertaking activities for approximation of the national legislation to the acquis of the EU, the Republic of Macedonia has expressed its willingness for cooperation with the Europol, and submitted answers to the questionnaires within that context, on the basis of which the Europol can perform an assessment of the conditions for signing of an agreement with the Republic of Macedonia.

The answers to the questionnaires were given on the basis of the then valid legislation of the Republic of Macedonia, whereby, taking into consideration the process of its approximation with the EU acquis, special attention was paid to the issues relating to protection of personal data, as one of the prerequisites for starting negotiations with Europol. With the recent ratification of the Convention for Protection of Individuals with regard to Automatic Processing of Personal Data, and with the adoption of the Law on Data Protection, the necessary legislative framework was created and harmonised with the EU acquis on protection of personal data. Hence, the conditions for starting negotiations with the Europol for signing an agreement are met.

In parallel, within the Strategy for Police Reform (see [24 Annex 03](#)), activities for strengthening the capacities for cooperation with the Europol are implemented.

In 2003, on basis of the change in the systematisation within the Ministry of the Interior, a Sector for International Police Cooperation was established. This sector performs its tasks on the basis of the positive legislation of the Republic of Macedonia in the field of criminal law, the conventions signed and ratified by our country, and with respect of the international standards. A post for the Europol liaison officer will be established within the Sector. The job description will be defined, and the post will be filled after the signing of the agreement with Europol.

From a technical viewpoint, considering that the Sector for International Police Cooperation has experience in networking and maintenance of the information systems of INTERPOL and SECI Centre and is in possession of a modern technical equipment (donated by the European Commission and through SECI from Germany), which meets the modern standards of functionality and protection, the networking within the information system of Europol can be carried out immediately after the agreement is signed.

With regards to the human resources in general, the Ministry of the Interior has professional staff to implement the forms of police cooperation, meeting the required standards regarding the general (mandatory) and the additional prerequisites.

20. What information tools exist and are used (databases (owner, content, access); data registers, on-line sources etc.)?

Since 1969, the Ministry of the Interior has a centralised information system based on IBM technology, which has been upgraded several times in the past period. The Ministry has its computer network to which all local organisational units are connected, as well as most of the border crossing points. The application software of the information system has been developed independently by the Ministry's staff, the largest part of which has been developed using the programming tool PL/1, Visual Age Generator and Lotus Notes. The fundamental base is the IBM DB/2 base, and in certain applications the ORACL base is also used. In respect of specific requirements, the following tools are also used: Microsoft Word, Excel, Access and Analyst Notebook.

The information system of the Ministry of the Interior consists of the following sub-systems:

a) The sub-system on public security, which includes the following operative-criminal registers:

- Register of crimes and their perpetrators - contains records of all committed crimes under the Criminal Code of the Republic of Macedonia, as well as crimes and their perpetrators according to other laws containing provisions on criminal liability;
- Register of general alphabetical index – contains data from the operative records of perpetrators of crimes and more serious violations of the public order, imposed penalties, nicknames, aliases, and skills;
- Register of aliens – contains data on aliens with permanent residence and aliens with temporary residence in the Republic of Macedonia, aliens with recognised refugee status, aliens who have been granted asylum on grounds of humanitarian protection, and aliens who have a ban on entry in the Republic of Macedonia.

b) The sub-system of administrative affairs includes the following registers created in the course of administrative procedure at the Ministry of the Interior:

- Register of personal identification number of the citizens – contains records for all live and deceased citizens of the Republic of Macedonia;
- Records of the Registers of Birth and Deaths – contains data from the Registers of Births and Deaths of the Republic of Macedonia;
- Register of nationals – contains data on all persons who are nationals of the Republic of Macedonia, as well as on nationals released from the nationality of the Republic of Macedonia;
- Register of travel documents – contains data on issued travel documents, lost and missing Macedonian travel documents, and bans on issuance of travel documents to nationals of the Republic of Macedonia;
- Register of vehicles – contains data on all types of motor and coupled vehicles with engine power over 50 cm³, and their owners;
- Register of driving licences – contains data on drivers of motor vehicles and imposed limitations;
- Register of Firearms - contains data on light firearms and their owners;
- Register of traffic accidents – contains data on more serious traffic accidents and the persons involved;
- Register of fires – contains data on fires occurring on the territory of the Republic of Macedonia.

c) The sub-system of common affairs includes the following registers of interest for the work of the Ministry of the Interior:

- Register of employees – contains data on the employees at the Ministry of the Interior;
- Register of material and financial operations - contains data on the material and financial transactions of the Ministry of the Interior and salaries of the employees.

d) The sub-system of statistical reports includes regular and specific statistical reports, such as:

- Statistical report on criminality – contains statistical reports on committed crimes, consequences and their perpetrators;
- Statistical report on traffic accidents – contains statistical reports on committed traffic accidents, their causes and consequences;
- Statistical report on fires – contains statistical reports on fires, their causes and consequences;
- Specific statistical reports – contain statistics reports from all the registers kept in electronic form.

All aforementioned sub-systems are linked and make the central information system of the Ministry of the Interior.

Along with the development of the central information system, the Ministry is also developing information sub-system of the local computer network.

This sub-system contains the following registers:

- Register of searches and notices on persons – contains records of wanted persons;
- Register of stolen motor vehicles – contains data on stolen motor vehicles on the territory of the Republic of Macedonia;
- System for automated processing of fingerprints;
- Register of procurement and transport of explosives and firearms – contains data on approved and performed procurements and transport of explosive materials, firearms and ammunition;
- Register of seized drugs - contains data on seizures of drugs on the territory of the Republic of Macedonia;
- Register of forensic expertises – contains data for all types of expertises performed by the experts of the Ministry of the Interior;
- Register of state border crossing – contains data on persons and vehicles crossing the state border of Republic of Macedonia.

The databases are stored in a centralised manner, and the Ministry has a sector dealing with data security and accessibility. The owner of the databases is the Ministry of the Interior, i.e. the organisational unit that has created the database. Access to data is restricted, and depends on the type of the authorisation that the organisational unit has. Access permission is given by the organisational unit that has created the database.

On line data sources are: the administrative services of the Ministry of the Interior where the applications for institution of administrative procedure are submitted, the units that process the central warrants and register aliens on the territory of the Republic of Macedonia, duty operative centres where all events of interest in terms of security are registered, and the analysis services that elaborate the crimes and misdemeanours.

21. What information equipment is used (fax, phone, radio communication, beepers, pagers, data networks, etc.)?

The Ministry of the Interior of the Republic of Macedonia uses the following devices as information transfer equipment: telephones, fax machines, computers and radio stations.

All these terminal devices make up the telecommunication systems of the Ministry.

1. Integrated digital network for voice and data transfer

This system consists of 52 communication nodes, which connect the larger organisational units at the Ministry (Sectors of Internal Affairs and Sections of Internal Affairs) and border crossing points in the Republic of Macedonia. The communication nodes are of NET Promina 800 series type. These nodes are connected in a mixed structure (star and ring), and have 2Mb/s links. These communication nodes integrate voice and data. The communication nodes are digital telecommunication devices with different type of access interfaces that provide transfer of digital and analogue signals, data for various types of terminal computer systems, inter-connection of computer networks, transmission of pictures, video, ISDN and access to Internet.

1.1. Telephone system

The telephone system is closed, autonomous and security protected. It consists of a network of 35 digital telephone switchboards with approximately 5000 connections, which are installed in all

bigger organisational units of the Ministry (Sectors of Internal Affairs and Sections of Internal Affairs). The telephone switchboards are home switchboards of OMNI JTC1 and JTC3 type. They are connected via R2 digital signalisation. Other organisational units of the Ministry of the Interior use smaller analogue telephone systems that are networked in the system. In addition to transfer of voice, this system is also used for transmission of fax messages.

1.2. Data transfer

Data transfer at the Ministry of the Interior is done through the same communication nodes, which have integrated routers with CISCO software, integrated in the computer nodes through access data channels. The former are used for connecting LAN networks in WAN network, and the latter for connecting with the terminal computer systems. All Sectors for Internal Affairs and Sections for Internal Affairs, including the border crossing points, have LAN networks installed of two types - Token Ring and Ethernet. Data transmission speed between the LAN networks ranges from 256 Kbit/s to 1Mbit/s, and the protocol TCP/IP is mostly used. Data transfer network of the Ministry of the Interior is used to access the databases, data exchange among the organisational units of the Ministry, e-mail and Internet. This network is protected from external intrusion by two Firewall systems, Checkpoint and PIX.

2. Radio-communication systems

Currently, the Ministry of the Interior uses analogue radio-communication systems, functioning in UHF and VHF frequency areas. This system, using repeaters of Storno and Motorola type, enable complete coverage of the territory of the Republic of Macedonia with radio signals. Part of the territory of Republic of Macedonia is covered with digital radio-communication equipment of the Astro-Motorola type. All peripheral devices, hand, mobile and stationary radio stations are of the Motorola type. Due to the configuration of the terrain, radio signal coverage of certain rural areas and border areas is not complete. Given the fact that existing analogue system is technologically and functionally out-dated, it is planned to introduce new digital radio system - TETRA.

22. What are the modalities of and conditions for co-operation of the police with other public security bodies (customs, security and intelligence services)?

In accordance with the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia", Nos. 19/95, 55/97, 38/02, 33/03, and 19/04):

The Ministry of the Interior, within its competencies, provides professional assistance to the citizens, enterprises and other legal entities and state bodies in fulfilling the prescribed rights and obligations and protection of life and personal security of the citizens and their assets.

The Ministry provides information, data and reports to the citizens, enterprises and other legal entities and state bodies for issues of their direct interest.

In accordance with the Law on Intelligence Agency ("Official Gazette of the Republic of Macedonia" No. 19/95):

The Agency co-operates with the state bodies on issues of mutual interest. In the light of realisation of the mutual co-operation, the Agency and the state bodies are obliged to provide information, data and reports to each other and to coordinate the activities that are in the competence of the Agency.

The Decision of the President of the Republic of Macedonia and the President of the Government of the Republic of Macedonia, DT No. 07-9 from 17.09.2003 and DT. No.66/1 from 16.09.2003 envisages regular meetings between the heads of the security services in the Republic of Macedonia for the purpose of exchange of relevant security and intelligence information.

The operations, modalities and the conditions for cooperation between the Ministry of Defence, i.e. the Military police and the Police, crime police and other bodies of the public security, as well as with the intelligence services are regulated by the Defence Law ("Official Gazette of the Republic of

Macedonia", Nos. 42/01 and 5/03), the Rules of the Military Police Service, the Instructions for: Organisation and performance of the service and duty in the Military police; Protection of foreign military delegations by Military police; Protection of high state and military persons and foreign delegations and; Organisation and performance of registration offices in the objects of the Ministry of Defence and the Army of the Republic of Macedonia. According to the Defence Law and in accordance with the efforts for compliance with the NATO and EU standards, the Ministry of Defence cooperates and exchanges information with the Ministry of the Interior and the Intelligence Agency. In this direction, and in accordance with the Strategic Defence Review of the Ministry of Defence, in determining the missions of the Army regarding its contribution to regional conflict resolution and crises, the Army cooperates with the Ministry of the Interior in the field of intelligence information; support facilities and capacities which exceed their abilities in the border security; support in the fight against terrorism, and; support in carrying out actions for protection of facilities, which are significant for the defence and support in resolving threats.

Pursuant to Article 10, point 17 and Article 21 from the Customs Administration Law ("Official Gazette of the Republic of Macedonia", No. 46/04), and Article 11, point 9 from the Customs Law ("Official Gazette of the Republic of Macedonia" No. 21/98, 63/98, 86/99, 25/00, 109/00, 31/01, 4/02, 55/02, and 42/03), the cooperation and data exchange with the state administration bodies and other state bodies is prescribed.

A national focal point has been established in the Ministry of the Interior pursuant to Article 8 from the Cooperation Agreement for Prevention and Fight against Cross-border Crime ("Official Gazette of the Republic of Macedonia", No. 16/2000), and a National Focal Point Guidebook has been drafted, which is accepted by the Council of Europe on 28.04.1997 and the political guidelines number 6-9 established by the European Council. The Customs and the Ministry of the Interior have their officers in the national focal point, who send and receive requests from the SECI centre.

According to the Rulebook on Manner of Operation of the Ministry of the Interior ("Official Gazette of the Republic of Macedonia", Nos.12/98 and 15/03) in the performing of the internal affairs, the authorised official persons and other officers mutually cooperate, coordinate their activities, provide mutual professional and other help, and act in a manner that provide timely, successful and complete performance of the official duties and tasks.

Regarding the co-operation in performing state border crossing control, the Rulebook prescribes that the authorised officers in performing the activities under their responsibility cooperate with:

- The border military units, the customs bodies, as well as other bodies and legal entities which perform duties at the border crossing points and in the border zone;
- The captaincy, the border military units, and other bodies and legal entities that perform tasks of inspection and control of the lakes;
- The customs bodies, the aviation control administration, the Airport Services Enterprise and other bodies and legal entities that perform duties at the airport;

The National Strategy for Integrated Border Management foresees that:

- All bodies included in the integrated border management are to provide "administrative assistance"- a legal principle, according to which, any state body can request from other state body administrative assistance if due to certain circumstances or legal impediments, it is not in position to perform its legal duty.
- A Memorandum of Co-operation between the Customs Administration and the Border Police was signed, contributing towards the development and harmonisation of the procedures for coordination between these two bodies;
- A creation and implementation of Standard Operational Procedures based on determined competencies of the Border Police and the Customs Administration;
- A Memorandum of Cooperation between the Ministry of the Interior, the Customs Administration and the Bureau for Medications should be signed that will contribute for development of mutual cooperation based on the Strategy for Investigations related to drugs.

In accordance with the Document *Specific Action Oriented Measures against Organised Crime*, adopted by the Government of the Republic of Macedonia on 10.11.2003, a Sector for Criminal and Intelligence Analysis was established within the Department for Organised Crime. The gathering, verification and assessment of the operational information and data, and their analysis are within the competencies of this Sector. The analytical information acquired in this way, enables the performance of appropriate police actions.

This Sector will provide support to the inter-institutional cooperation between the Ministry of the Interior, the Ministry of Finance and the Customs Administration through appointment of Liaison Officers and operational connection of the data bases of these institutions. It will perform the activities of a National Centre for gathering, analysis and exchange of information related to crime, in order to increase the efficiency in the fight against organised crime.

A Memorandum of Cooperation for Prevention of Organised Crime and Other Types of Crime was concluded between the Ministry of the Interior and the Ministry of Finance and on the basis of the Memorandum, a protocol was concluded between the Ministry of the Interior and the Customs Administration. Protocols with the Financial Police and the Directorate for Prevention of Money Laundering are to be signed.

23. What statistical data exist (police activities, crime, prevention, repression)? Please provide details about the methods and quality of these statistical data. How are statistics used to guide policy development?

The Ministry of the Interior systematically collects information on security related events, criminal and other illegal activities, and on the measures undertaken by the police to maintain security. There are statistical data on all types of criminal offences and on their perpetrators, on public order violations, traffic violations, on misdemeanours in perpetrating other illegal activities, on traffic accidents, on all types of fires, on suicides, accidents, movement of nationals and foreign citizens and vehicles across the state border, data on the number of motor vehicles and the road network in the Republic of Macedonia, data on seized drugs and weapons, on the residence and movement of foreign citizens in the country, and on other activities undertaken by the police according to their legal competencies, or upon request of another authorised institution.

Most of these data are processed and entered into the central information system of the Ministry for further. The processed data are intended for the needs of the various organisational units at the Ministry. The statistical data processed in the central information system are presented annually and for periods of three, six and nine months. In connection with specific ongoing needs and operative monitoring of current security related developments, part of the data are processed on personal computers and manually, and summaries in table format, reviews etc., are being prepared, in which respect the data are processed for shorter periods as well (monthly).

The processed statistical data enables establishing of scope of security related developments, their territorial coverage and presence, dynamics and trends in the country.

The processed statistical data are used for preparing information on specific problems, analytical reviews, summaries and other documents that facilitate monitoring of the security situation in the country, trends of crime and other illegal activities, assessment of the effectiveness of the police in the past period and determination of the direction for future activities.

Monthly statistical data are used for operative planning of the daily police activities, while quarterly data are used for tactical planning, and annual statistical data are used for strategic planning.

The quality of statistical data processed in the central information system coupled with other manually processed statistical data is satisfactory and facilitates operative, tactical and strategic planning and determining the direction of the police security system in the Republic of Macedonia.

24. Are there national statistical instruments for measuring the crime rate and the clear-up rate? Please provide the relevant statistics for the last two or three years.

Within the framework of its function, the Ministry of the Interior continuously records all data related to criminal charges for committed criminal offences on the territory of the entire country. The data from the criminal charges submitted to the Public Prosecutor's Office are entered in appropriate software of the central computer system in the Ministry of the Interior. This system works according to IBM technology, and part of the data are processed on special forms, KRIM-1 and KRIM-2, which are entered in the information system, as well. The additional processing of data results in preparation of statistical data (quarterly, semi-annual, three-quarterly and annually), regarding the crime on the entire territory of the country. On the basis of these data the crime rate is calculated i.e. the ratio of the total number of criminal offences to a population of 100.000 citizens of the Republic of Macedonia. The crime cleared-up rate presents the percentage of cleared up criminal offences in relation to the total number of reported criminal offences by an unknown perpetrator. Both, the crime cleared up rate and the crime rate are presented in all statistic reports which are prepared by the Ministry of the Interior and delivered to the state bodies and institutions in the Republic of Macedonia, as well as, upon a request, to international institutions, INTERPOL and the media.

The data regarding the total number of registered criminal offences on the territory of the Republic of Macedonia are presented in the following chart, as well as registered criminal offences according to the area of crime, which is established according to the nomenclature of the Ministry of the Interior, and certain more specific criminal offences registered in the past two years. For all these criminal offences, the ratio of the crime rate to the population of 100.000 is calculated, as well as the rate of clear-up cases in the area of classical crime during the reporting year and the total number of reported offenders which are detected as perpetrators of the crimes.

Total registered criminal offences								
	2002				2003			
TYPES OF CRIMINALITY	total registered criminal offences	crime rate to the population of 100 000 citizens	rate solved cases %	of reported perpetrators TOTAL	total registered criminal offences	crime rate to the population of 100 000 citizens	rate of solved cases %	reported perpetrators TOTAL
	18.308	898,3		15.651	22.547	1105		20.313
Criminal offences in the area of commercial crime	756	37,1		954	1.663	81,5		2.148
Criminal offences in the area of organised crime	222	10,9		311	222	10,9		271
Criminal offences in the area of illegal trade	487	23,9		633	644	31,5		780
Criminal offences in the area of classical crime	16.843	826,4	55,1	13.753	20.018	980,8	58,2	17.114
More specific criminal offences								
Murder	61	3	67,2	45	73	3,6	76,7	72
Rape	36	1,7	97,2	40	56	2,7	92,9	62
Aggravated theft	8.370	411	41,8	6.229	9.128	447,2	41,4	6.811
Banditry	447	21,9	38,9	336	548	26,8	44,2	478
Act of violence	95	4,6	95,8	231	109	5,3	93,6	217
Misuse of official position	178	8,7		221	854	41,8		1.130
Smuggling	53	2,6		58	19	0,9		29
Illegal drug trade	282	13,8		378	406	19,9		517
Illegal arms trade	153	7,5		215	213	10,4		238
Source: Ministry of the Interior								

25. Are performance indicators or benchmarks available to assess the quality of police activities? In the absence of such data, how is police performance evaluated?

Data pointing out to the quality of police activities are statistical data pertaining to the resolved crimes and misdemeanours with unknown perpetrators in a certain period of time, in relation to the total number of registered crimes with unknown perpetrators per 100,000 inhabitants. Statistical data are processed for a time period of 3, 6, and 9 months, and annually.

The statistical data are compared with data from previous years, and with statistical data of the police in neighbouring countries. Likewise, information regarding concrete security phenomena and events are produced, as well as regarding the police activities and the effect of police performance.

Pursuant to the Rulebook on Organisation and Systematisation of Jobs at the Ministry of the Interior data analysis and data processing is done by the Sector for Analyses and Research.

In accordance with the Action Plan for Strategy Reform, a Section for Control of the Quality of Work is established within the Department for Organised Crime.

One of the basic functions of this Section will be development of appropriate quality standards which will be the basis for assessment of the legal and technical aspects of the investigations quality.

26. What are the tools for career development? How is the performance of the individual police officer assessed?

The career advancement at the Ministry of the Interior is regulated by the following by-laws: Rulebook on the Systematisation of Jobs at the Ministry of the Interior; Instructions on the Manner and Procedure for Internal Job Announcements at the Ministry of the Interior; and the Collective Agreement of the Ministry of the Interior.

The Rulebook on the Systematisation of Jobs at the Ministry of the Interior establishes the positions, as well as the criteria which must be fulfilled by employees of the Ministry to be eligible for a given position, while the Personnel Service, i.e. the human resources service, is responsible for all employment procedures, assignments, promotions and termination of employment, as well as exercise of employment related rights. The Service keeps complete records of the necessary data on the employees.

A police officer can use the opportunity to advance in the career by submitting an application under the procedure for internal job announcements at the Ministry of the Interior. The manner and procedure for internal job announcements for selection of employees for positions with special duties and authorities at the Ministry of the Interior are prescribed by the Instruction on the Manner and Procedure for Internal Job Announcements at the Ministry of the Interior.

Pursuant to the provisions of the aforementioned Instruction, the internal announcements at the Ministry of the Interior are published by sending a telegram to all organisational units within the Ministry. The telegram contains data i.e. description of the available job which is to be filled upon the internal job announcement, the special conditions to be fulfilled for the concerned job in accordance to the Rulebook on the Systematisation of Jobs and the deadline for submission of the applications.

The Instruction, in the same time specifies the data which the application must contain, determining that the application is to contain a brief curriculum vitae of the candidate, that, inter alia, must have data on: the working experience and career development at the Ministry of the Interior; additional education; awards and sanctions; data whether a procedure for violation of working discipline has been instituted against the candidate, and its outcome, if any; participation in courses and seminars and; foreign languages and computer skills.

In order that every employee at the Ministry has the opportunity to submit an application for the internal job announcement, the aforementioned Instruction prescribes an obligation for the heads of

all organisational units within the Ministry to inform all employees in the organisational unit about the contents of the telegram by which the internal job announcement is published.

The procedure upon the internal announcement is carried out by a committee established by a decision of the Minister of the Interior.

The Committee consists of a Chairperson and four members, as well as their deputies. The Chairperson and the three members, one of whom is a representative of the Macedonian Police Trade Union, are permanent members of the committee and are elected for a period of one year, and the fifth member of the committee is a non-permanent member and this is the head of the organisational unit in which the job is available or vacated, and has the mandate to perform only the procedure for that particular job. Depending on the requirements for the concerned job, the Committee may also include an external member from the Police Academy.

The Committee is obliged, within shortest possible time, but not later than 30 days from the expiry of the deadline for submission of applications, to carry out the procedure upon the internal job announcement.

After the completion of the selection procedure, within 2 days from the date of completion of the procedure, the Committee is obliged to submit a written proposal to the Minister of the Interior to adopt a decision on the job assignment.

The written proposal, which the Committee submits to the Minister, contains a list of five most successful candidates and a report on the implemented procedure.

For purposes of objective establishment of the candidate list, and depending on the type of tasks for the concerned position, the Committee may conduct interviews with the candidates, as well as psychology tests, assessment of physical shape, examination of knowledge of laws and by-laws needed to perform the relevant tasks, and may examine the foreign language proficiency, etc.

In addition to the aforementioned activities, when establishing the list of the most successful candidates, the Committee also takes into account the acquired certificates from seminars and courses in which the applicant participated, the analytical review of the organisation and the methods of work for the concerned job presented by the candidate and, proficiency in foreign languages and/or computers, etc. If necessary, the Committee may request a reference from the immediate superior of the candidate.

Based on the proposed list of five most successful candidates, prepared by the Committee, the Minister of the Interior, by a Decision on Assignment, decides on the selection of the employee for the position for which the internal job announcement procedure was implemented.

The work of police officers is continually assessed by heads of organisational units. The Collective Agreement of the Ministry of the Interior ("Official Gazette of the Republic of Macedonia", Nos. 8/98, 11/98, 12/00, 3/03 and 3/04) explicitly prescribes an obligation for the head of the organisational unit to make monthly analysis of the work of the organisational unit and of every employee and at the same time to establish whether the concerned employee has fulfilled the job performance average.

If it has been established that the employee has performed above the average, and/or has performed the work with particular success, the head of the organisational unit where the employee works may propose a salary increase for the current month.

Salary increase, according to the provisions of the Collective Agreement, will be granted especially in the following cases:

- Exceptional diligence and quality in the work and performance of assigned tasks,
- Demonstrated initiative in the work, such as giving useful proposals and solutions contributing to better results in the work,

- Performance of more comprehensive activities and tasks, as compared with the regular activities and tasks,
- Demonstrated exceptional professionalism and expertise in application of legislation and other regulations,
- Significant contribution to prevention of crime and of other unlawful activities,
- Performance of activities and tasks in cases when an individual needs to take a decision, which contributes to the promotion of reputation of the Ministry,
- Successful performance of activities and tasks of an absent officer, over a longer period,
- Participation with particular success in the performance of group, individual, local or nation wide actions.

If the head of the organisational unit where the officer works establishes that the officer has performed bellow the average of the expected job performance results, they can propose a salary reduction for the current month.

In accordance with the provisions of the Collective Agreement of the Ministry of the Interior, a salary reduction for the current month shall be determined particularly in the following cases:

- Insufficient diligence in performance of activities and tasks,
- Performance of activities and tasks without the required quality and as programmed, planned or required in the order that has been issued,
- Non-performance of activities and tasks within the specified deadlines,
- Demonstrated insufficient expertise and professionalism in the application of the legislation and other regulations,
- Inefficient utilisation of working hours, and
- Improper conduct towards co-workers or third persons and causing justified reactions and objections, which is negatively reflected on the performance of the tasks.

When establishing the existence of the aforementioned cases, their scope, gravity and consequences for the performance of the specific job and for the organisational unit as a whole are also assessed.

The proposal by the head of the organisational unit for salary increase or reduction is submitted to the organisational unit of the Ministry in charge of personnel issues, which reviews the proposal and gives an opinion on proposal's conformity to the criteria established under the Collective Agreement of the Ministry of the Interior.

If it is established that the proposal is based on the prescribed criteria, an opinion is requested from the relevant organisational unit at the headquarters of the Ministry, which supervises the performance of the tasks in the given area.

After the opinion of the concerned organisational unit is received, the proposal is submitted to the Undersecretary and the Director of the Directorate for their agreement and specific proposals for adoption of the decision.

If the head of the organisational unit establishes that the employee has achieved unsatisfactory results in the work, they can institute a procedure for establishing of poor job performance results, which is envisaged by the Collective Agreement of the Ministry of the Interior.

The procedure starts with preparation of a report by the head of the organisational unit, which contains the following data: given and family name; job description and organisational unit in which the employee works; period of work which is assessed; brief description of the task which has not been fulfilled or has been unsatisfactorily performed; when and who has given the orders to the officer; whether in the course of work appropriate instructions, guidelines and warnings have been

given; the consequences from such job performance and; brief assessment of the employee for the preceding three months.

At the same time, the employee is given written notice about their current job performance, with a warning to improve the work in the following month.

If the employee does not improve the work within 30 days from the day of the warning, and there are no justified reasons for such job performance, a written and explained proposal for institution of a procedure for determination of responsibility is prepared.

The proposal is forwarded to the employee, who should immediately present a written explanation of the reasons for poor job performance.

At the same time, the proposal is forwarded to the branch of the Trade Union in the respective organisational unit, and a written opinion is requested, which the Trade Union has the duty to provide within 3 days; alternatively, the representative of the Trade Union would present the opinion at the hearing before the dismissal committee.

The procedure for establishment of poor job performance results is conducted by the Dismissal Committee at the Ministry of the Interior which establishes the responsibility of the employee and which prepares a written proposal to the Minister for adoption of relevant ruling.

If the committee establishes that the employee is not responsible or that the conditions to adopt a ruling on dismissal from job are not met, it proposes to the Minister to reject the proposal, i.e., to terminate the procedure.

Depending on the degree of responsibility of the employee, the conditions under which the violation has been made, the previous job performance and conduct of the employee, the Minister can adopt a ruling for dismissal or replace it with a fine which may not be higher than 15% of the monthly salary of the employee, in a period of one to six months.

The employee has the right to appeal against the ruling passed by the Minister of the Interior within eight days from the receipt of the ruling. The appeal is submitted to the competent Commission at the Government of the Republic of Macedonia.

The employee has, at the same time, right to judicial protection, namely the right to institute a procedure before a competent court in the Republic of Macedonia.

The employee who, owing to special diligence and quality in performance of the activities and tasks, significantly contributes to the performance of the functions of the Ministry may be awarded in the amount of up to one monthly salary.

Furthermore, the employee who has achieved particular successes and results in the performance of the functions of the Ministry, may be granted awards, letters of appreciation, and recognitions, as set forth by the Rulebook of the Ministry of the Interior on Types and Manner of Granting Awards, Letters of Appreciation and Recognitions, Nos. 16.1-1730, dated 01.06.2001.

27. Which information do you store and, if yes, who has access to the following data:

- a) data on persons wanted for extradition;**
- b) data on aliens to whom entry was refused;**
- c) data on missing persons;**
- d) data on persons placed under police protection;**
- e) data on witnesses, on persons summoned to appear before judicial authorities;**
- f) data on persons (or vehicles) for whom there is evidence or reasons to suppose that serious criminal offences will be committed;**
- g) data on objects (stolen vehicles, firearms, documents, banknotes).**

a) Data on persons wanted for extradition

The Sector for International Police Cooperation at the Ministry of the Interior in the Republic of Macedonia pursuant to Article 536 of the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", Nos. 15/97, 44/02 and 74/04), keeps several records on issued warrants. Furthermore, the Ministry keeps records on notices on persons who are wanted by Macedonian and foreign judicial bodies, for purposes of extradition. In accordance with the European Convention on Extradition (adopted in 1957 in Paris) in respect of international warrants issued by INTERPOL member-states, accompanied with statements that extradition will be requested for persons who are deprived of liberty, the Sector for International Police Cooperation distributes the issued international warrants to all border crossing points and to all organisational units of the Ministry. In connection with persons wanted by the national judicial bodies, the Sector informs the Section for Searches at the Criminal Police Department at the Ministry of the Interior, where records are kept on such persons, while such warrants are also circulated to all countries – members of INTERPOL. Under the warrants system of the Republic of Macedonia a special reference is made about the concerned person, denoting that in addition to the national level warrant, the person is also wanted under an international warrant.

b) Data on aliens banned from entering the country

The Sector for Foreigners and Immigration Issues, at the Ministry of the Interior, in coordination with the border police stations controlling the road and air traffic border crossing points have a legal possibility not to allow entry to an alien, in accordance with the Law on Movement and Residence of Foreigners ("Official Gazette of the Republic of Macedonia", Nos. 36/92; 66/92; 26/93 and 45/02). Records are kept on all aliens who are banned from entering the country – a register that contains the data on the person and the reasons owing to which they are under the entry ban. There is also a Register on certain foreign citizens who are subject to the measure of "deprivation of the right to residence" in duration of more than six months. The Sector on Foreigners and Immigration Issues acts in accordance to the Law on Movement and Stay of Aliens and the Law on Crossing the State Border and Movement in the Border Zone ("Official Gazette of the Republic of Macedonia", Nos. 12/93 and 11/94.)

c) Data on the missing persons

The Section for Searches at the Criminal Police Department of the Ministry of the Interior keeps records on reported missing persons and corpses of unknown identity.

The Section for Searches works in accordance to the Instruction for Undertaking of Search Operations, on Issuance of Central and International Warrants and Notices on Persons and Objects. When reporting a missing person the form Ante Mortem is filled at the Section for Searches, while when finding a corpse of unknown identity the Section for Identification at the Criminal Police Department of the Ministry of the Interior fills in a Post Mortem form. The Section for Searches has a computerised system of records of persons subject to central warrants, records of stolen motor vehicles and records on stolen or lost firearms.

d) Data on persons under police protection

The issues of data on persons under police protection have not been regulated in the applicable legislation of the Republic of Macedonia thus far, because in the previous practice of the Ministry of the Interior no protection has been provided to witnesses or victims. These issues will be regulated in the new Law on Witness Protection, which is already in the final Parliamentary stage of adoption.

e) Data on witnesses or persons summoned by the court

In the practice, in accordance with the Law on Criminal Procedure, data on parties in proceedings (witnesses and other persons) are kept in each case file individually, depending of the stage of the procedure. Such data are located in the Basic Public Prosecutor's Office, within the Deputy Public Prosecutor's file, while during the investigation the data are within the investigative judge's file and during the hearing, in the sentencing judge's file.

f) Data on persons (or vehicles) for which there are reasons to suspect that they are involved in preparation for performance of serious crimes

In cases when certain indications and information on persons being potential perpetrators of serious crimes exist, following the police methodology of work, the Ministry of the Interior– Section for Criminal Police - undertakes operative procedures, by which in an organised manner measures are implemented to gather evidence for documenting the unlawful criminal activities. In respect of the institution and implementation of operative procedures, Local and State Registers are kept. However, the data on the persons in respect of whom the procedure is still ongoing are not entered in those Registers. The implementation of Police Reform (see [24 Annex 03](#)) foresees establishment of criminal intelligence database, which will comprise persons regarding whom grounds for suspicion that they prepare, perpetrate or have perpetrated criminal offences in the area of organised crime exist. This database will also comprise information on criminal activities related to passenger motor vehicles and the existing information on vehicles, which are at the moment owned by criminals, and groups organised to perpetrate such type of crimes.

g). Data on objects (stolen vehicles, firearms, documents, banknotes)

The Section for Searches at the Criminal Police Department of the Ministry of the Interior also keeps the following records:

- Records on stolen and lost weapons;
- Records on stolen motor vehicles, which are also kept at the NCB INTERPOL – a database with automated search facility;
- Records on certain objects (travel documents).

The records on stolen motor vehicles and stolen/lost travel documents, through the NCB INTERPOL Skopje, are entered in the database with automated search facility in the General Secretariat of INTERPOL in Lyon.

The Forensic Sector at the Ministry of the Interior keeps records on counterfeited banknotes, which are subject to forensic expertise. There are several types of records:

- Records of foreign currencies
- Records of nominal value
- Records by serial number
- Records on organisational units that have requested forensic analysis
- Database “Image archive” of non-genuine banknotes
- catalogues of genuine banknotes and in certain cases CD-ROMS (database of genuine banknotes)

Access to all of these records is granted to the authorised officials working on these issues.

H. FIGHT AGAINST TERRORISM

1. Please provide information on legislation or other rules governing this area, and their adhesion to relevant international conventions.

The Laws containing provisions relevant for the fight against terrorism are the following:

- The Criminal Code of the Republic of Macedonia (“Official Gazette of the Republic of Macedonia”, Nos. 37/96, 80/99, 4/02 and 43/03 and 19/04);

- The Law on Criminal Procedure (“Official Gazette of the Republic of Macedonia”, Nos. 15/97, 44/02 and 74/04);
- The Law on Prevention of Laundering of Money and Other Proceeds from Crime (“Official Gazette of the Republic of Macedonia”, No.46/04),
- The Law on Asylum and Temporary Protection (“Official Gazette of the Republic of Macedonia” No. 49/04);
- The Law on Internal Affairs (“Official Gazette of the Republic of Macedonia” Nos. 19/95, 55/97, 33/02 and 19/04) ;
- The Law on the Intelligence Agency (“Official Gazette of the Republic of Macedonia”, No. 19/95).

The provisions from the Criminal Code of the Republic of Macedonia (“Official Gazette of the Republic of Macedonia”, Nos. 37/96, 80/99, 4/02 and 43/04) express the intentions of the legislator to align with and implement the international criminal law standards in the fight against terrorism. Namely, the domestic legislation incriminates all the acts, which, under the generally accepted standards and criteria, are considered as terrorist acts. The Article 313 of the Criminal Code incriminates Terrorism as a crime, Article 419 incriminates the actions of the perpetrators of International terrorism, and Article 394a of the Law Amending of the Criminal Code also incriminates Creation of terrorist organisation, and the financing, public incitement, instigating or supporting the creation of such organisation. Furthermore, more severe sanctions for crimes connected to terrorism have been introduced.

- The Law on Prevention of Money Laundering and Other Proceeds from Crime regulates the area of terrorism as well (“Official Gazette of the Republic of Macedonia”, No. 46/04).
- The Law on Prevention of Money Laundering and Other Proceeds from Crime stipulates the measures and activities for detection and prevention of laundering money and other proceeds from crime, as well as the organisation and control over their enforcement.
- The provisions of the Law on Asylum and Temporary Protection, prescribe that acting against the constitutional system of the Republic of Macedonia, committing a crime against humanity or international law, purposes and principles of the United Nations, represent a ground for cessation of the right to asylum, i.e. the refugee status (Article 6).
- The provisions of the Law on Internal Affairs (Article 13) define the competence of the Ministry of the Interior (The Directorate for State Security and Counterintelligence) to perform activities related to suppression of terrorism.
- The provisions of the Law on Intelligence Agency (Article 2), prescribe the responsibility of the Intelligence Agency in gathering data and information of significance for the security of the Republic of Macedonia.

The Assembly of the Republic of Macedonia has adopted the National Strategy on Security and Defence (“Official Gazette of the Republic of Macedonia”, No.40/03), which identifies terrorism as one of the risks and threats to the security.

The legislative setting in the Republic of Macedonia clearly indicates the intention to ensure participation of the Republic of Macedonia in the international cooperation in the fight against terrorism.

In terms of the instruments of the United Nations on fight against terrorism, the Republic of Macedonia has signed, ratified and implemented the following Documents:

1. Convention on Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents:

- The Republic of Macedonia is a Party since 12.03.1998 following the notification on succession.

- The provisions of the Convention are implemented in the Articles 141, 181, 182, 183, 309, 310, 311, 419 and 420 of the Criminal Code of the Republic of Macedonia (“Official Gazette of the Republic of Macedonia”, Nos. 37/96, 80/99, 4/02 and 43/04).

2. International Convention against Taking of Hostages:

- The Republic of Macedonia is a Party since 29.01.1998 following the notification on succession;
- The provisions of the Convention are implemented in the Article 421 of the Criminal Code of the Republic of Macedonia (“Official Gazette of the Republic of Macedonia”, Nos. 37/96, 80/99, 4/02 and 43/04).

3. Convention for Suppression of Unlawful Seizure of Aircraft:

- The Republic of Macedonia is a Party since 07.01.1998 following the notification on succession.
- The provisions of the Convention are implemented in Articles 302 and 303 of the Criminal Code of the Republic of Macedonia (“Official Gazette of the Republic of Macedonia”, Nos. 37/96, 37/96, 80/99, 4/02 and 43/04).

4. Convention on Offences and Certain Other Acts Committed on Board Aircraft:

- The Republic of Macedonia is a Party since 30.08.1996 following the notification on succession;
- The provisions of the Convention are implemented in the Articles 302 and 303 of the Criminal Code of the Republic of Macedonia (“Official Gazette of the Republic of Macedonia”, Nos. 37/96, 80/99, 4/02 and 43/04).

5. Convention on Physical Protection of Nuclear Material:

- The Republic of Macedonia is a Party since 20.09.1996 following the notification on succession;
- The provisions of the Conventions are implemented within the Articles 231, 288 and 407-b of the Criminal Code of the Republic of Macedonia (“Official Gazette of the Republic of Macedonia”, Nos.37/96, 80/99, 4/02 and 43/04).

6. Convention for Suppression of Unlawful Acts against the Safety of Civil Aviation,

- The Republic of Macedonia is a Party since 04.01.1995 following the notification on succession;
- The provisions of the Conventions are implemented within the Articles 300 and 303 of the Criminal Code of the Republic of Macedonia (“Official Gazette of the Republic of Macedonia” Nos.37/96, 80/99, 4/02 and 43/04).

7. Protocol on Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to Convention for Suppression of Unlawful Acts against Safety of Civil Aviation,

- The Republic of Macedonia is a Party since 04.01.1995 following the notification on succession;
- The provisions of the Conventions are implemented within the Articles 304, 403-a and 404 of the Criminal Code of the Republic of Macedonia (“Official Gazette of the Republic of Macedonia”, Nos.37/96, 80/99, 4/02 and 43/04).

8. International Convention for Suppression of Terrorist Bombings

- The Republic of Macedonia has signed this Convention on 16.12.1998, ratified on 06.04.2004.
- The provisions of the Conventions are implemented in the Articles 288 of the Criminal Code of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia" Nos.37/96, 80/99, 4/02 and 43/04).

9. International Convention for Suppression of Financing of Terrorism

- The Republic of Macedonia has signed this Convention on 31.01.2000, ratified on 06.05.2004;
- The provisions of the Conventions are implemented within the Article 273 of the Criminal Code of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia" Nos.37/96, 80/99, 4/02 and 43/04).

In terms of instruments of the Council of Europe on fight against terrorism, Republic of Macedonia has signed, ratified and implemented the following Documents:

- European Convention on Suppression of Terrorism; signed on 08.11.2001, ratified on 29.11.2004. The provisions of the Conventions are implemented within the Articles 313, 419 and 394-a of the Criminal Code of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia" Nos. 37/96 80/99, 4/02 and 43/04).
- European Convention on Extradition and the Additional Protocols; signed on 28.07.1999, ratified on 28.07.1999 and entered into force on 26.10.1999. The provisions of the Convention are implemented within the Articles 509 to 525 of the Law on Criminal Procedure, and Articles 181 up to 186 of the Law Amending the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia" Nos. 15/9, 44/02 and 74/04).
- European Convention on Mutual Assistance in Criminal Matters; signed on 28.07.1999, ratified on 28.07.1999 and entered into force 26.10.1999. The provisions of the Conventions are implemented within the Articles 502 up to 509 of the Law on Criminal Procedure of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia", Nos.15/97, 44/02 and 74/04).
 - Additional Protocol to European Convention on Mutual Assistance in Criminal Matters; signed on 28.07.1999, ratified on 28.07.1999 and entered into force 26.10.1999.. The provisions of the Conventions are implemented within the Articles 502 up to 509 of the Law on Criminal Procedure of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia" Nos.15/97, 44/02 and 74/04).
- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime; signed on 14.12.1999, ratified on 19.05.2000 and entered into force 01.09.2000. The provisions of the Conventions are implemented within the Articles 273 of the Criminal Code of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia" Nos .3 7/96, 80/99, 4/02 and 43/04), and within the provisions of the Law on Prevention of Money Laundering and other Proceeds of Crime ("Official Gazette of the Republic of Macedonia" No. 46/04).

Pursuant to Article 118 of the Constitution of Republic of Macedonia ("Official Gazette of the Republic of Macedonia" No. 52/91), the international agreements ratified in accordance with the Constitution are a part of the internal legal order and cannot be changed by law.

2. Is your country faced with any specific form of terrorism? If so, is it of internal or external origin?

Following the terrorist attacks on the USA of 11.09.2001 and the changes of the geo-political factors resulting from the global threat, Republic of Macedonia joined the international anti-terrorist coalition. The Republic of Macedonia directly participates with units of the Army of the Republic of Macedonia

in the international missions in Afghanistan – ISAF, as of 2002, and in Iraq, IRAQ FREEDOM as of 2003.

Such involvement of the Republic of Macedonia in the international anti-terrorist coalition includes the risk of exposure to acts of terror, specifically those undertaken by Islamic radical groups and organisations against institutions, nationals or interests of the Republic of Macedonia, within the country or abroad. Such an attack was the one against the Office of the Honorary Consul of the Republic of Macedonia in Karachi, Pakistan, on 06.12.2002, when three persons were killed, as well as the murder of the three Macedonian citizens – civilians, who were working in Iraq, in October 2004.

Internally, since its independence, the Republic of Macedonia has been exposed to certain threats from terrorist activities against its national interests. Specific terrorist actions in the Republic of Macedonia were performed in 1995 (the assassination attempt against the President of the Republic of Macedonia); in 1997 the court in Gostivar was a target of a bomb attack, while in 1998 the targets of bomb attacks were the police stations in Prilep, Kumanovo, Tetovo, the Court in Kičevo, as well as the Skopje – Belgrade railroad.

The 2001 armed conflict disrupted the security situation in the Republic of Macedonia to a greater extent. After the Ohrid Framework Agreement was signed, and after its implementation commenced, the Republic of Macedonia still faced threats of individual acts of terrorism, particularly by persons and criminal groups that were active in the former crisis regions. Such threats are used by the “Front for National Unification of Albanians” and the “Albanian National Army” (the platform of which is to create the “United Albanian State” in the Balkans, using violent methods and means, due to which they are declared by the European Union and the USA as terrorist organisations) in preparation and committing individual terrorist acts or acts of violence, for which they claim responsibility.

In 2002 and 2003 acts with features of terrorism were perpetrated and criminal charges were instituted for the crime of *Terrorism* and perpetrators were sentenced to appropriate prison sentences.

In 2004, along with the stabilisation of the security situation, no terrorist acts were registered, although possibility for individual acts of terror and violence by individual criminal groups related to “FNOA” (Front for National Unification of the Albanians) and “ANA” (Albanian National Army), as well as by other extremist individuals and groups who oppose the implementation of the Framework Agreement, founding their activities on the ideas for “a greater state”, can not be excluded.

3. What is the national legal framework and legal basis for anti-terrorist action?

The national legal framework is laid down in the laws elaborated in [24 H 1](#).

The Criminal Code of Republic of Macedonia (Article 313), in defining the act of *terrorism*, prescribes that a person who, with the intention of endangering the constitutional system or the security of the Republic of Macedonia, causes or seriously threatens to cause an explosion, fire, flood, or some other generally dangerous act or act of violence, creating a sense of insecurity or fear among the citizens, shall be punished with imprisonment of at least four years.

A punishment (an imprisonment of at least four years) is also prescribed for any person who *creates a conspiracy, gang, group or other association of persons or organisation* (Article 324) for the purpose of committing terrorism. The Law prescribes a punishment of one to five years for a person who becomes a member of the conspiracy, gang, group or other association. Acquittal from punishment is foreseen for a member of an association, who discloses the association, before he commits a terrorist act as a member of that association or on behalf of it.

Sheltering and assisting the perpetrator (Article 325) of a crime of terrorism (giving shelter, food, money or other means, maintaining contact, performing activities in order to prevent discovery or capture of a perpetrator, or providing assistance in some other way), is also prescribed as a criminal

offence. Imprisonment of one to ten years is stipulated. Also, the preparation to commit this crime is incriminated (Article 326), with a prescribed punishment of three to ten years of imprisonment.

The Criminal Code prescribes a more severe sanction (imprisonment of at least ten years) if during the perpetration of the terrorist act, death of one or more persons was caused, or if a property damage of large extent was caused. The intentional killing of one or more persons during the perpetration of the terrorist act, as well as committing such acts during a war or under direct military danger, is sanctioned with imprisonment of at least ten years, or with life imprisonment.

The *creation of a terrorist organisation* (a gang, group or other criminal organisation) for committing criminal acts is also incriminated in the Criminal Code (imprisonment of at least eight years). The prescribed criminal acts are as follows: *murder; bodily injury; kidnapping persons; destruction of public facilities, of transport systems, of infrastructure facilities, of information systems and of other facilities in public use; hijacking aircrafts and other means of public transport; production, possession or trade with nuclear, biological, chemical or other weapons and dangerous substances; release of dangerous radioactive, toxic and other dangerous substances; or causing a fire or explosion, destruction of utilities for water supply, energy or other basic natural resources, in order to create a sense of insecurity or fear among the citizens or to endanger the constitutional order or the security of the Republic of Macedonia or the interests of an international organisation or foreign state.* The Code prescribes more lenient punishment (imprisonment of three months to three years) for the perpetrator who by disclosing the organisation or in some other way prevents the perpetration of the planned crimes.

A punishment (imprisonment of four to ten years) is also prescribed for a member of the group, gang or other criminal organisation, as well as for person who provides financial resources, or provides assistance in some other way. The legislator permits acquittal from punishment for the member of the group, gang or other criminal organisation who discloses the organisation before committing some of the aforementioned crimes, as a member of that organisation, or on behalf of it. The public instigation, call and providing support for creation of a terrorist organisation is incriminated, as well. Article 419 prescribes imprisonment of at least three years for anyone who with the intention of harming a foreign state or some international organisation, commits a kidnapping of another or some other act of violence, causes explosion or fire, or with some other generally dangerous act or by generally dangerous means causes a danger to the life of people and to property of a significant value. If, because of the above mentioned activities, one or more persons died, or damage was caused of larger extent, i.e. another person was intentionally killed; the perpetrator will be punished with imprisonment of at least five years, i.e. with imprisonment of at least ten years, or with life imprisonment

The criminal law of the Republic of Macedonia (Article 116) is applicable when the terrorist act is committed on the territory of the Republic of Macedonia, on a domestic ship or aircraft, regardless where the ship or aircraft were at the time when the crime was committed.

The criminal law of the Republic of Macedonia is applicable to everyone who commits a terrorist act abroad (117), as well as to foreigner who commits a terrorist act abroad against a foreign country or a foreigner (when according to that legislation he/she may be sentenced to five years of imprisonment or to a more severe punishment), and when he/she is not extradited to the foreign country.

The Macedonian law does not permit an extradition of a Macedonian citizen for any criminal offence, inclusive of the criminal offence of *terrorism* (Article 4 from the Constitution of the Republic of Macedonia and Article 510 from the Law on Criminal Procedure). However, under certain pre-conditions, a foreigner-perpetrator of terrorist act can be extradited (Article 29 from the Constitution of the Republic of Macedonia and Article 510 from the Law on Criminal Procedure). Namely, in accordance with Article 29 of Constitution of the Republic of Macedonia, a foreigner may be extradited only on the basis of a ratified international agreement and on the principle of reciprocity. A foreigner can not be extradited for a political criminal offence. Pursuant to the explicit provision of the Constitution, the acts of terrorism are not considered as political criminal offences. Article 510 of the

Law on Criminal Procedure prescribes the prerequisites for extradition. Namely, the person whose extradition is requested, must not be a citizen of the Republic of Macedonia; the crime for which the extradition is requested must not be committed on the territory of the Republic of Macedonia, against it or against its citizens; the crime for which the extradition is requested must be punishable, according to both domestic and the law of the country in which it has been committed. Additionally, the criminal prosecution and the execution of the punishment should not have expired the statute of limitations before the foreigner is detained or interrogated as an accused; the foreigner must not have a previous conviction by a domestic court for the same crime; or they must not have a previous acquittal by a final court judgement, regarding the same crime, by the domestic court; or the criminal procedure against them must not be interrupted or the prosecution act must not be irrevocably rejected, unless a guarantee is issued for realisation of the lawful property request of the injured party. Furthermore, the provisions of the Law on Criminal Procedure require that the identity of the person whose extradition is requested must be determined and that there must be sufficient evidence for a founded suspicion that the foreigner whose extradition is requested has committed a criminal offence or the sentence is final.

The Law on Criminal Procedure (Article 142), prescribes an obligation for the Ministry of the Interior to undertake necessary measures, when there is a ground for suspicion that terrorist activities are committed. Actually, the Ministry of the Interior has the duty to undertake the necessary measures to find the perpetrator and the accomplice of the terrorist activity, to find out and secure the traces and objects of the criminal offence, to collate information which may be useful for an efficient conduct of the criminal procedure.

The 2004 Amendments to the Law on Criminal Procedure regulated special investigative measures (communications interception; inspection and search of computer systems or their confiscation, completely or partially; secret observation, surveillance and audio-visual recording of persons and objects with technical devices; simulated purchase of objects, simulated receiving and giving a bribe; controlled delivery and transport of persons and objects; use of undercover agents for monitoring and collection of information; opening simulated bank account; registration of virtual legal entities or use of existent ones for data collecting), which, applied under conditions and in a manner established by law, can be used as an evidence in the criminal procedure.

The Law on Asylum and Temporary Protection prescribes that performing activities against the constitutional system of the Republic of Macedonia, committing criminal offence against humanity and international law, goals and principles of the United Nations is a ground for withdrawal of the right to asylum, or the refugee status (Article 6).

4. Which national departments and agencies are involved in the fight against terrorism?

Pursuant to the current laws, the following bodies have competencies in the fight against terrorism:

- Public Prosecutor's Office of the Republic of Macedonia, established as a state body that prosecutes perpetrators of crimes, inclusive of the crime of *Terrorism* and the crimes related to terrorism (Law on Public Prosecutor's Office, "Official Gazette of the Republic of Macedonia", No. 38/04);
- Intelligence Agency (Law on Intelligence Agency, "Official Gazette of the Republic of Macedonia", No. 19/95);
- Ministry of the Interior ("Official Gazette of the Republic of Macedonia", Nos. 19/95, 55/97, 38/02, 33/03 and 19/04) through:
 - The Directorate for Security and Counterintelligence (Article 13 of the Law on Internal Affairs and the Rulebook on Operation of the Directorate, "Official Gazette of the Republic of Macedonia" No. 48/98), established as a body within the Ministry of the Interior;
 - The Sector on Antiterrorism, and

- The Special Forces (Special Tasks Unit and the Rapid Deployment Unit), which are specially trained and responsible for acting in situation of crisis, such as: hostage situations, hijacking airplanes etc., as well as defeating direct resistance.
- Ministry of Defence
 - Sector for Security and Intelligence;
- Directorate on Money Laundering Prevention, which represents an administrative model of a financial intelligence unit, and acts as a mediator between the law-enforcement bodies and the private sector in preventing financing of terrorism (Law on Preventing of Laundering Money and other Proceeds of Crime, "Official Gazette of the Republic of Macedonia", No.46/04).

The Intelligence Agency, the Ministry of the Interior through the relevant units, within their competencies, gather data and information for detecting, monitoring, documentation and surveillance of the activity of individuals and groups, illegal groups and organisations, as well as the activities of foreign international terrorist organisations, groups and individuals intended toward endangering the constitutional system of the Republic of Macedonia, and its political, economic and other interests at home and abroad. Moreover, these services work on prevention and suppression of terrorist threats, detection of the perpetrators of terrorist acts and other crimes related to the terrorism, detecting and disassembling explosives devices and conducting negotiations in hostage situations.

5. Which national bodies co-ordinate the fight against terrorism?

In line with the commitments stemming from the UN Resolution 1267 (1999), on 25.06.2002 the Government of the Republic of Macedonia established an Interdepartmental Coordinative Body, which is entrusted with the coordination of all the activities for fight against international terrorism, including the implementation of the Resolution 1373 from 2001. The body was established within the Ministry of Foreign Affairs and consists of representatives from: the Ministry of the Interior, the Ministry of Defence, the Ministry of Justice, the Ministry of Finance and the Intelligence Agency.

Pursuant to the Decision of the President of the Republic of Macedonia and the President of the Government of the Republic of Macedonia (DT No. 07-9 from 17.09.2003 and DT No. 66/1 from 1.09.2003), security services and agencies (Sector for Security and Intelligence within the Ministry of Defence, State Security and Counter-intelligence Service within the Ministry of the Interior, and the Intelligence Agency) participating in the fight against terrorism, exchange data and information on the existence of terrorist threats, on preparation and detection of terrorist activities and on their perpetrators on regular basis.

In cases of perpetrated acts of terrorism, or activities related to terrorist acts (preparing, conspiring, etc), the competent Public Prosecutor coordinates the investigation, in accordance with his competencies prescribed by the Law on Public Prosecutor's Office ("Official Gazette of the Republic of Macedonia" No.38/04), and undertakes necessary measures for collection of evidence for initiating a criminal procedure. The Public Prosecutor coordinates the work of all services involved in the detection of perpetrators of terrorist acts, especially of the Ministry of the Interior.

The newly formed Unit for Organised Crime, pursuant to Article 29 of the Law on Public Prosecutor's Office, has competencies in opposing crime of terrorism and other crimes related to terrorism. For more details, see [24 I 02](#).

6. What is the role and input of security and intelligence services?

Security services of the Republic of Macedonia perform their activities in the field of security in compliance with the Constitution of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia" Nos. 52/91, 1/92, 31/98, 91/01 and 84/03), the Law on Intelligence Agency ("Official Gazette of the Republic of Macedonia" No.19/95), the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia" Nos.19/95, 55/97, 38/02, 22/03 and 19/04), the Defence Law ("Official Gazette of the Republic of Macedonia" No.42/01), the National Security and Defence Strategy

("Official Gazette of the Republic of Macedonia" No.40/03) and the Annual Operational Guidelines for the Security Services.

The Ministry of the Interior (The Directorate for State Security and Counter-intelligence), the Intelligence Agency and the Sector for Security and Intelligence within the Ministry of Defence act towards opposing all forms of terrorist activities in the Republic of Macedonia and abroad. Within their competencies, these services investigate the activities of individuals, groups and organisations connected to financing, preparing, organising, supporting and performing terrorist related activities.

The security services also investigate individuals, groups and organisations which may abuse the territory of the Republic of Macedonia for preparing, organizing and performing terrorist attacks against other countries. Security services cooperate with corresponding foreign security services.

The connections and relations of the terrorist threats with the smuggling of arms, narcotics and trafficking in human beings, as well as smuggling of radioactive, chemical and biological substances suitable for construction of weapons of mass destruction, are also investigated.

For early detection of potential terrorist threats, the security services of the Republic of Macedonia undertake the following measures:

- Collecting data from citizens;
- Using data from public sources;
- Inspection into the registers and databases;
- Using secret collaborators;
- Application of secret measures and activities (Communications monitoring, secret observation, surveillance and audio-visual recording of persons and objects with technical means)
- Keeping records and data registers;
- Carrying out security checks for persons, whose stay may be relevant to the national security.
- Providing counter-intelligence protection of persons and facilities.

According to their constitutional and legal competencies, the security services submit an annual report to the President of the Republic of Macedonia, the President of the Assembly of the Republic of Macedonia and the Government of the Republic of Macedonia. The data delivered to these bodies are treated as a state secret, unless otherwise is decided.

The security services report to the Public Prosecutor's Office on indications for preparing or committing an act of terrorism.

The Draft-Law on Communication Interceptions is in parliamentary procedure. The legal ground for this law is provided by the Amendment XIX to the Constitution ("Official Gazette of the Republic of Macedonia" No.84/03).

7. Are there specialised bodies dealing with the financing of terrorism?

In the Republic of Macedonia, there is no specialised body dealing with investigation of financing terrorism. The financing of any criminal activity is dealt with by the following institutions: the Directorate for Prevention of Money Laundering and the Financial Police. The other law-enforcement agencies investigate the financial aspect of criminal activities through their specialised units for financial crime, and in cooperation with other relevant administrative bodies: the Public Revenues Office, the State Foreign Exchange Inspectorate, the Securities and Exchange Commission and the National Bank of the Republic of Macedonia.

The Intelligence Agency, within its organisational structure has a separate department which performs intelligence on the activity of international organisations and structures providing funds for

terrorist activity by illegal trade, money laundering, suspicious financial transactions and transfer of capital gained from crime.

Within its responsibilities under the Law on Prevention of Laundering of Money and Other Proceeds from Crime, the Directorate for Prevention of Money Laundering monitors the suspicious transactions possibly related to terrorist activity. If the Directorate suspects that an offence of money laundering or financing terrorism is being committed, it is obliged by Law to submit an initiative to the corresponding Public Prosecutor, no latter than 24 hours of the moment of realisation of the suspicious transaction. The Public Prosecutor may under the Law suspend the transaction and temporary seize the money or the property.

8. What is done to provide concerned staff with specialised training?

The education and training of the Police is based on theoretical and practical capacity building. It is mainly organised and performed by the Police Academy. Additionally, officers participate at training courses and seminars organised by partner services and states.

In the Police Academy, experts from the Ministry perform a course entitled "Basic Course for anti-terrorist and counter-diversion protection", basically for the needs of the airport and border security.

Officers from the specialised units attend training courses and seminars, organised by other partner countries and services, such as the course "Counter measures for protection from explosions" and "Procedures after bombings" organised by the Department of State - Bureau of Diplomatic Security's Antiterrorism Assistance Program (DS/ATA); "Course for Dealing with hostage situations", organised by the US Embassy in Budapest and the Centre for Fight Against Terrorism for South East Europe; "Course for disassembling explosive devices" organised by the Police of Turkey; "Fight against Terrorism and Illegal Trade" organised by the PFP – Turkish Training Centre; the seminar "Legal Aspects in the Fight Against Terrorism" organised by the USA Military Institute for international Legal Studies and the US Embassy in the Republic of Macedonia; "Fight Against Terrorism in South East Europe and future directions of SEDAM", organised by NATO, etc.

9. Provide information on existing bilateral and international co-operation (including liaison officers and magistrates).

Recognising the international dimension of terrorist activities, and the necessity for joint action in their suppression, the Government of the Republic of Macedonia and the responsible agencies develop the cooperation with other countries, international organisations and institutions. In this context, the Government of the Republic of Macedonia has, so far, concluded agreements for bilateral cooperation in the fight against terrorism with the Governments of: Turkey (1992); Slovenia (1995); Croatia (1997); Bulgaria (2002); Serbia (2003); Montenegro (2003); Romania (2003); Albania (2004).

The security services of the Republic of Macedonia, in accomplishing their duties on suppression of terrorism, continually exchange data with representatives of foreign security services and expert teams. Intelligence is exchanged through appointed liaison officers in the Republic of Macedonia. Currently, a direct cooperation is established with services and agencies of: Albania, Bulgaria, United Kingdom, Germany, Greece, Italy, USA, Russian Federation, the French Republic, Turkey, Croatia.

Likewise, cooperation and direct contacts are established with competent representatives of Serbia and Montenegro, Slovakia, and the UN Mission in Kosovo- UNMIK.

Within the SECI Centre in Bucharest liaison officers are detached from the Ministry of the Interior and the Customs Administration. A representative from the Sector for Anti-terrorism of the Ministry of the Interior participates in the work of the "Working Group for anti-terrorism", chaired by the Republic of Turkey.

The need for harmonisation of interests and establishing a joint strategy of the countries of South East Europe for prevention and suppression of threats stemming from international terrorism has resulted in establishing regional cooperation on multilateral level - the South East Europe Intelligence

Conference-SEEIC. The Intelligence Agency of the Republic of Macedonia and the Directorate for State Security and Counterintelligence are permanent members thereof.

The Intelligence Agency, within the diplomatic missions abroad, has detached 5 (five) liaison Officers (Croatia, Albania, Bulgaria, Turkey and Serbia and Montenegro), that are directly involved in the bilateral cooperation with the intelligence services of the mentioned states in the fight against terrorism.

10. Provide information on the creation of electronic data banks (statistics, profiling of terrorists etc.).

The Ministry of the Interior collects processes and uses personal and other data on perpetrators of all types of criminal offences, including the criminal offence of *terrorism* and other crimes related to terrorism. These data are entered in the central IT system of the Ministry. Separate registers are kept also for the persons who are on domestic or international wanted lists.

In the Republic of Macedonia, there is no separate statistics and database exclusively related to the perpetrators of the criminal offence of *Terrorism* or criminal offences related to terrorism. However, the security services classify and enter relevant data in the computer system (acquired during their operative work, data exchange with related services or from public sources). Furthermore, these data are appropriately processed and stored in databases for terrorist or other illegal activity related to terrorism.

I. ORGANISED CRIME AND FRAUD

1. Please provide information on national legislation or other rules governing this area, and their adhesion to relevant international conventions.

In recent years, the Republic of Macedonia achieved significant progress in implementation of the European and other international standards that facilitate cooperation in the fight against severe forms of crime, especially in the fight against organised crime, corruption and money laundering, as well as in harmonisation of the national legislation with the relevant international Conventions.

Regarding this, the Republic of Macedonia signed and ratified many international Conventions aligning its legislation to the provisions and standards included in these documents. Thus far, the following Conventions were ratified:

- The United Nations Convention against Transnational Organised Crime and Additional Protocols (2004);
- The UN International Convention on Suppression of Terrorist Bombings (2004); and
- The Convention on Suppression of Financing of Terrorism (2004).
- The Criminal Law Convention on Corruption (1999);
- The Civil Law Convention on Corruption (2002);
- The Convention on Transfer of Sentenced Persons with Additional Protocols (1999);
- The European Convention on Mutual Assistance in Criminal Matters (1999);
- The European Convention on Extradition with Additional Protocols (1999);
- The Convention on Laundering, Search, Seizure and Confiscation of Proceeds from Crime (2000);
- The European Convention on Transfer of Proceedings in Criminal Matters (2004);
- The European Convention on Suppression of Terrorism (2004);
- The Convention on Cyber crime (2004);

Ratification is pending on:

- The Additional Protocol to the Criminal Law Convention on Corruption, and
- The United Nations Convention against Corruption adopted by the UN General Assembly on 31.10.2003

In addition, the recommendations included in the reports on the Republic of Macedonia prepared by international organisations and institutions (the European Commission, GRECO, the Council of Europe Select Committee of Experts on the Evaluation of Anti-Money Laundering Measures PC-R-EV/MONEYVAL, the initiatives of the Stability Pact for SEE), were also taken into consideration when harmonizing the national legislation.

In the national legislation, the following amendments were introduced:

1. Constitution of the Republic of Macedonia

- On 26.12.2003, the Assembly of the Republic of Macedonia passed the Draft Amendment XIX to the Constitution of the Republic of Macedonia, amending Article 17 of the Constitution ("Official Gazette of the Republic of Macedonia", No. 84/2003). With this Amendment, the interception of communications under certain conditions and procedure was legalised, which represents a legal basis for application of special investigative measures.

2. Amendments to the Criminal Code of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia", No. 19/2004), harmonised with the European and other international standards and solutions and creating legal grounds for suppression of organised crime and terrorism. These amendments introduced:

- Criminal liability for legal entities;
- The legal institute of confiscation of property and proceeds, and return of confiscated property to a third country;
- New criminal offences: sanctioning of new forms of money laundering, financing of terrorism, cyber crime and smuggling of migrants; and
- Redefinition of the sanction system by introducing an alternative punishment.

3. Amendments to the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", No. 74/2004), harmonised with the EU legislation and with the provisions of the ratified international documents. These amendment prescribed:

- Application of special investigative measures;
- Measures for ensuring the presence of the defendant in the course of procedure;
- Protection of witnesses, collaborators of justice and victims of crime;
- Legal procedures against legal entities;
- New legal solutions in respect of the procedure for seizure, freezing and confiscation of property in order to enhance the implementation of the Vienna Convention against Traffic of Narcotics Drugs and Psychotropic Substances and the Strasbourg Convention on Money Laundering, Search, Seizure and Confiscation of Proceeds from Crime;
- Procedures for enhancing the transfer of sentenced persons.

4. Amendments to the Law on Prevention of Money Laundering and Other Proceeds from Crime ("Official Gazette of the Republic of Macedonia", No. 46/2004). These amendments ensure:

- More efficient system of preventive measures and activities against money laundering and financing of terrorism; and

- Harmonisation of the national law with the provisions of the international documents (the UN Convention against Transnational Organised Crime, EU Council Directive 91/308/EEC of 10.06.1991 on Prevention of Use of the Financial System for the Purpose of Money Laundering, and the EU Directive 2001/97/EEC of 2001, amending the Directive of 1991, as well as the FATF Forty Recommendations on Prevention of Money Laundering, and the FATF Eight Special Recommendations on Financing of Terrorism).

5. Amendments to the Law on Prevention of Corruption ("Official Gazette of the Republic of Macedonia", No. 83/04 – consolidated text). These amendments ensure:

- higher level of autonomy and independence of the State Commission for Prevention of Corruption by gaining capacity of a legal entity;
- enhancement of the role of the State Commission for Prevention of Corruption in protection of its members and of persons dealing with prevention of corruption; and
- strengthening the limitation of using the budgetary funds.

6. The new Law on Public Prosecutor's Office ("Official Gazette of the Republic of Macedonia", No. 38/2004):

- Introduced a separate unit (established in September 2004) for fight against organised crime and corruption within the Office of the Prosecutor General with prosecutors specialised for combating organised crime (in conformity with the recommendations of the Council of Europe, GRECO, the London Conference of the EU Troika for Justice and Home Affairs and other international organisations and institutions for combating corruption);
- Enhanced the position and autonomy of the Public Prosecutor;
- Established a council of prosecutors as an advisory body; and
- Prescribed a possibility to put members from the Ministry of the Interior and other responsible institutions on disposal of the Public Prosecutor.

7. The Draft Law on Witness Protection which is in Parliamentary procedure.

8. The Draft Law on Interception of Communications which should establish the conditions, manner and procedure for use of this measure, is also in drafting procedure.

2. Please provide an overview of your activities to implement the action-oriented measures that were adopted by the Government as a follow-up to the London Conference and presented at the EU-Western Balkans JHA ministerial meeting of 28 November 2003.

In accordance with the obligations undertaken at the London Conference on fight against organised crime in South East Europe (held on 25.11.2002) and the meeting of the EU Troika in the field of Justice and Home Affairs (held in Thessalonica on 22.04.2003), the Republic of Macedonia prepared a document - Specific Action – Oriented Measures against Organised Crime in Republic of Macedonia, dated 10.11.2003, which was presented at the EU Troika Ministerial Meeting in the field of Justice and Home Affairs, held in Brussels, on 28.11.2003.

The fulfilment of the agreed activities and the realisation of the priorities planned in the document, are monitored by the Sector for European Integration (SEI) within the General Secretariat of the Government of the Republic of Macedonia. At the joint meetings with the competent bodies that have a duty to carry out the established measures, information regarding the activities are presented and further measures and activities are coordinated. Simultaneously, the Government of the Republic of Macedonia is informed about the course of the measures and accomplished results.

The Document - Specific Action – Oriented Measures against Organised Crime in Republic of Macedonia has the following priority Measures:

Priority 1: Regional Network of Prosecutors.

- A Memorandum of Understanding and Cooperation between the countries of Western Balkans is in its final phase of preparation;
- The Unit for fight against organised crime and corruption within the Public Prosecutor's Office was established and became operational;
- The Public Prosecutor's Office assigned prosecutors for prosecution of criminal offences in the field of organised crime and corruption. Their training is in progress;
- The Public Prosecutor enacted the secondary legislation for implementation of the Law on Public Prosecutor's office (as well as the Rulebook on Internal Operation of the Public Prosecutors and the Rulebook on Organisation and Operation of the Section for Prosecution of Offenders in the Field of Organised Crime and Corruption);
- In a view of strengthening the fight against organised crime, a National Workshop on basic practical aspects related to detection of organised crime was realised.

Priority 1': Regional justice cooperation (regional justice collaborators and witness protection)

- The Law Amending the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", No. 74/2004) has been enacted, and the procedure for adoption of the Law on Witness Protection has commenced;
- The Ministers of Justice and Home Affairs of the countries of South Eastern Europe, on 18.05.2004, in Bucharest, Romania, signed a Joint Statement on joint campaign against organised crime and corruption in South East Europe within the activities of the SEECp(South East European Cooperation process);
- The Ministry of Justice prepared an Estimate of the total costs for equipment and installation of video-conference room for hearing of witnesses;
- Through the European Agency for Reconstruction a total of 375.000 EUR are provided for equipping of three video-conference courtrooms for hearing of witnesses;

Priority 2: Ministry of Finance - strengthening of the capacity for prevention of money laundering and financial crime and regional exchange of information

- The Assembly of the Republic of Macedonia enacted a new Law on Money Laundering and Other Proceeds from Crime ("Official Gazette of the Republic of Macedonia", No. 46/04);
- The necessary amendments on the Law on Financial Police due to special authorisation of the Financial Police as a competent body for law enforcement are drafted.
- The Directorate for Prevention of Money Laundering signed bilateral Memorandums of Understanding and Letters on Exchange of Confidential Information with the Institutions for Prevention of Money Laundering of Republic of Croatia, State Union of Serbia and Montenegro, Republic of Albania, Romania and Ukraine.
- A new Director of the Directorate for Money Laundering Prevention was appointed;
- A system of electronic information exchange between the financial institutions is established.
- The Directorate is included in the implementation of the regional CARDS programme for development of efficient and functional police systems, strengthening the fight against main criminal activity and cooperation between the police. In cooperation with the Council of Europe, the Directorate, on 06.09.2004 organised a Workshop for all institutions involved in the fight against money laundering, which marked the beginning of the project.
- The Directorate is a leading partner in the implementation of the National CARDS programme 2002 for strengthening the fight against money laundering (0.7M EUR), which has already started. This Project will last for 18 months and involves fulfilment of several goals:
 - Strengthening the existing capacity of the Directorate,
 - Revision of the legislation

- Assistance in creation of a system of processing, analysis and protection of information,
 - Establishing mechanisms for cooperation between the Directorate and the law enforcement agencies,
 - Strengthening the capacity of the police, Public Prosecutors' Office and the judiciary.
- At the 12th meeting of the EGMONT Group, the Directorate for Prevention of Money Laundering is accepted as a new member;
 - The Directorate for Prevention of Money Laundering has made additional efforts to strengthen its own capacity and increases the number of employees from 4 to 8 officers and provides specialist training for all employees;
 - A progress in terms of logistics support to the Directorate for Prevention of Money Laundering is attained, whereby an alarm system is installed and a vehicle is provided. Providing new office premises is in procedure.

Priority 3: Setting up a Special Unit for Fight against Organised Crime and Corruption within the Public Prosecutor's Office of the Republic of Macedonia

- The Assembly of the Republic of Macedonia enacted the Law on Public Prosecutor's Office ("Official Gazette of the Republic of Macedonia", No. 38/04);
- In accordance with the prepared project, the Unit for Fight against Organised Crime and Corruption within the Public Prosecutor's Office has been established and has become operational;
- Providing new office premises for the Public Prosecutor of the Republic of Macedonia is in procedure;
- The Public Prosecutor's Office enacted the Rules for Operation of the Public Prosecutor's Office and Rules for Operation of the Unit for Fight against Organised Crime and Corruption. At the same time, all secondary legislation was adopted.
- The Public Prosecutor's Office, according to the legal regulations, has strengthened the cooperation with relevant institutions in the field of organised crime and corruption (the Ministry of Interior, the Customs Administration of the RM, the Directorate for Prevention of Money Laundering, the Public Revenue Office, the Financial Police). These institutions agreed to prepare a Memorandum of Cooperation, hold regular meetings, appoint contact persons and hold regular meetings on a local level. Thus far, three meetings (on regular monthly basis) of the Joint Group are held, and for the purpose of exchange, collection and data analysis, a practice of holding regular meetings between relevant institutions on a regional and local level has been established.
- The training of assigned prosecutors in the Unit for Fight against Organised Crime and Corruption is ongoing. Language and computer courses are introduced as supplementary to the specific nature of their job.

Priority 4: Specialised training of Judges to fight organised crime.

- Judges that will proceed in cases from the field of organised crime have been assigned;
- The training of these judges is in procedure.

Priority 5: Department for Organised Crime

- According to the Action Plan for Police reform, in January 2005, the Department for Organised Crime within the Ministry of the Interior became operational. The preconditions for work of this Department were created after a complete determination of the internal structure and the enactment of the Rulebook on Manners of Operation and the Rulebook on Systematisation of Working Posts with Description of Working Assignments and Required Qualification for Each Post. The Department is a central service competent on the entire

territory of the Republic of Macedonia with approximately 300 executors. The concrete needs for financial-technical equipment and IT support for the Department have been determined.

Priority 6: Central Criminal Intelligence Unit

- A Coordinative Body, which is comprised of all institutions involved in the fight against organised crime and corruption (Ministry of the Interior, Public Prosecutor's Office, Ministry of Finance-Customs Administration, Directorate for Money laundering Prevention, Financial Police, Public Revenues Office) has been established. This Body has a role of a Centre where the representatives from the abovementioned institutions will meet on a regular basis for the purpose of collection, analysis and exchange of information. The representatives of the institutions have a role of liaison officers, which are in direct 24 hours, mutual communication.
- A Memorandum on Cooperation between the institutions has been prepared by the Public Prosecutor's Office. Its signing is pending.
- A training of 10 analysts is carried out in order to strengthen the capacity of the Section for Criminal Intelligence Analysis, as well as for the needs of the organisational unit in this field foreseen by the reform processes in the Ministry of the Interior.

3. What particular types of crime, especially organised crime, does your country have to deal with? Please provide statistics.

In the past several years (2001, 2002, 2003 and during the nine months of the 2004) a total of 74.297 criminal offences were registered in the Republic of Macedonia. Out of this number, the largest part, or 90,6% are criminal offences in the field of classic types of crime, 5,5% are criminal offences in the field of commercial and financial crime, 2,8% are criminal offences in the field of illegal trade, and 1,1% are criminal offences in the field of organised crime. This numbers are shown in the Table number 1 separately for each year:

Table number 1

Total of registered criminal offences					
Types of Crimes	2001	2002	2003	9 months of 2004	Total
Total of registered criminal offences	17.139	18.308	22.547	16.303	74.297
Criminal offences in the field of classic crime	15.749	16.843	20.018	14.686	67.296
Criminal offences in the field of commercial crime	669	756	1.663	1.028	4.116
Criminal offences in the field of illegal trade	526	487	644	432	2.089
Criminal offences in the field of organised crime	195	222	222	157	796
Source: Ministry of the Interior					

This division into types of criminal offences is made according to the Classification of criminal acts in the Republic of Macedonia ("Official Gazette of the Republic of Macedonia", No. 60/97).

In the field of classic crime, the activities of the Ministry of the Interior were particularly directed towards dealing with criminal offences against life and body; fundamental human rights and freedoms; freedoms and rights of citizens; sexual freedom and sexual morality; marriage, family and youth; property; general safety of people and property and; safety in legal traffic and legal order. In the field of commercial crimes, the criminal offences against public finances, payment operations, economic order, official duty, environment and against production are dominant. In the field of illegal trade, the most typical are the various forms of smuggling, illegal trade with weapons, narcotic drugs etc.

In the following table, the most typical criminal offences in various fields of crime are presented.

Table number 2

Registered criminal offences					
More characteristic criminal offences	2001	2002	2003	9 months of 2004	total of criminal offences
Murder	56	61	73	36	226
Severe body injury	188	203	231	183	805
Aggravated theft	8.193	8.370	9.128	6.891	32.582
Banditry	252	447	548	554	1.801
Taking away a motor vehicle	511	576	560	570	2.217
Fraud	313	345	534	450	1.642
Extortion	16	28	31	32	107
Blackmail	1			2	3
Act of violence	68	95	109	54	326
Kidnapping	6	20	18	19	63
Abuse of official duty	168	178	854	408	1.608
Counterfeiting official document	86	76	80	105	347
Embezzlement in the service	22	71	66	31	190
Receiving a bribe	20	13	4	9	46
Giving a bribe	7	8	9	15	39
Intermediation in prostitution	31	17	27	21	96
Rape	39	36	56	35	166
Sexual attack upon a child	44	56	52	29	181
Illegal crossing of state border	26	8	9	4	47
Founding a slave relationship	6	6	2		14
Trafficking in human beings		18	42	11	71
Illicit drug trade	348	282	406	273	1.309
Illicit arms trade	138	153	213	151	655
Terrorism	46	27	16	2	91
Counterfeiting money	145	177	144	91	557
Source: Ministry of the Interior					

In the field of organised crime, criminal offences of corruption and corruptive behaviour, trafficking in human beings and forced prostitution are the most represented crimes. For the purpose of suppression of these crimes, significant activities have been carried out and several police investigations related to cases of corruptive behaviour and malversation in the field of economic and financial operations have been conducted and documented. In addition, the activities in the field of trafficking in human beings have been intensified through performing frequent controls in the catering facilities. Beside the aforementioned, activities in a great number of cases in the field of counterfeiting and crimes with violent elements were also carried out. Out of the realised police investigations in the field of financial operations and economy, in the framework of privatisation, i.e. restructuring of enterprises, many cases of malversations carried out by directors, managers and other managerial staff in cooperation with persons from private enterprises; cases of malversations in the public procurements and; other illegal transactions within the Public Sector have been detected. Furthermore, in the field of classical forms of corruption, the criminal offences of receiving and giving bribe have been detected, and in most of the cases the act of giving a bribe is committed by giving financial means to an official person in order to perform, or to refrain from performing official acts.

Continuous and organised activities have been carried out for detecting the main agents of criminal activities related to trafficking in human beings and counterfeiting of money. Still, regarding the cases of counterfeiting money, most of them involve releasing counterfeited banknotes in circulation by individuals. More organised forms of production of counterfeited banknotes and their release in circulation are less present.

In the following Table, statistical data on the number of registered criminal offences in the field of organised crime in the 2001, 2002, 2003 and nine months of 2004 are presented.

CRIMES IN THE FIELD OF ORGANISED CRIME

LEGAL CLASSIFICATION	2001	2002	2003	9 months of 2004
	Criminal offences	Criminal offences	Criminal offences	Criminal offences
Unauthorised production and release in trade of narcotics, psychotropic substances and precursor (Art. 215, p.2)	13	9	9	18
Unauthorised procurement and possession of nuclear materials (Art. 231)	/	/	/	/
Extortion (Art.258, p.2)	4	3	1	8
Counterfeiting Money (Art. 268)	154	177	144	91
Money laundering and other unlawful property gain (Art.273)		/	/	/
Trafficking (Art.278, p.2)	4	5	44	69
Receiving a bribe (Art. 357)	20	13	4	9
Giving a bribe (Art. 358)	7	8	9	15
Unlawful intermediation (Art. 359)	1	2	4	/
Disclosing an official secret (Art.360)	/	/	/	/
Manufacture and acquisition of weapons and means intended for committing a crime (Art.395)	/	1	/	/
Trafficking in human beings (Art.419)	/	18	42	11
TOTAL	203	236	257	221

The source of the presented statistical data are the records and data from the Ministry of the Interior and are in compliance with the Law on Classification of Criminal Acts in the Republic of Macedonia ("Official Gazette of the Republic of Macedonia", No. 60/97).

4. Specify if there is a proven international dimension of organised crime in your country

The data and information collected thus far, as well as the analysis of detected cases and current assessments, indicate an existence of links between criminal groups active on the territory of the Republic of Macedonia and criminal groups active on the territories of the countries of Central and Eastern Europe (Bulgaria, Russia, Albania, Czech Republic), Turkey, Middle East countries, and in particularly with the criminal groups active on the territory of the countries and territories created after the collapse of the former Yugoslavia (Serbia and Montenegro, Croatia, Bosnia and Herzegovina, and Kosovo). However, there are indications that criminal groups from the Republic of Macedonia are linked with organised criminal groups from Western European countries as well, which in fact represent a final destinations of the criminal activity. The links between these groups are particularly visible in the field of illicit trade in narcotics and psychotropic substances, smuggling of persons, smuggling of excise goods, illegal trade in weapons and stolen luxury motor vehicles.

According to the experience in this field, the illicit trade in narcotics and psychotropic substances could be taken as a specific example. This illicit trade in fact presents a part of the activities of the so-called Balkan drugs route, where the Republic of Macedonia is a transit area and due to its small and non-profitable market, only a small part of the drugs which come from the Middle East and Turkey and are intended for the West European narcotics markets remains on its territory. The Republic of Macedonia is also a transit part of the international smuggling channels for smuggling of human beings across state border from high migration-risk countries to the countries of Western Europe.

International connections between the criminal groups involved in illegal trade of weapons have also been noted. This channel is well developed and organised by criminal structures from the Republic of Macedonia, Albania and other Western Balkans countries, mainly because the current situations

and events on the Balkans, inclusive of the Republic of Macedonia, provide possibilities for increased profit. In regard to smuggling of excise goods, the territory of the Republic of Macedonia is primarily a transit area, but also a final destination for certain smuggled goods that in substantial quantities are sold on the illegal market.

The phenomenon of trafficking in human beings, especially of women for the purpose of forced prostitution has an international dimension. The Republic of Macedonia may appear as a final destination and for this reason the following channels are used: Moldova-Romania-Serbia and Montenegro-Republic of Macedonia and Romania-Bulgaria-Republic of Macedonia or Moldova-Romania-Republic of Macedonia; and as a transit state with Albania being the final destination, while a part ending on the white slavery markets of other European countries.

Connections between international criminal groups and criminal groups in the Republic of Macedonia also exist in the cases of smuggling of stolen vehicles from Western Europe and Republic of Macedonia that end up on the illegal markets in Eastern Europe and in the neighbouring countries.

5. What are the main elements of your policy dealing with organised crime?

For efficient fight and identification of all varieties and types of organised crime, a priority in the fight against this type of crime is establishing of basic conditions such as:

- Efficient penetration of the Law Enforcing Agencies into the criminal environment and criminal groups, for the purpose of detecting, identifying and providing evidence for the criminal activity of the main participants using legally prescribed methods and means;
- Establishing and improvement of the cooperation between the Police and the citizens;
- Suppression of all types of organised crime behaviour;
- Suppression of corruption;
- Prevention of money laundering and other proceeds from criminal offences, and
- Confiscation of proceeds gained from crime.

For that purpose, the following activities are necessary:

- Consistent enforcement of the international instruments and harmonisation of the national legislation with the European Union legislation and United Nation's standards pertaining to combat and repression of organised crime, corruption and money laundering, taking into consideration the recommendations incorporated in the Reports on the Republic of Macedonia, prepared by some international organisations and institutions (the European Commission, GRECO, The Select Committee of Experts on the Evaluation of Anti-Money Laundering Measures PC-R-V/MONEVAL, Initiatives of the Stability Pact for SEE, etc.);
- Completion of activities and consistent implementation of the Document – Specific Action – Oriented Measures against Organised Crime in Republic of Macedonia, adopted by the Government of Republic of Macedonia as a follow-up activity of the London Conference, and presented to the EU – Western Balkans Justice and Home Affairs Ministerial Meeting, held on 28.11.2003;
- Providing an impartial, expert, legally based and collective operation of the police officers in detection of organised crime, as well as synchronised and coordinated acting of all subjects and institutions of the system responsible for fight and suppression of organised crime, corruption and money laundering;
- Successful detection and prevention of corruptive behaviour in all segments and levels of state administration, as well as elimination of all conditions contributing towards criminal behaviour occurrence, and prevention of potential connections between the criminal groups and groups of civil servants for the purpose of committing crimes in the field of organised crime;

- A consistent enforcement of the criminal law provisions, for the purpose of fulfilment of “the crime does not pay” principle and to impede the laundering of criminally gained and dirty money;
- Continuous training of authorised officers who perform duties and tasks of crime suppression, and their adequate equipping with necessary technical means;
- Permanent adjustment in the organisation of the subjects responsible for fight against organised crime in line to respond to the challenges of this type of crime with a coordinated and organised joint action on the entire territory of the Republic of Macedonia, followed by, as few as possible, formal obstacles in the enforcement of the operational processing, with clear vertical hierarchy of management;
- Establishment of independent and efficient judiciary;
- Prompt management and completion in a reasonable and legally prescribed period of the criminal proceedings, which are carried out in relation to committed criminal offences of all types, and especially of those in relation to organised crime, and
- Intensifying, broadening, maintenance and enhancement of all forms of international police cooperation for the purpose of more successful detection and repression of organised crime, as well as exchange of data and information in relation to it.

6. Is there a system allowing for confiscation/seizure of proceeds from crime?

The criminal law concept of *Confiscation of proceeds from crime* is established with the Law Amending the Law on Criminal Procedure (“Official Gazette of the Republic of Macedonia”, No. 19/04). This concept, although it was functioning in a different form before the adoption of this amendments (seizure of proceeds), is a major step forward in suppression of illicit earning of persons connected to organised crime.

The substance of this concept is regulated within a separate Chapter of the Criminal Code (“Official Gazette of the Republic of Macedonia”, Nos. 37/96, 80/99, 4/02 and 19/04) where the provisions stipulate the grounds and the methods for confiscation. The confiscation from a legal entity and the protection of an injured Party is regulated as well. The procedure for confiscation is regulated with the Law on Criminal Procedure (“Official Gazette of the Republic of Macedonia”, Nos. 15/97, 44/02 and 74/04).

According to the provision of the Criminal Code, it is prescribed that a person may not retain an indirect or direct profit acquired through crime. The provisions of the Law prescribe that the proceeds acquired in such manner shall be confiscated with a court decision with which the fact of perpetration of the criminal offence was established. The Court will bring a decision on confiscation in a procedure determined by law even when, because of factual or legal obstacles the criminal procedure against the perpetrator of the criminal offence is impossible.

The Criminal Code also contains a provision stipulating that the confiscated property may be returned to another state under conditions determined by a ratified international agreement.

In accordance with the legal provisions, the confiscation of the proceeds from crime consists of confiscating money, movable or real-estate objects of value, as well as any other title, property or assets, material or non-material rights. Furthermore, if the aforementioned confiscation is not possible, the Law stipulates the possibility of confiscation of another property from the perpetrator in the amount corresponding to the proceeds acquired through crime.

The confiscation of the proceeds may be enforced on third persons as well, to whom they were transferred without appropriate compensation, if they did not know although they were able to know or had the duty to know that the proceeds were acquired through crime.

The Criminal Code prescribes a special regime of confiscation of objects that are declared as cultural heritage and natural heritage, as well as those objects to which the injured party is personally linked. Namely, they shall be confiscated from third persons, irrespective of the fact that they did not know or

were not able, nor they have duty to know that the proceeds were acquired from crime, and irrespective of whether the title on the objects was transferred to them with appropriate compensation.

As a rule, the confiscated goods are returned to the injured party. If there is no Injured party, the confiscated property become state ownership.

Within the Criminal Code there is a provision for protection of the injured party. Namely, the injured party that within a criminal procedure refers to litigation with regards to its property claim, may request to be compensated from the amount of the confiscated value, within a legally prescribed timeframe.

Within the Criminal Code there is a provision for protection of the injured party that did not submit property claim during the criminal procedure. Namely, the injured party may request settlement from the amount of the confiscated value, if for the purpose of determining the claim, they instigated litigation within a legally prescribed timeframe.

In the fight against organised crime and corruption, of particular significance is the novelty of introducing criminal law liability of legal entities, and the legal possibility for confiscation of acquired proceeds from crime from a legal entity.

The procedure for implementation and enforcement of the confiscation of property and proceeds is regulated by the Law on Criminal Procedure. The provision of the Law stipulate that the enforcement of the confiscation shall be carried out within 30 days from the day when the sentence became final, and on the basis of an enforcement order issued by the Court that brought the sentence in the first instance.

The Law determines that the execution shall be carried out from the property and proceeds established with a court decision, and if that is partially or entirely not possible, the execution shall be carried out from the rest of the property of the person against whom that measure is pronounced.

The Law contains also a provision that prevent possible abuses after committing the criminal offence. Namely, the legal acts concluded after perpetration of the criminal offence, and with the intention to decrease the value of the proceeds which are subject of confiscation, are invalid, according to the law.

7. Describe the specific institutions/bodies/departments/court chambers set up to fight organised crime (including data on staff, budgetary allocations and equipment in this area). How do you ensure special training of law enforcement officers including prosecutors and judges in this area?

The Ministry of the Interior

As one of the priorities in the fight against organised crime, within the Ministry of the Interior a Department for Organised Crime was formed. With its forming, the level of this service was upgraded, with ramification of its structure and introduction of specialised units for different types of crime. These special units are formed for implementation of special investigative techniques as well.

The department will deepen the cooperation realised untill now among the former Sector, other State institutions and police services of third countries. Strengthened is the function of criminal intelligence and analyse, situated in particular Sector. This Sector gathers data and information that point to various forms of illegal behaviour; analyses and processes the gathered information, especially those indicating crimes of criminal groups and: utilises and hands over information and analysis necessary for preparation, planning and implementation of operative-criminalistics processing. Furthermore, the Department for Organised Crime, in cooperation with other organisational units prepares, plans and implements operative-criminalistics processing of criminal groups active on the territory of the Republic of Macedonia, or those with connections abroad; analyses the situation, the movement and

the phenomenal forms of the crime; finds the most appropriate solutions for prevention and suppression of organised crime and; performs other activities in the field of organised crime.

The Department for Organised Crime, according to the current systematisation of positions has 135 criminal inspectors and its work is managed by the Head of the Department. In the framework of the Criminal Police, at the 12 regional Sections and 23 Sectors of Internal Affairs, there are units and inspectorates for suppression of organised crime. The total number of police personnel that perform tasks on suppression of organised crime is 116 inspectors, including 21 officers at managerial positions

Furthermore, the operative assets of the Department for Organised Crime and the regional organisational units are provided from the funds of the Ministry of the Interior. The Action Plan for Police Reform assesses the financial needs of the department on 4.734.000 EUR which partly will be secured from the budget of the Republic of Macedonia, and partly from the CARDS programme where already several projects are planned or are underway.

A specialised training of the police inspectors performing activities for suppression of organised crime is carried out through regular and extraordinary seminars and courses, which are organised in cooperation with the Police Academy. Furthermore, international seminars are organised in cooperation with the police services of other countries, governmental institutions, non-governmental organisations, etc.

In the framework of the Ministry of the Interior, within the Directorate for State Security and Counterintelligence, a Sector for Organised Crime deals with sophisticated forms of organised crime within the scope of work of the Directorate for State Security and Counterintelligence. This Sector operates with 40 operative employees.

Public Prosecutor's Office

One of the key institutions competent for combating organised crime in the Republic of Macedonia is the Public Prosecutor's Office. The new Law on the Public Prosecutor's Office foresees establishing of a Unit for Fight against Organised Crime and Corruption within the Public Prosecutor's Office. The Unit carries out activities *ex officio*; in respect of crimes committed by an organised group of at least 3 persons that perform activity for a certain period of time in order to acquire direct or indirect financial benefit, or other type of material benefit and shall commit one or more criminal offences and; in respect of other crimes for which a legally prescribed penalty is at least four year prison sentence. Following the prescribed competencies, the Unit acts before all competent Courts in the Republic of Macedonia.

The Rulebook on the Organisation of the Unit stipulates that the Unit will be comprised of not more than 10 members (Public Prosecutors and Deputy Public Prosecutors). The concrete number of positions to be filled will depend on the volume of work of the Unit.

The staff of the Section is assigned by the Public Prosecutor of the Republic of Macedonia for a period of four years with an opportunity to be assigned again after the end of this period.

The training of the staff is carried out under the Program for Education organised by the Association of Public Prosecutors of the Republic of Macedonia in cooperation with the Centre for Continuing Education. Thus far, training has been organised on issues related to crimes in the field of trafficking in human beings as a most visible segment of the organised crime. This activity has resulted in preparing of an Operative Manual intended for judges and public prosecutors and a Practice Book on specific practical aspects of this type of crime. Many seminars on topics related to corruption and money laundering and trafficking in human beings, in which large number of public prosecutors participated, have been organised, as well.

Under the 2005 Budget ("Official Gazette of the Republic of Macedonia", No. 96/04), 10.000.000 MKD were allocated for reconstruction and equipping of the Public Prosecutor's Office. The funds for

expenses of the Unit for Fight against Organised Crime and Corruption are also included in this amount.

Customs Administration

The Customs Administration of the Republic of Macedonia has specific competencies in the fight against organised crime and trafficking in human beings. The Customs Administration, implements its function of a law enforcement state body through the Sector for Control and Investigations. For the purpose of more efficient dealing with all new forms of organised crime and aimed at undertaking concerted actions with other state institutions, in particular with the Public Prosecutor's Office and the judiciary, a joint training of the personnel of these institutions has been organised in the country and abroad. Hence, 12 Customs Officers from the Customs Administration of the Republic of Macedonia participated in trainings concerning issues of money laundering, crimes related to corruption, abuse of official position, trans-national organised crime, trafficking in human beings, financing terrorism, tax evasion, smuggling etc. In addition to the employees of the Customs Administration, representatives from the Public Prosecutor's Office and the judiciary attended these training programmes as well, in order to facilitate the inter-connectivity of these institutions for the purpose of joint operation, coordination and successful realisation of the fight against the mentioned types of organised crime.

Under the 2005 Budget, 507.322.000 MKD are allocated for the Customs Administration. Part of these funds are designated for accomplishment of the basic priorities of the Customs Administration for 2005, such as enacting new Customs Law, preparing by-laws, fight against illicit trade in drugs, IT support for document exchange, etc.

Directorate for Prevention of Money Laundering

The Law on Prevention of Money Laundering was adopted in 2001, after which the Directorate for Prevention of Money Laundering was established (operative since March, 2002) As a body within the Ministry of Finance, it operates as a mediator in the process of information exchange between the private sector and the state bodies competent for prosecution of the crime of money laundering. According to the provisions of the Rulebook on Organisation and Operation of the Ministry of Finance, the Directorate as an administrative model of Financial Intelligence Unit (FIU) is organised in three Departments: Department for Analyses, Department for Suspicious Transactions and Department for System Development and International Cooperation. The Department for Analyses is in charge of collecting information that, according to the provisions of the Law, are forwarded to the Directorate by other entities. If suspicion arises, after an analysis of a certain transaction was carried out, this Department submits a Report on the transaction to the Department for Suspicious Transactions for more detailed processing.

The Department for Suspicious Transactions is in charge of undertaking procedures following reports on suspicious transactions submitted by entities obliged to do so by law, reports from competent state bodies and reports from competent bodies of other countries received through the Department for International Cooperation.

The Department for System Development and International Cooperation is competent to follow and study laws and secondary legislation that regulate the prevention of money laundering and financing of terrorism at national and international level.

The current number of employees at the Directorate is 8 persons assigned to each of the Departments at the Directorate. Their training is underway, and in the future it will continue through regular attendance of trainings and seminars organised under the CARDS 2002 project, or facilitated by other associations for technical assistance, such as GTZ and USAID.

The operative costs or expenditures of the Directorate, funds for salaries, costs for lease of premises and fixed assets for regular operation are provided from the Budget of the Ministry of Finance. The Directorate is included in the preparation of the Budget of the Ministry of Finance, in terms of making projections for its own costs, which should be made depending on the activities that are foreseen in

the concerned budgetary year. Under the budget of 2005, for the first time, in separate budget line, funds designated for capacity strengthening of the Direction were allocated (in total 3.672.000 MKD).

Financial Police

The Law on Financial Police prescribes the competencies of an operational law enforcement agency for detection, prosecution, documentation and evidence gathering for committed financial crimes. This Law provides specialisation and specific competence in respect of detecting law offenders who are involved in activities related to the most complex forms of financial crime, tax evasion, money laundering, smuggling, illicit trade in goods and products or other forms of crimes which include non-payment of significant amounts of tax, customs duties, or represent legalisation of proceeds from crime. In case such crimes cannot be proven directly with the existing evidence, the Financial Police applies the method of circumstantial evidence regarding proceeds, as determined and systematised by the Law on Financial Police, as well as by other regulations in the field of finances.

The Financial Police is comprised of 10 financial police officers-economists and lawyers that especially for this purpose have been taken over from the Public Revenue Office, the Ministry of the Interior and the Public Prosecutor's Office.

The Financial Police is a body within the Ministry of Finance and therefore is a part of the executive branch of the government. The Director of this Directorate is appointed by the Government of the Republic of Macedonia. He/She is accountable for his/her work to the Minister of Finance and the Government of the Republic of Macedonia. In light of the specific nature of their job, the selection and appointment of the financial police officers is conducted according to the Rulebook on Skills Testing and Assessment of Predispositions for Performing Financial Police Activities that prescribes special conditions for appointment.

For fight against financial crime, for the first time under the Budget for 2005, in separate budget line 3.976.000 MKD were allocated.

Training of Judges and Public Prosecutors in the field of fight against organised crime

The Centre for Continuing Education organises training for judges in the Republic of Macedonia. In this respect, special attention is paid on training for fight against organised crime. In addition to judges, the Public Prosecutors too, actively participate in these programs. For more details on the activities organised by the Centre for Continuing Education see charts given in answer [24 I 14](#).

Training organised by the Police Academy

The Police Academy also provides training for staff involved in the fight against organised crime. Organised crime as a topic is elaborated in the programs for basic police training and in the programs for graduate and postgraduate studies.

The Police Academy, in cooperation with the Ministry of the Interior, has prepared special program for basic training in the field of organised crime, which covers all persons (155 in total), that after the reform of the Ministry is finished, will be assigned to work in the Department for Organised crime. This training programme started in mid January 2005 following the completion of the procedure for staff assignment. Considering the large size of this group, the training is carried out in 4 cycles. With the first cycle the managerial staff is covered and they will attend specialist management training in April 2005.

The program for this training includes issues on organisational structure and competences of the newly established Department for Organised Crime, the latest amendments to the national legislation, the up to date methods of work and international documents and cooperation. The training provides for multidisciplinary approach with a special focus on inter-ministerial cooperation. For more details, see answer [24 G 09](#).

8. How do you co-operate internationally in fighting organised crime and how do you ensure national coordination in this combat? How do you co-operate with the private sector, notably the banking sector?

In the fight against organised crime, the Republic of Macedonia consistently applies the international standards and directions stemming from the ratified International Conventions and Protocols.

Numerous bilateral and multilateral agreements on cooperation in and strengthening of the fight against organised crime have been signed. The same was done in respect of mutual legal assistance in criminal matters, especially in the field of organised crime and severe forms of economic and financial crime, and on extradition of perpetrators of crimes. The representatives of the Ministries of Justice and Home Affairs of the countries of South East Europe, among which is the Republic of Macedonia, have signed a Joint Statement on Strengthening the Regional Cooperation in the field of Organised Crime and Corruption on 18.05.2004.

Bilateral agreements with several countries have been concluded as well. Such as :

- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Slovenia on Cooperation against Terrorism and Organised Crime (1995);
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Croatia on Cooperation against International Trade in Drugs and Psychotropic Substances, International Terrorism and Organised Crime (1997);
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on Cooperation in the Fight Against Terrorism, Organised Crime, Illegal Traffic with Narcotic Drugs, Psychotropic Substances and Precursors, Illegal Migration and Other Criminal Offences (2003);
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Montenegro on Cooperation in the Fight Against Terrorism, Organised Crime, Illegal Traffic with Narcotic Drugs, Psychotropic Substances and Precursors, Illegal Migration and Other Criminal Offences (2003);
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Serbia on Cooperation in the Fight Against Terrorism, Organised Crime, Illegal Traffic with Narcotic Drugs, Psychotropic Substances and Precursors, Illegal Migration and Other Criminal Offences ;
- Agreement between the Government of the Republic of Macedonia and the Government of Romania, on Cooperation in the Fight Against Terrorism, Organised Crime, Illegal Traffic with Narcotic drugs, Psychotropic Substances and Precursors, and Other Illegal Activities, and
- Agreement between the Government of the Republic of Macedonia and the Council of Ministers of the Republic of Albania on Cooperation in the Fight Against Terrorism, Organised Crime, Illegal Traffic with Narcotic drugs, Psychotropic Substances and Precursors, Illegal Migration and Other Illegal Activities.

The Police cooperation with third countries is carried out through the Sector for European Integration and International Cooperation within the Ministry of the Interior. This cooperation is carried out through INTERPOL liaison officers and channels, the SECI (South-Eastern Europe Cooperation Initiative) liaison officers, and liaison officers from third countries appointed in the Republic of Macedonia. For more details on police cooperation see [24 G 10](#).

The Directorate for Prevention of Money Laundering in the fight against money laundering and financing of terrorism, upon request and on reciprocal basis continuously exchange information with authorised agencies of other countries and international organisations engaged in the fight against money laundering and fight against financing of terrorism. The Directorate for Prevention of Money Laundering in order to strengthen the regional cooperation, have signed bilateral Memorandums of Understanding and Letters on Exchange of Confidential Information with corresponding Institutions

for prevention of money laundering of Republic of Croatia; Republic of Slovenia, Republic of Bulgaria, Republic of Serbia, Republic of Albania, Republic of Ukraine and Romania.

The coordination on central level in the fight against organised crime is performed by the Government of the Republic of Macedonia. The coordination and monitoring regarding the realisation of the Document on Specific Action – Oriented Measures against Organised Crime in Republic of Macedonia is performed by the Sector for European Integration and with administrative support of the Unit for Justice and Home Affairs.

According to the Law on Organisation and Operation of the State Administrative Bodies (“Official Gazette of the Republic of Macedonia”, Nos. 58/00 and 44/02), the civil service bodies performing inspection tasks, are obliged to cooperate mutually and to exchange information of mutual interest in execution of inspections of common interest.

For the purpose of more successful fight and suppression of organised crime, the mutual cooperation and exchange of information and data is a legal obligation for all institutions involved in detection of crime and law enforcement. Regarding this, when investigating severe and typical cases of crime, coordinated joint activities aiming at securing material evidence through joint expert working bodies and commissions are carried out.

In the Republic of Macedonia, the cooperation of the law enforcement agencies with the banking sector regarding the prevention of money laundering and financing of terrorism, is carried out through the Directorate for Prevention of Money Laundering. The banking sector, as a part of the financial sector, under the provisions of the Law on Prevention of Money Laundering and other Proceeds from Crime has a duty to undertake measures and activities for prevention of money laundering. The cooperation is carried out through specially appointed compliance officers in the banks that are responsible to ensure the implementation of the measures for prevention of money laundering in their banks. The cooperation with the banking sector is also carried out through organising trainings and education for employees of the banks in order to achieve more successful implementation of the measures stipulated by the Law on Prevention of Money Laundering and other Proceeds from Crime. On the basis of mutually signed agreements between the Directorate and the banks, a program for electronic data exchange on basis of public keys is created. The Directorate has a possibility to search the database through which daily information dissemination is performed.

According to the Law, the Directorate for Prevention of Money Laundering, upon request and on reciprocal basis, may also deliver data received in execution of its office to organisations and authorised agencies for fight against money laundering of other countries, as well as to international organisations involved in detection and prevention of money laundering and prevention of financing of terrorism.

9. What are the main forms of trafficking (human beings, drugs, cigarettes, firearms, stolen vehicles, etc.) and smuggling?

In the past years, the trafficking in human beings, drugs, firearms, stolen vehicles and smuggling in the Republic of Macedonia has significantly increased in terms of number and diversity.

The trafficking in human beings is conducted through several channels of which the most used ones are the following channels: from Moldova, through Romania and Serbia and Montenegro (including Kosovo) to Republic of Macedonia; from Romania, through Bulgaria to Republic of Macedonia and; from Moldova, through Romania to Republic of Macedonia.

The Republic of Macedonia, being located in the central part of the Balkan Peninsula, is one of the countries through which the so called “Balkan Route” for illicit trafficking in narcotic drugs and precursors is passing through.

The first channel – used for heroin transfer covers Republic of Turkey – Republic of Bulgaria - Republic of Macedonia with final destination in Kosovo.

The second channel covers Republic of Turkey – Republic of Bulgaria - Republic of Macedonia with final destination Republic of Albania.

The third channel used for transfer of narcotic drugs, marihuana and heroin covers Republic of Albania – Republic of Macedonia – Republic of Bulgaria with final destination Republic of Turkey, and

The fourth channel is the one covering Republic of Albania – Republic of Macedonia - Republic of Greece with final destination Republic of Italy.

Regarding the drug trafficking, Republic of Macedonia is increasingly becoming a transit point for the heroin and hashish coming from Southwest Asia and it is a minor transit point for the cocaine coming from South America. Namely, Macedonia is a part of one of the branches of the Southern Balkan Route. Heroin originating from Afghanistan and destined for Western European markets crosses Bulgaria, and then passes through Macedonia, where it is further trafficked to the countries of the Former Yugoslavia that are used as gateways for the markets of the EU countries. Some of the heroin that reaches Macedonia is taken to Albania and from there transferred to various European countries. The trafficking in synthetic drugs has also increased in last two years. These cheap drugs, originating from Bulgaria and Serbia are brought to the Macedonian market in small amounts by small vehicles.

In Republic of Macedonia, the trafficking in arms, as well as all other abuses of small arms and light weapons are present as a consequence of the 2001 crisis when large quantities of illegal weapons were accumulated in the country. The perpetrators of this type of crime are the participants in the 2001 crisis that have not handed over the weapons despite the Action for voluntary handing over of illegal weapons (carried out from 01.11.2003 to 15.12.2003). Small arms and light weapons of Chinese and Bulgarian origin, as well as weapons produced in the "Zastava" Factory in Serbia and Montenegro are mostly available at the illegal market in the Republic of Macedonia. The largest concentration of illegal weapons and explosives is located in the former crisis regions, being the cause for increased number of crimes with elements of violence (above all murders, armed robberies, kidnappings, etc).

In the last ten years, thefts and trafficking in stolen vehicles have become an increasing problem in the country. As different from the previous period, when the largest number of thefts were committed by juveniles and other perpetrators using the stolen vehicles "for taking a ride" or to commit another crime, starting from 1993, there has been an increase in the number of cases of stolen luxury vehicles where the perpetrators are organised in criminal groups that are very often internationally connected. The inter-connection of the local criminals with foreign ones, mostly from the neighbouring countries is evident. Vehicles stolen in the Republic of Macedonia (the largest percent of them in Skopje) are mostly exported into the neighbouring countries - Republic of Albania and State Union of Serbia and Montenegro, and lately into Kosovo as well. Some of the stolen motor vehicles are sold by the perpetrators to mechanic shops, where the vehicles are disassembled and later sold as spare parts. In the former period, stolen vehicles were smuggled to Republic of Bulgaria too, but that has not been the case in the last years. In the last two or three years, the phenomenon of foreign criminal groups stealing vehicles in the Republic of Macedonia has been registered. Namely, such criminal groups from the Republic of Serbia, familiar with the terrain in the Republic of Macedonia, enter the country and steal vehicles on their own, without help from domestic criminals. The stolen vehicles are then exported through illegal border crossing points, and through the legal border crossing points using counterfeited documents prepared in advance. Due to the proximity of the border with the neighbours, the stolen motor vehicles are removed out of the Republic of Macedonia in a very short time, in 20-30 minutes. When committing thefts of vehicles, in addition to the classical techniques of breaking the contact locks, criminal groups use sophisticated electronic equipment for the purpose of unblocking the systems of the passenger motor vehicles.

In the context of the international crime with motor vehicles, the Republic of Macedonia is also interesting as a transit area, and for small percentage of stolen motor vehicles as a country of final destination. The stolen vehicles, entering the Macedonian territory at the legal border crossing points

with counterfeited documents, are smuggled mostly through the territory of the Republic of Macedonia to their final destination - some of the neighbouring countries.

The smuggling also covers the trafficking in alcohol, cigarettes, oil, as well as other products that in a given period of time have lower prices in the neighbouring countries as compared with their prices in the Republic of Macedonia, and vice versa.

In cases of smuggling of excise and other types of goods, it is necessary to mention that in context of cigarette smuggling, the Republic of Macedonia is used as a transit area, and the channels for this kind of smuggling include Kosovo, Republic of Macedonia and Republic of Greece. In addition, there is an illegal transfer of legally imported cigarettes in the Republic of Macedonia to Western European countries.

The smuggling of alcoholic beverages in the Republic of Macedonia is realised using the duty free shops on the borders with Republic of Greece and Republic of Bulgaria (on the side of these countries).

With regards to trafficking in textile goods (of Chinese, Turkish and Bulgarian production), the smuggled goods are usually imported from the Republic of Turkey through Republic of Bulgaria to Republic of Macedonia.

Technical goods (mobile telephones, computers, computers parts) are smuggled from the Republic of Greece into the Republic of Macedonia, while foodstuffs are smuggled from the Republic of Bulgaria and the State Union of Serbia and Montenegro into the Republic of Macedonia.

The trafficking in persons, especially women for prostitution purposes, is becoming also a serious problem. Regarding this kind of crime, Republic of Macedonia is mainly a country of origin and transit country. With regards to the transiting, information from NGOs, official sources and interviews with victims suggest that foreign girls are trafficked through the same routes used for drug trafficking. This means that they are brought into Macedonia from Bulgaria and are then trafficked mainly to Albania, from where they are taken to the European prostitution markets.

10. What are the estimated volumes and value of different categories of illegal trafficking?

In the last several years, smuggling of excise and other types of goods has acquired characteristics of organised crime, and in most of the cases it is directly connected with the crimes of *Corruption*, *Abuse of official position and authorities*, *Use of a document with false contents*, *Falsification of document*, etc.

There are several methods of smuggling excise and other types of goods: smuggling committed with help of customs and police officers enabling illegal entry of goods into the Republic of Macedonia; import of goods by creating fictitious documentation and declaring non-existing companies and; transfer of goods from neighbouring countries into the country across illegal border crossings or in specially concealed compartments in the vehicles.

Starting from 2002 until the end of September 2004, the Ministry of the Interior has detected 549 criminal offences of *Smuggling* and *Illicit trafficking* under the provisions of the Criminal Code ("Official Gazette of the Republic of Macedonia", Nos. 37/96, 80/99, 4/02 and 19/04), and the Law on Excise ("Official Gazette of the Republic of Macedonia", Nos. 32/01, 50/01, 45/02, 98/02 and 24/03), committed by 608 persons. In 2002, 172 criminal offences committed by 189 perpetrators were registered. In 2003, the number registered was 174 criminal offences committed by 197 perpetrators, while in the nine months of 2004 the number was 203 crimes committed by 222 perpetrators. During the previously mentioned period, in the most of the cases, excise goods (cigarettes and alcohol), foodstuffs, technical and textile goods (of Chinese, Turkish and Bulgarian production) have been smuggled.

During 2002, the smuggling of alcoholic and non-alcoholic beverages was rather frequent: 19.375 liters of alcohol and 47.910 liters of non-alcoholic beverages were seized. In addition, 15.950 boxes

of cigarettes, more than 9 tons of meat and meat products, and more than 6 tons of food products (feta cheese, yellow cheese) were also seized.

In 2003 large number of detected cases of smuggling was related to excise goods; 29.868 boxes of cigarettes, more than 21 tones of alcoholic beverages (mostly "Ouzo"), foodstuffs, livestock, etc. were seized.

In the nine months of 2004, 32.7 boxes of cigarettes, 13.034 litres of alcoholic beverages, technical goods (computers and computer parts, mobile telephones), foodstuffs, etc., have been seized as well as medicines, washing powder and various other types of goods.

The Ministry of the Interior, under its competencies for suppression of smuggling of excise and other types of goods, focuses its activities on coordination and cooperation with the Customs Administration and Inspection Services.

The value of seized smuggled goods, represented as the amount of financial damage for the state in 2002, 2003 and the nine months of 2004 totalled 105.035.760 MKD. Of this amount, the value of seized smuggled cigarettes accounted for 46.996.800, of alcohol beverages 13.780.000 MKD, of non-alcoholic beverages 3.000.000 MKD, of foodstuffs 36.229.660 MKD, of technical merchandise 3.338.000 MKD, of seized smuggled textile 1.128.410 MKD, and of other kinds of merchandise 562.890 MKD.

11. Please describe your national legislation on trafficking in human beings (see also questions under Political Criteria).

Several legal provisions within the legislation of the Republic of Macedonia regulate the issue of trafficking in human beings. In accordance with the latest amendments to the Criminal Code of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia" No. 19/04) the crime of trafficking in human beings is regulated by the following Articles: Article 418a, *Trafficking in Human Beings*; article 418b, *Smuggling of Migrants* and; article 418c, *Organising Group and Conspiring to Perpetrate Crimes of Trafficking in Human Beings and Smuggling of Migrants*.

The incriminations in Article 418a - *Trafficking in Human Beings*, are comprised of recruitment, transport, transfer, purchase, selling, harbouring or accepting persons for exploitation by prostitution or other forms of sexual exploitation, pornography, forced labour or servitude, slavery, forced marriages, forced fertilisation, illegal adoption or similar relation, or unlawful transplantation of parts of the human body.

If the offence has been perpetrated against children or minors, it is deemed as aggravated criminal offence, for which a stricter penalty is prescribed, i.e., prison sentence of at least eight years.

The aforementioned legal provision prescribes sanctions against a person who seizes or destroys a ticket, passport or other person's identification document and sanctions against a person that uses or enables another person to use sexual services from a person for which he/she knows that he/she is a victim of trafficking in human beings. The provision also foresees responsibility for legal entities and seizure of goods used for perpetration of the crime.

Article 418b - *Smuggling of Migrants*, sanctions the illegal transport of migrants across the state border, obtaining or possession of counterfeited travel document for such purpose, as well as recruitment, transport, transfer, purchase, selling, harbouring or accepting migrants.

If in perpetration of these offences, the life or the health of the migrant is threatened, or if the migrant is exposed to especially degrading or cruel treatment, or the migrant is a minor, these offences than represent aggravated criminal offences for which stricter sanctions are envisaged, i.e., imprisonment of at least eight years.

Article 418c - *Organising Group and Conspiring to Perpetrate Crimes of Trafficking in Human Beings and Smuggling of Migrants*, sanctions the organisation and conspiring to perpetrate crimes of

trafficking in human beings and smuggling of migrants, and discharges from punishment a member of the group that exposes the group before it commits a crime.

The working version of the Draft Law on Aliens foresees provisions, which will be of great importance in the area of offering assistance and protection to victims of trafficking in human beings. The Law on Witness Protection which is also in drafting procedure, will contribute towards enhancement of the national legislation in direction of more efficient fight against trafficking in human beings, as will the Law on Interception of Communications.

12. Does a National Programme on Combating Trafficking in Human Beings exist in your country? If so, please describe the main elements.

In the area of prevention and fight against trafficking in human beings and illegal migration, the Government of the Republic of Macedonia in 2002 enacted the National Programme for Fight Against Trafficking in Human Beings and Illegal Migration ("Official Gazette of the Republic of Macedonia" No. 10/02). The National Programme foresees activities to investigate the reasons influencing the trafficking in human beings and illegal migration in the country and the region. Furthermore, it aims to discover the organisers of the criminal activities, their modus operandi and connections with international groups and individuals. Measures for preventive activities and prosecution of the organisers of such crimes on all levels and measures for protection of the victims of such activities are also foreseen.

The National Programme is comprised of:

- Legislative activities for the purpose of modernising the national legislation to create a legal basis for more efficient fight against trafficking in human beings. These activities are directed towards changing and amending of the penal legislation of the Republic of Macedonia, introduction of modern investigative techniques for more efficient detection of offences, introduction of witness protection programme, as well as creation of conditions for receiving international legal assistance in cases of criminal prosecution of organised groups with international elements, etc;
- Activities for the purpose of creating a strategy for developing and implementing preventive measures for fight against trafficking in human beings such as: pinpointing and reduction of economic and social factors that contribute to women and children becoming victims of trafficking; research projects on issues related to trafficking and migration and; presentation of statistical indicators in this area. In addition, the National Programme foresees activities for discovering of: illegal channels used for transferring persons over the state border; individuals and groups that organise illegal channels through the Republic of Macedonia and neighbouring countries; accomplices and assistants to the organisers of illegal transfer; vehicles and telephone numbers used for their contacts in the Republic of Macedonia; premises used for "temporary" stay and; destinations of the illegally transferred persons;
- Assistance and support for the trafficked victims for the purpose of improving the conditions and possibilities for secure and human return of the victims, by rendering protection and assistance to them, i.e., establishing of transit centres where the trafficked victims will be provided with accommodation, alimentation, interpreter, information regarding their rights, social protection and healthcare, and legal assistance;
- Return and reintegration of victims for the purpose of providing them with their right to return to their countries of origin; concluding bilateral and multilateral agreements for co-operation in return of the victims; regulating the financing on enforcement of the right to return; establishing cooperation between the shelters and non-governmental organisations and; preparing a programme for their resettlement in third countries;
- International cooperation and coordination in law enforcement aimed at creating conditions for international cooperation and coordination in the prosecution of traffickers and protection of women and children subject of trafficking, i.e. concluding extradition agreements; concluding bilateral and multilateral agreements with the countries from and to which the women and children are trafficked, in order to suppress the trafficking and provide for safe return;

promotion of co-operation between the public prosecutor's offices, the police and other relevant services in the countries of South-Eastern Europe; exchanging information between the countries and; planning joint actions to discover international groups; cooperation with SECI, OSCE mission in the Republic of Macedonia, International Organisation of Migration and other organisations;

- Education of personnel, in particular, education of the operational staff in the Ministry of the Interior, education of judicial personnel, prosecution personnel, attorneys, customs officers and social and healthcare workers;
- Coordination of activities, i.e. establishing a central computer database, providing a centralised collection and updating of data on trafficking in human beings, their processing, etc;
- Raising public awareness regarding the fight against trafficking in human beings through active media coverage of the issue of trafficking in human beings, as well as dissemination of information through video clips, documentary movies, talk shows, newspapers and magazines.

13. What are the competent authorities for combating trafficking in human beings?

The National Commission on Fight the Trafficking in Human Beings and Illegal Migration was established with a Decision of the Government of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia", No. 18/01). The National Commission is comprised of representatives from the Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Labour and Social Policy, Ministry of Health, and representatives from the Customs Administration (Ministry of Finance). Within the framework of this Commission in January 2004, a Sub-group for combating child trafficking was established.

The National Programme for Fight against Trafficking in Human Beings and Illegal Migration in the Republic of Macedonia ("Official Gazette of the Republic of Macedonia", No. 10/02), foresees legislative and preventive activities, assistance and support to the victims of human trafficking, return and reintegration of the victims, international co-operation and coordination in the enforcement of laws, education of personnel, coordination of the activities and raising of the public awareness on the issue of trafficking in human beings.

The legislative activities are carried out by the: Ministry of Justice, Ministry of the Interior, Ministry of Labour and Social Policy, Ministry of Health, Ministry of Foreign Affairs and Ministry of Finance (they are all responsible for creation of the legal framework regarding the sentencing of traffickers and for undertaking preventive activities).

The Ministry of Labor and Social Policy and the Ministry of the Interior are in charge of conducting preventive activities. More specifically the Unit for Gender Equality within the Ministry of Labor and Social Policy undertakes adequate economic and social measures, while the Ministry of the Interior undertakes operational measures and activities in discovering channels for illegal transfer of human beings.

The Ministry of the Interior, Ministry of Labour and Social Policy, Ministry of Health, and Ministry of Justice participate in providing assistance and support to the victims of trafficking in human beings. They are commissioned, within the framework of their competencies, to participate in the organisation of transit centres for sheltering the victims of trafficking in human beings.

The carrier of the process of ensuring the right to return and reintegration of the victims in their countries of origin is the Ministry of the Interior.

The following ministries are responsible for international co-operation and coordination of the enforcement of the legal acts: the Ministry of Justice, Ministry of the Interior and Ministry of Foreign Affairs. More precisely they are responsible for conclusion of bilateral and multilateral agreements with the countries from and to which the persons are trafficked; for promotion of communication and

cooperation between the public prosecutors offices and the police in the countries of South-Eastern Europe; for efficient prosecution and closure of channels for trafficking in human beings; exchanging data on criminal groups and individuals with other countries; cooperation with competent governmental and non-governmental organisations and etc.

The establishing of the Transit Centre for Aliens, in March 2001, has a great significance for the issue of assistance and protection of victims of trafficking. The Transit Centre provides accommodation for the victims of trafficking until their repatriation, as well as necessary documentation for return to their countries of origin. The victims in the Centre are provided with 24-hour police guard, psychological and health care, and legal assistance provided by the International Organisation of Migrations and some non-governmental organisations.

In order to achieve better control over the employment in commercial catering facilities, in 2002 within the Ministry of the Interior, a Commission for decision-making regarding the requests for consent for employment as dancers in Night Clubs was established. With this, a better control is ensured on the employment of foreign nationals as dancers, waiters, etc in the commercial catering facilities.

14. Do your law enforcement agencies receive specific training on combating trafficking in human beings? Please describe.

In the framework of the National Programme for Fight Against Trafficking in Human Beings and Illegal Migration (Official Gazette of the Republic of Macedonia", No. 18/01) appropriate education and training is foreseen for the operational staff of the Ministry of the Interior and members of other state bodies whose work scope include the area of fight against trafficking in human beings.

According to this Programme, the following specific activities are foreseen:

- Education of operational staff in the Ministry of the Interior that is directly in charge of police investigations in cases of trafficking in human beings;
- Education of judicial and prosecution personnel and personnel in the penitentiary institutions; and
- Education of customs officers regarding their active involvement in the fight against trafficking in human beings .

For efficient realisation of the education, the National Program will be carried out through:

- Specialised seminars with national and international experts in order to upgrade the cooperation on national and international level, and
- Participation on international, regional and local expert seminars.

In the context of the aforementioned, the students enrolled at the Police Academy, within the subject of Criminology in the third year of the studies, during one semester are provided with studies on the phenomenon of trafficking in human beings. Furthermore, within the courses organised by the Police Academy, modules comprised of topics regarding the fight against organised crime are being realised (commercial crime, trafficking in human beings, drugs, weapons, and excise goods). Within the basic police training, the topic of trafficking in human beings is covered by 20 classes, and afterwards final exams have to be passed.

A Letter on Cooperation between the Ministry of Interior, OSCE and IOM (International organisation for Migration) for training in the field of fight against trafficking in human beings was signed in October, 2003. A total of 650 personnel from all levels of the current police personnel and the newly established Border Police participated in this training. The training was conducted by national and international experts on the basis of adapted material from the Stability Pact for SEE and UNDP, which provide for complete implementation of these projects.

The representatives of the Ministry of the Interior, Public Prosecutor's Office, Judiciary and non-governmental organisations in the Republic of Macedonia actively participated in the preparation of

the Regional Manuals. This activity is organised by UNDP, the Stability Pact for SEE, and the ICPMD as an implementation agency. Under the auspices of the Stability Pact for SEE, the South Eastern Europe countries have prepared Regional Manual on training of police officers from lower ranks and recruits. The Regional Manual for training of police officers of higher rank is prepared by UNDP. The Manuals on training of judges and prosecutors are also prepared under the auspices of the Stability Pact for SEE. The educators from the Ministry of the Interior, Public Prosecutor's Office, Judiciary, Ministry of Finance – Customs Administration and representatives of non-governmental organisations have been educated as well. They proceed with implementation of the Manuals through training of police officers, judges, prosecutors and expert assistants in the Courts and in the Public Prosecutor's Office.

At present, the realisation of the project "REFLEX", aimed at training of personnel for preventing illegal transit, smuggling and trafficking in human beings in the field of intelligence and operational analysis, is ongoing. The project is conducted under the auspices of the Government of the United Kingdom.

In the framework of the project "REFLEX", the British model for data analysis, including the phases of the analytical cycles, the techniques of data cross-referencing, and the need to apply unified methods in evaluation of the resources and information when submitting operational reports, were presented at a course on intelligence held in the United Kingdom, in February, 2004. The principles of the analytical model were presented, as well as the method of data cross-referencing, and the need for their tabulation. The role of the analyst, the difference between tactical and strategic analytics, tactical and strategic analyst, tactical and strategic estimation, tactical and strategic decision-making have also been described. Within the framework of the project "REFLEX", the duties and the method of work of the undercover police officer, their records, and grounds for commitment and data collection were also presented.

During 2004, the Agencies of the Justice Department within the United States Embassy, through the International Program on Assistance and Training in Criminal Investigations (ICITAP) and the Program for Assistance, Development and Training of the Prosecutors (OPDAT), and in cooperation with OSCE mission in the Republic of Macedonia, have organised three workshops on "trafficking in human beings".

Within the framework of the project Counter Trafficking, Technical cooperation/capacity – building, supported by the Government of the Kingdom of Norway, during June and July 2004, the IOM has organised three subsequent trainings on topic "Trafficking in human beings and illegal migration" intended for education of lawyers, representatives from the Police and Public Prosecutor's Office and judges.

Under the auspices of the SECI Regional Centre for combating trans-border crime, a course on special investigative techniques and interrogation in cases of trafficking in human beings was carried out in Bucharest-Romania, in May 2004.

Public Prosecutor's Office

One of the key institutions competent for combating organised crime and trafficking in human beings, is the Public Prosecutor's Office.

In this respect, several trainings on issues related to crimes in the field of trafficking in human beings, as most visible segment in the area of organised crime were organised in the past period. This activity has resulted in preparing a Manual on Operation, earmarked for judges and public prosecutors, and preparation of a Practice Book on special practical aspects of this type of crime is currently underway. Many seminars on topics related to corruption and money laundering and trafficking in human beings, where a large number of public prosecutors participated, have been also organised.

The Centre for Continuing Education carries out the training of the judges in the Republic of Macedonia. The educational activities organised by the Centre for Continuing Education in the field of organised crime are presented in the following tables:

2004									
O.n.	Topic	Beginning	End	Day	Total participants	Total judges	Total expert assistance	Total Prosecutors	Total guests
1.	Organised crime	11.3.2004	13.3.2004	3	6	6	/	/	/
2.	Tax crime	17.3.2004	18.3.2004	2	9	9	/	/	/
3.	Tax crime	18.3.2004	19.3.2004	2	10	10	/	/	/
4.	Trafficking in human beings	1.4.2004	3.4.2004	3	12	12	/	/	/
5.	Trafficking in human beings	24.6.2004	26.6.2004	3	27	12	/	6	9
6.	Trafficking in human beings	8.7.2004	10.7.2004	3	30	15	2	8	5

2003									
O.n.	Topic	Beginning	End	Hour	Tot. participants	Tot. judges	Tot. expert assistance	Tot. Prosecutors	Tot. guests
1. 8.	Trafficking in human beings	09.05.2003	10.05.2003	8,5	64	30	1	18	15
2. 10.	Trafficking in human beings	06.06.2003	07.06.2003	9	80	45	0	17	18
3. 15.	Trafficking in human beings - implementation of the Regional Manual for judges and Public Prosecutors	15.10.2003	18.10.2003	17	17	10	2		
4. 16.	Fight against organised crime, active and passive corruption and money laundering	20.10.2003	24.10.2003	24,5	38	6	3		
5. 17.	Trafficking in human beings - implementation of the Regional Manual for judges and Public Prosecutors	29.10.2003	01.11.2003	16,5	26	17	0		

2002					
Nr.	Topic	Beginning	End	Day	Tot. participants
1.	Trafficking in human beings	3.10.2002	3.10.2002	1	5
2.	Trafficking in human beings	24.10.2002	26.10.2002	3	4
3.	Trafficking in human beings	28.10.2002	30.10.2002	3	5
4.	Money laundering	11.12.2002	13.12.2002	3	7

Source: Centre for Continuing Education of Judges

Customs administration

In the area of the fight against organised crime and trafficking in human beings, Customs Administration of the Republic of Macedonia, has special competencies, as well. Customs Administration, as a state administration authority competent for law enforcement, carries out this competence through the Sector for Control and Investigations. For the purpose of more efficient dealing with all new forms of organised crime and joint action with other state institutions, in particular with the Public Prosecutor's Office and the judiciary, joint trainings in the country and abroad have been conducted. Thus, 12 Customs Officers from the Customs Administration of the Republic of Macedonia participated in trainings regarding the issues of money laundering, criminal offences related to corruption, abuse of official position, trans-national organised crime, trafficking in human beings, financing of terrorism, tax evasion, smuggling etc. Apart from the employees of the Customs Administration, the representatives from the Public Prosecutor's Office and the judiciary participated at these trainings as well. The primary goal of these trainings is networking of such institutions for the purposes of joint operation, coordination and successful enforcement of the fight against aforementioned types of organised crime.

15. Do your law enforcement agencies include specific units for combating trafficking (human beings, drugs, cigarettes, firearms, stolen vehicles etc.)?

Within the Ministry of the Interior of the Republic of Macedonia, the detection and prevention of crimes of trafficking in human beings, drugs, fire arms, cigarettes, stolen vehicles and etc. according to the Strategy for Police Reforms and the adopted Action Plan of January 2005 are placed within the scope of work of the Department for Organised Crime comprised of 7 Sectors and 3 Sections.

The Sector for Financial Crime is comprised of:

- Section for Economic Crime,
- Section for Money Laundering and Corruption and
- Section for Computer Crime and Forgeries.
- The Sector for Illicit Drug Trafficking is comprised of:
- Section for Illicit Trafficking in Opiats, Cocaine and Cannabis and
- Section for Illicit Trafficking in Synthetic Drugs, Psychotropic Substances and Precursors.

The Sector for Violent Crime is comprised of:

- Section for Trafficking in Human Beings and other violent crime,
- Homicide Section and
- Section for Property Offences.

The Sector for Trafficking in Weapons and Hazardous Substances is comprised of:

- Section for Illicit Trafficking in Weapons, and
- Section for Illicit Trafficking in Chemical, Biological, Radioactive and nuclear substances.

The Sector for Criminal and Intelligence Analysis is comprised of:

- Section for Criminal and Intelligence Analysis,
- Intelligence Section and
- Section for Logistics and Administration.

The Sector for International Police Cooperation is comprised of:

- Section for National Central Bureau – INTERPOL – Skopje and
- Section for Technical Support and Administration.

The Sector for Special Investigative Techniques is comprised of:

- Section for “Undercover” Operations,
- Section for Operative Surveillance and Documenting and
- Section for Electronic Surveillance and Documenting.

Besides these Sectors, within the Department for Organised Crime three more autonomous Sections are established: Section for Witness Protection, Section for Searches and Unit for Work Quality Control.

Within the Ministry of Finance – Customs Administration of the Republic of Macedonia, a Sector for Control and Investigations is operating. The primary goal of this Sector is the fight against organised crime, especially suppression of illicit trafficking with high-risk commodities, narcotic drugs, weapons, cigarettes, human beings, etc.

Within the Sector for Control and Investigations, the following Sections operate:

- Intelligence Unit,
- Investigations Unit,
- Mobile Teams Unit,
- Control and Audit Unit,
- Risk analysis Unit
- Analytical and Statistical Unit, and
- Duty Operational Centre.

The Sector for Control and Investigations works on detection and prevention of customs offences and criminal offences, and performs control and inspection activities. Within the Sector there are no separate Sections and Units specialised in the suppression of above-mentioned forms of illegal trafficking, i.e. all the Sections and Units within the Sector are coordinated in the enforcement of the activities on suppression of illicit trafficking in drugs, weapons, people, cigarettes, etc.

16. Is there - based on a multi-disciplinary approach - any form of cooperation between the competent law enforcement agencies and other agencies, which are involved in the prevention of and the fight against trafficking in human beings?

In 2001, in the context of prevention and combating trafficking in human beings, a National Commission on Fight Against Illicit Trafficking in Human Beings and Illegal Migration (“Official Gazette of the Republic of Macedonia”, No. 18/01) was established. The Committee is comprised of representatives of the Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Labour and Social Policy, Ministry of Health and Ministry of Finance – Customs Administration.

In 2002, the National Programme for Fight Against Trafficking in Human Beings and Illegal Migration in the Republic of Macedonia was adopted, (“Official Gazette of the Republic of Macedonia” No. 10/2002) based on multi-disciplinary and multi-dimensional approach, using the experiences from practice thus far, experiences from other countries, cooperation with and membership in international initiatives, as well as cooperation with various international and domestic non-governmental organisations and associations which deal with issues of trafficking in human beings and illegal migration.

In order to establish an appropriate way of cooperation and constructive approach in the joint activities of the national authorities, international organisations and non-governmental sector in the area of combating the trafficking of human beings and illegal migration in the Republic of Macedonia, at its session on 16.07.2003, the National Commission adopted a decision to establish a Secretariat of the National Commission.

The Secretariat of the National Commission is comprised of representatives of the organisational units of the Ministry of the Interior, international organisations - IOM, OSCE, ICMPD, UNICEF, UNDP, USAID, ICITAP and OPDAT and Macedonian non-governmental organisations “Happy Childhood” and “Open Gate” (La Strada – Macedonia).

It is a body of technical and logistical nature, having a coordination function in the process of implementation of the National Programme for Fight against Illicit Trafficking in Human Beings and Illegal Migration in the Republic of Macedonia.

The National Commission, as a coordination body, monitors and analyses the situation in the area of trafficking in human beings and illegal migration and at its working meetings presents programme activities, the purpose of which is to adopt strategic decisions. The Secretariat of the National Commission is in charge of implementing the priority activities; coordination of projects with international organisations arranged by the in-line Ministries; preparation of materials regarding issues on the agenda of the National Commission sessions; establishing of cooperation and exchange of experiences with other countries and; organisation of training seminars.

According to the National Programme, most of the foreseen activities are within the competencies of the Ministry of the Interior i.e. within the competencies of the organisational units of this Ministry dealing with the fight against trafficking in human beings and smuggling of migrants and illegal migration.

Until January 2005, the Sector for Organised Crime – Section for Fight against Trafficking in Human Beings, Property Offences with Elements of Coercion, Forgeries and Gambling, which is within the Criminal Police Department, was in charge of detection, documenting and processing of criminal offences in this area. Along with the newly established Department for Organised Crime, the Section for Trafficking in Human Beings and Other Violent Crime functions within the new Sector for Violent Crime.

The authorised officials, in performing their tasks, gather operative information or receive information through non-governmental organisations, IOM and 24hour lines for persons victims of trafficking in human beings. The persons are interviewed and if established that the person is a victim of trafficking in human beings, assistance and aid are immediately provided; namely the person is placed in the Transit Centre for Aliens, which is a part of the Ministry of the Interior. The counterpart organisation for cooperation in this respect is the International Organisation for Migration.

At this Centre, the victims are provided 24hour police security, psychological, medical and legal assistance. The assistance is provided by domestic non-governmental organisations that are permanently present in the Transit Centre. The victims are accommodated in the Centre on a voluntary basis and this accommodation is not conditioned by requirement that they should be witnesses in a procedure taking place before competent courts or of any operational help for the law enforcement agencies. The identification of victims is performed by the representatives of the Ministry of the Interior, International Organisation for Migration and non-governmental organisations.

There are agreed standard operational procedures for processing of victims in the Transit Centre. These procedures help to define the relations between the Ministry of the Interior, the International Organisation for Migration and the non-governmental organisations involved in the work of the Centre.

If it is determined that the victim of trafficking in human beings is a minor, the Ministry of Labour and Social Policy –Social Care Centre appoints a legal guardian who has the role of supporting the minor in all aspects.

At the same time, through the Ministry of Foreign Affairs, the diplomatic or consular mission of the country of origin of the victim of trafficking in human beings is informed.

The repatriation of the victims of trafficking in human beings is performed by the Ministry of the Interior and the International Organisation for Migration.

The Ministry of the Interior, based on the secured evidence, submits a proposal for instigating criminal charges against the perpetrators of these criminal offences. This proposal is submitted to the competent Basic Public Prosecutor that further processes the offence before the competent courts.

In January 2004, within the National Commission on Fight against Trafficking in Human Beings and Illegal Migration, a Sub-group for Fight against Trafficking in Children was established. This Sub-Group is composed of representatives of the Ministry of the Interior, non-governmental organisations, OSCE – Spillover Mission in Skopje, Ministry of Labour and Social Policy, Ministry of Education and Science, Deputy Ombudsman for Protection of Children's Rights and representative from the International Organisation for Migration. The Sub-Group will design adapted guidelines on protection of rights of children – victims of trafficking in human beings. The Guidelines will establish standards of treatment and special measures for protection of and support to children – victims of trafficking in the Republic of Macedonia. This protection will be performed from the initial identification all the way to full integration and recovery of the child. The Guidelines are based on the standards of the UNICEF guide for protection of rights of children – victims of trafficking in South-Eastern Europe and is adjusted to and harmonised with the national legislation.

In addition to this, the Draft National Action Plan for Fight Against Trafficking in Children is being prepared. The National Action Plan is a document aiming at establishing comprehensive multidisciplinary scheme of measures for combating trafficking in children, prevention of trafficking in children, protection of the children – victims of trafficking in human beings and criminal prosecution of children traffickers.

The Republic of Macedonia is the first country in the SEE region that, on its own initiative, organised an arrival of witnesses – victims of trafficking in human beings, who have already been repatriated to their countries of origin. The arrival of witnesses – victims of trafficking in human beings, is a result of the cooperation of the judicial bodies, Public Prosecutor's Office and Ministry of the Interior of the Republic of Macedonia with the Ministries of Internal Affairs of Ukraine, Romania, Moldova and Bulgaria and the SECI Regional Centre in Bucharest for combating transborder crime and the International Organisation for Migration.

17. Please explain the main difficulties that you face in combating money laundering (see also Chapter 4 – free movement of capital).

The prevention of money laundering in the Republic of Macedonia is regulated for the first time with the Law on Money Laundering Prevention ("Official Gazette of the Republic of Macedonia", No. 70/01). This Law stipulated the measures and actions that should be undertaken by the subjects concerned with detection and prevention of this criminal offence. In addition, the provisions of this Law envisaged the formation of Directorate for Prevention of Money Laundering (as a Financial Intelligence Unit-FIU) as a body responsible for collection, processing, analysis, delivery and keeping of data received from concerned subjects. Thus far, the Directorate for Prevention of Money Laundering was facing several problems primarily related to lack of knowledge and experience in this area, insufficient technical and human resources and weaknesses in the Law on Money Laundering Prevention ("Official Gazette of the Republic of Macedonia", No. 70/01). These problems are gradually overcome and a significant progress, mostly related to completion of the teams in the Directorate for Prevention of Money Laundering (increasing the number of employees from 4 to 8) is noted. In addition, the training of the employees is intensified, the regional cooperation broadened and strengthened, a membership in EGMONT obtained and the new Law on Prevention of Money Laundering and Other Proceeds from Crime ("Official Gazette of the Republic of Macedonia", No.46/04) adopted. Similarly, with regards to the investigation and prosecution of the perpetrators of the crime of money laundering, the law enforcement agencies (the Ministry of the Interior, the Financial Police and the Public Prosecutor's Office) were facing problems in proving the predicated crime due to difficulties in establishing the illegal origin of the property, as well as impossibility for applying special investigative techniques and methods during the police investigation. The latest amendments on the Law on Criminal Procedure from October, 2004 ("Official Gazette of the Republic of Macedonia", No. 15/97, 44/02 and 74/04), stipulate application of special investigation measures that will contribute in providing data and evidence necessary for successful conduct of the criminal procedure.

18. Please describe the structures in place for combating money laundering (incl. within the police, prosecutor's office and judiciary). Have you established a properly functioning Financial Intelligence Unit? Describe any co-operation with the banking system.

The existing structure for repression of money laundering in the Republic of Macedonia is comprised of the following bodies:

- Directorate for Prevention of Money Laundering (as a Financial Intelligence Unit-FIU);
- Financial Police;
- Ministry of the Interior;
- Public Prosecutor's Office;
- Courts;
- other bodies such as Customs Administration, Public Revenue Office, etc.

Within the Ministry of Finance a Directorate for Prevention of Money Laundering is established. The Directorate, as a Financial Intelligence Unit (FIU) of administrative type, is a body without investigation competences which, according to the Law on Prevention of Money Laundering and other Proceeds from Crime ("Official Gazette of the Republic of Macedonia", No., 46/2004) which succeeded the Law on Money Laundering Prevention, is competent for gathering, processing, analysis, maintenance and distribution of data received from entities under legal obligation to undertake measures and activities for detection and suppression of money laundering. If the analysis of the received reports results in suspicion of money laundering, the Directorate prepares a written report to competent state bodies (Public Prosecutor's Office, the Ministry of the Interior and the Financial Police). Hence, it can be concluded that the Directorate is an intermediary between the financial and other private sector (entities under legal obligation) on one hand and the police and the justice system bodies, on the other hand.

In that context, the cooperation of the law enforcement agencies with the private and the banking sector in relation to prevention of money laundering and financing of terrorism in the Republic of Macedonia is realised precisely through the Directorate for Prevention of Money Laundering. The banking sector, as a part of the financial sector, has the obligation under the Law on Prevention of Laundering of Money and other Proceeds of Crime to undertake measures and activities for prevention of money laundering whereby the cooperation with the Directorate for Prevention of Money Laundering is conducted through specially appointed contact persons (compliance officers), responsible for enforcement of the programmes for implementation of measures for prevention of money laundering within their bank. Besides the reports on the transactions, which the banks have duty to submit to the Directorate according to the Law, the banks also submit data and information upon a request from the Directorate.

More specifically, for the purposes of prevention of money laundering and financing of terrorism, the banks have the following obligations:

Identification of clients:

- In cases of one or several connected transactions (regardless of whether they are cash or non-cash) in the amount of 15.000 EUR in MKD equivalent or more;
- When establishing a business or contractual relationship;
- Before opening an account or savings account, receipt of keeping shares, bonds or other securities, rental of safety deposit boxes, asset management or effectuating or receipt of payment on behalf of a third person;
- In the course of currency exchange operations, before every transaction in the amount of 2.500 EUR in MKD equivalent or more;
- When providing services of swift money transfer, before every transaction in the amount of 2.500 EUR in MKD equivalent or more;

Identification of authorised persons:

- Special monitoring and transactions tracking for which suspicion exist that they are linked to money laundering or financing of terrorism;
- Collecting and keeping data on the transactions and clients who perform them;

Communication of data to the Directorate for Prevention of Money Laundering on:

- Cash transactions in the amount of 15.000 EUR or more, connected financial transactions that cumulatively reach the amount of 15.000 EUR or more (within three business days);
- Transactions (irrespective of the amount and irrespective of the type – cash or non-cash, if there is suspicion that it represents money laundering (not later than within 24 hours);

Introduction of internal programmes for implementation of measures for prevention of money laundering that foresee:

- Centralisation of the data on identity of clients, holders of rights, consignees, authorised representatives and consignors, as well as the data on suspicious transactions;
- Appointment of responsible persons in charge of the implementation of the programme at managerial level, as well as in any organisational part;
- Plan on continuous training of responsible officers and other employees;
- Instruments for internal review of the implementation of the measures and activities;
- Cooperation with the Directorate.

In addition to the established measures and actions for detection and prevention of money laundering, the banks have a duty to submit additional data and information upon request of the Directorate, in respect of transactions it analyses in more details. On the other hand, the Directorate participates in the professional improvement of the responsible persons in the banks, and establishes lists of indicators for recognition of suspicious transactions in cooperation with the banks and agencies supervising their operation. Furthermore, the cooperation with the banking sector is also related to organisation of training and education for employees in the banks in order to improve their work in implementing the measures prescribed by the Law on Prevention of Money Laundering and Other Proceeds of Crime.

Furthermore, the Directorate according to the Law on Criminal Procedure and the Law on Prevention of Money Laundering and Other Proceeds from Crime, has the obligation to inform the Public Prosecutor's Office about proceeds or property, learned of in any way, while performing tasks under its competencies, if there is reasonable suspicion that they have been acquired through organised crime. The banks and other legal entities have a duty, according to the Law, upon a request from the Public Prosecutor's Office to immediately submit data on balance of accounts for which there is a reasonable suspicion that they are used to exploit or conceal the sources of money laundering.

The Directorate, according to the Law, can communicate the data it receives in the course of its operation, upon their request and under conditions of reciprocity, to authorised agencies and organisations for fight against money laundering of other countries, as well as international organisations that deal with detection, prevention and suppression of money laundering and prevention of financing of terrorism.

For more details on the existing structure of the Directorate for Prevention of Money Laundering see answer [04 III 02](#).

The Financial Police, as a law enforcement agency, is a body within the Ministry of Finance, established with the Law on Financial Police ("Official Gazette of the Republic of Macedonia", No. 55/02) in June 2003. According to the Law, the Financial Police is an operative body of the state administration in charge of criminal prosecution, i.e., detection of offenders involved in activities related to the most complex forms of financial crime, tax fraud, money laundering and other types of crimes which involve non-payment of greater and significant amounts of excises, taxes, customs duties or represent legalisation of proceeds from crime. The competencies of the Financial Police are at the moment, performed by 10 financial police officers organised in two departments: Department for Information Gathering and Case Building, and Department for Police Investigations.

Under the aegis of the cooperation among the Customs Administration, Public Revenue Office, Directorate for Prevention of Money Laundering and other competent bodies, currently there is a procedure for signing protocols for cooperation and exchange of data. The cooperation and exchange of data will take place through liaison officers (responsible officers employed in these institutions) that will provide greater security and confidentiality of data.

In the Ministry of the Interior, i.e. within the newly established Department for Organised Crime, a competent body for suppression of money laundering is the Sector for Financial Crime where a separate Section for Money Laundering and Corruption is established.

The Section for Money Laundering and Corruption employs 8 inspectors – experts on issues related to money laundering. At regional level, issues related to money laundering are dealt by organisational units for repression of economic crime in the Sectors and Departments of Internal Affairs. The aforementioned activities and tasks are covered by an optimal number of officers with relevant university education and completed specialist courses and seminars on economic crime, with a special emphasis on topics in the area of money laundering.

Pursuant to Article 29 from the Law on Public Prosecutor's Office ("Official Gazette of the Republic of Macedonia", No. 38/04), at the Public Prosecutor's Office of the Republic of Macedonia, the Unit for Fight against Organised Crime and Corruption is established as a separate organisational unit. The competencies of this Unit practically cover money laundering as a form of organised crime. The Unit, within its scope of work, is competent to act before the basic courts on the entire territory of the Republic of Macedonia, and in accordance with the provisions of the Law on Criminal Procedure and the Law on Public Prosecutor's Office. In performing of its functions of detection and prosecution, it cooperates with competent state bodies, primarily with the Ministry of the Interior, Customs Administration, Public Revenue Office, Directorate for Prevention of Money Laundering, and with the National Bank.

According to the Law on Courts ("Official Gazette of the Republic of Macedonia", No. 36/95, 45/95 and 64/03), the courts have general competence and they are organised in three instances: first instance, appellate courts and the Supreme Court. In the Republic of Macedonia, there are no specialised courts. In the document Specific Action – Oriented Measures against Organised Crime in Republic of Macedonia adopted on 10.11.2003 by the Government of the Republic of Macedonia, the courts are referred under the Priority 4 that foresees specialised training of judges in the area of fight against organised crime enhancing the capacity of the judiciary for fight against organised crime. With a decision of the presidents of first instance courts, in five courts judges are appointed to work on cases of organised crime, including money laundering. In addition there is an ongoing specialisation and training of the selected judges in the area of fight against organised crime. The Strategy for reform of the judiciary foresees strengthening of the professional relations with the Unit for Fight against Organised Crime and Corruption, as well as with other institutions in the Republic of Macedonia working in this area.

19. What obligations are placed on financial institutions to prevent money laundering? Are financial institutions required to report suspicions of money laundering?

With an aim to prevent money laundering and financing of terrorism, the financial institutions (and other non-financial institutions determined by the Law on Prevention of Money Laundering and Other Proceeds from Crime ("Official Gazette of the Republic of Macedonia", No. 46/04) have the following duties:

Identification of the clients:

- In cases when there are several chain transactions (irrespective whether they are cash or non-cash transactions) in amount of 15.000 EUR in MKD equivalent or more (Article 22);
- While establishing business or contractual relation (Article 7, paragraph 1);
- Prior to opening an account or saving-book, receipt of keeping shares, bonds or other types of securities, provision for usage of the safe-deposit boxes, asset management, or effectuating or receipt of payment on behalf of a third party (Article 7, paragraph 2);
- In cases of life insurance, when the individual or several instalments of the premium that have to be paid within a period of one year exceed the amount of 1.000 EUR in MKD equivalent, or when the sole premium exceed the amount of 2.500 EUR in MKD equivalent (Article 7, paragraph 3);
- Immediately after entering a casino (Article 19) ;
- In cases of money exchange, before any transaction in the amount of 2.500 EUR in MKD equivalent, or more (Article 17);

- In cases of providing services of swift money transfer, before any transaction in amount of 2.500 EUR in MKD equivalent, or more (Article 18);

Identification of the authorisers (Article 10)

- Special monitoring of certain transactions where suspicions exist that these transactions are connected with money laundering or financing of terrorism (Article 15);
- Collecting and keeping data on transactions and clients performing them (Article 20);

Data delivery to the Directorate for Prevention of Money Laundering:

- Cash transactions in the amount of 15.000 EUR or several, chain cash transactions that together reach the amount of 15.000 EUR or more (within three working days) -Article 22, paragraph 1, point b) and c);
- Transactions (irrespective of the amount and irrespective of the type – cash or non-cash transactions) if there is suspicion of money laundering (not latter than within 24 hours) – Article 22, paragraph 1, point a) ;

Introduction of internal programs for implementation of measures for protection against money laundering, which provide for (Article 33):

- Centralisation of data regarding the client's identity, the holders of rights, proxies, authorised representatives and authorisers, as well as of data about suspicious transactions;
- Appointment of responsible persons in the financial institutions in charge of program implementation on central managerial level and in each organisational part;
- Planing of training of responsible persons and other employees;
- Instruments for internal review of the implementation of measures and actions;
- Cooperation with the Directorate.

In accordance with Article 22, paragraph 1, point a) and Article 15, paragraph 2 of the Law on Prevention of Money Laundering and Other Proceeds from Crime ("Official Gazette of the Republic of Macedonia", No. 46/04), the financial institutions have a duty to submit reports in cases of suspicion of money laundering and financing of terrorism. In these cases, the financial institutions are obliged, apart from determining the identity of the client, to request information about the course of the whole transaction including the final destination of the money, as well as the purpose of the transaction and the identity of the involved parties. On the basis of these data, the financial institutions shall prepare and submit written report to the Directorate for Prevention of Money Laundering within 24 hours from the receipt of the information about the suspicious transaction. In cases when the client or the authoriser refuse to identify himself, the financial institutions have a duty to refuse the business relation or the performance of the transaction, and if the transaction is in progress, to withhold it and to submit a written report to the Directorate for Prevention of Money Laundering, presenting the data that they have. When identifying the transactions considered as suspicious, the financial institutions, beside their own experience, apply the indicators for recognising suspicious transactions as well.

20. How many money-laundering cases have been prosecuted and brought to a successful conclusion?

Year	criminal charges	investigations	prosecution acts	verdicts
1997	1	1	0	0
1998	0	0	0	0
1999	1	1	0	0
2000	0	0	0	0
2001	0	0	0	0

2002	0	0	0	0
2003	0	0	0	0
2004	1	1	0	0
total	3	3	0	0
Source: Directorate for Prevention of Money Laundering				

Thus far, in the Republic of Macedonia, successfully proceeded cases for money-laundering are not registered.

21. How have you responded to requests for mutual legal assistance related to money laundering?

With regards to mutual legal assistance, the Ministry of Justice acts according to the provisions of the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", No. 15/97, 44/02 and 74/04), which foresees that international legal assistance in criminal law cases shall be carried out in conformity with the provisions of this Law, unless otherwise regulated with international agreements and treaties. The Requesting State delivers the request for international legal assistance to the Ministry of Justice; afterwards the Ministry of Justice, regardless of the type of crime, and depending on the stage of the procedure, forwards the request to the Public Prosecutor's Office or to the court. The reply is delivered back by the same channels, i.e. the court or the Public Prosecutor's Office forwards the reply to the Ministry of Justice, and the Ministry forwards the answer to the body which has requested legal assistance.

Thus far, the Ministry of Justice has not received an application i.e. request for legal assistance in cases of money laundering.

Protection of the financial interests of the European Communities ("third pillar" aspects)

1. Does national law criminalise fraud against the Communities' financial interests, covering both expenditure and revenue?

The Law Amending the Criminal Code ("Official Gazette of the Republic of Macedonia", No. 19/04) introduces efficient measures for the suppression of new forms of crime, harmonising the national legislation with the EU *acquis communautaire*.

In order to protect the property, economic order and relations in the country, the Law Amending the Criminal Code criminalises the offences against property (Chapter XXIII), offences against public finances, payment operations and economy (Chapter XXV) and offences against official duty (Chapter XXX).

The crime of fraud against the European Communities' financial interests is criminalised and according to its form may be classified under the following penal provisions:

The Chapter XXIII from the Criminal Code criminalises the criminal offence of *Fraud* (Article 247) and *Evasion* (Article 239).

The Chapter XXV from the Code criminalise the crimes of *Fraud in the operations with securities* (Article 275), the *Tax evasion* (Article 279), and the crime of *Abuse of authorisation in the economy* (Article 287)

Chapter XXX criminalises the following acts: *Abuse of official position and authorisation* (Article 353), *Embezzlement in service* (Article 354), *Fraud in service* (Article 355), *Malfeasance in the service* (Article 353b).

The criminal offence of fraud is committed with intention of acquiring unlawful property gained by misrepresentation or by concealing facts with a purpose to bring or keep another person under

deception and herewith induce him to do or to refrain from doing something to the detriment of one's own or another person's property. A perpetrator of this criminal offence may be any person.

The crime of Fraud in operations with securities (Article 275) is committed when the financial situation of the legal entity that releases securities and shares in circulation is falsely presented with an aim to induce one or more persons to buy or sell these shares or other securities.

The criminal offence of Abuse of authorisation in the economy (Article 278) consists of acquiring unlawful property gain for a legal entity by creating or keeping illicit funds in the country or abroad, or by deceiving the legal entity's administrative bodies about the condition of the legal entity in relation to their decision making. The deceiving of the administrative bodies in the legal entity may be performed by composing a document with false contents, with a false financial statement, evaluation or inventory, or with some other false presentation or by concealing facts. A perpetrator of these crimes may be any person, but stemming from the letter of the law, only the responsible person in the legal entity with a scope of activity and competencies in the administration and in handling the property and entrusted assets may be the perpetrator.

The abuse of authorisation in the economy is a special form of the crime of Abuse of official position and authorisation (Article 353).

The criminal offences against official duty (Abuse of official position and authorisation, Embezzlement in the service, Fraud in the service) are crimes that are committed within the performance of official duty and public competencies by an official. These crimes are primarily directed towards violation of the professional duty, but also towards violation of some other goods, such as property. These crimes may be committed by abuse of the official position or by exceeding the public competencies. The perpetrator of these crimes may be an official or responsible person within the legal entity, as well as any other official person, that works in the bodies listed in Article 122, paragraph 6 of the Law Amending the Criminal Code.

Aimed at strengthening the preventive measures for protection from unlawful usurpation of State property, Budget funds and resources from public funds in performing of public authorisations, the new criminal offence of Malfeasance in the service (Article 353b) criminalises dishonest disposal with entrusted property.

The national criminal legislation is applicable to citizens of the Republic of Macedonia when they commit some crime abroad, if they are on the territory of the Republic of Macedonia or are extradited. The national criminal legislation is applicable also to foreigners that commit crimes outside Republic of Macedonia but directed against the Republic of Macedonia or against its citizen, in cases when they are on the territory of the Republic of Macedonia or are extradited.

The provisions from the Criminal Code are also applicable to foreigners that in a foreign country commit a crime against the foreign country or against foreigners, sanctioned according to foreign countries' legislation with five years of imprisonment or a more severe punishment, in a case when they are on the territory of the Republic of Macedonia and when they are not extradited to the foreign country.

Accordingly, it can be concluded that our national legislation criminalises fraud, as well as other criminal offences if they are committed against the Communities' financial interests, covering both expenditure and revenue.

2. Is both active and passive corruption, also involving officials of the European Communities and officials of the Member States, criminalised?

Pursuant to Article 357 and 358 of the Criminal Code ("Official Gazette of the Republic of Macedonia", Nos. 37/96, 80/99, 4/02, 43/03 and 19/04), in the Republic of Macedonia the criminal offences of receiving and giving a bribe are sanctioned. A significant novelty in these articles is the distinction made between official and responsible person and the possibility for the person giving a

bribe upon a request from an official person, to be exempt from prosecution if he/she has reported the offence before it was discovered. The last paragraphs of the aforementioned Articles stipulated that active and passive corruption is considered as criminal offence for foreign legal entities and foreign officials, as well.

Receiving a bribe

An official person requesting or receiving a present or some other material benefit, or receiving a promise for a present or some other material benefit, in order to perform an official act within the framework of his/her official authorisation which he/she should not perform, or to refrain from performing an official act he/she otherwise must perform, shall be punished with imprisonment between one and ten years.

An official person requesting or receiving a present or some other material benefit, or receiving a promise for a present or some other material benefit, in order to perform an official act within the framework of his/her official authorisation which he/she must perform, or to refrain from performing an official act he/she otherwise should not perform, shall be punished with imprisonment between six months and five years.

An official person who, after performing or not performing the mentioned official acts, requests or receives a present or some other material benefit, shall be punished with imprisonment between three months and three years.

With the same penalties a responsible person and person that performs duties of public interest shall be punished as well, if the offence is done in relation to acquiring, enforcement or removal of rights established by law, or in order to profit or cause a damage to another person. The same applies to a responsible person from a foreign legal entity, as well as a foreign official person that commits the offence in order to cause damage to the Republic of Macedonia, its citizens or any legal entity.

The received present or acquired property gains shall be confiscated.

Giving a bribe

The person who gives or promises a present or other material benefit to an official person so that he/she performs an official act within the framework of his/her official competencies which he/she should not perform, or to refrain from performing an official act which he/she should perform, or a person who acts as an intermediary for this, shall be punished with imprisonment between six months and five years.

A person who gives or promises a present or other material benefit to an official person so that he/she performs an official act within the framework of his/her official authorisation which he/she must perform, or to refrain from performing an official act which he/she otherwise should not perform, or a person who acts as an intermediary for this, shall be punished with a fine or with imprisonment of up to three years.

Regarding the criminal acts contained in paragraphs 1 and 2, the person who has given or has promised a bribe upon a request from an official person, and has reported it before he/she has found out that the offence has been discovered, shall not be punished.

The provisions from paragraphs 1,2 and 3 are also applicable when the bribe is given or promised to a responsible person, a responsible person from a foreign legal entity, a person who performs duties of public interest and a foreign official person, in relation to the offence from Article 357.

If the act from paragraph 1 is committed by a legal entity, it shall be punished with a fine.

The given present or property gain shall be confiscated, and returned to the person who gave the bribe when the bribe was given to a responsible person, a responsible person from within a foreign legal entity, a person who performs duties of public interest or to a foreign official person.

3. Do fraud and corruption, as criminalised by article 1 of the PIF convention and the first Protocol, constitute predicate offences of money laundering?

The Law Amending the Criminal Code ("Official Gazette of the Republic of Macedonia", Nos. 37/96, 80/99, 4/02, 43/03 and 19/04) harmonises the national legislation with the Second Protocol to the Convention on Protection of European Communities' Financial Interests.

Article 273 of the Criminal Code criminalises money laundering and other proceeds from crime as a specific crime in the Macedonian legislation.

The amendments to the Criminal Code broaden the legal description of the crime of money laundering and other proceeds of crime in compliance with the *acquis* of the European Union and other international standards. Namely, according to Article 273 *Money laundering and other proceeds of crime*, all crimes under Macedonian legislation are considered to be predicate offences, meaning that the crimes of Fraud and Corruption, pursuant to Article 1 of the Convention on Protection of European Communities' Financial Interests and its First Protocol, are predicate criminal offences of money laundering.

4. Does national law provide for the concepts of criminal liability of heads of businesses and liability of legal entities for these offences?

The provisions regarding the criminal liability of the managerial staff in the business entities and the legal entities are contained in the Criminal Code ("Official Gazette of the Republic of Macedonia", Nos. 37/96, 80/99, 4/02, 43/03, 19/04), and in the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", Nos. 15/97, 44/02, and 74/04). According to the Chapter XXV - Criminal offences against public finances, payment operations and the economy, and Chapter XXX - Criminal offences against official duty, the perpetrators of these criminal acts may be sentenced to the following sanctions : imprisonment; fine; prohibition of performing profession, an activity or an office; prohibition of operating motor vehicle, and expulsion of a foreigner from the country (Article 33).

The sanction of imprisonment may be pronounced only as a main sanction. The fine can be pronounced as a main sanction, and also as a secondary sanction together with the sanction of imprisonment or conditional sentence that determines the imprisonment sentence.

If a sanction of both, imprisonment and fine, is prescribed for a single criminal offence, only one of them can be pronounced as a main sanction, except in cases when the law prescribes that both sanctions may be pronounced. One or two secondary penalties may be pronounced together with the main sanction, when conditions foreseen by this Code exist. A compulsory sentencing to secondary sanction may be determined by Law.

The sanction of Prohibition of performing a profession, an activity or a function may be pronounced only as a secondary sanction together with imprisonment sentence or conditional sentence that determines the imprisonment sentence.

The sanctions of Prohibition of operating motor vehicle and Expulsion of a foreigner from the country may be pronounced if the offender is sentenced to a sanction of imprisonment or to a fine, conditional sentence or court reprimand.

The sanctions of Prohibition of operating motor vehicle may be pronounced as a sole sanction to the perpetrator of the criminal act committed out of negligence, when the prescribed sanction is fine or imprisonment of up to one year, if the criminal offence is committed under particularly extenuating circumstances.

Regarding the confiscation of property and proceeds, it is essential that no one may retain the direct or indirect property or proceeds acquired through a crime. The proceeds shall be confiscated with the court decision by which the perpetration of the crime was determined, under the conditions foreseen by this Code. The Court will bring a decision on confiscation in a procedure determined by law, even when, because of factual or legal obstacles the criminal procedure against the perpetrator

of the criminal act is impossible. The confiscated property may be returned to other country under conditions determined by international agreement (Article 97).

A criminal liability of legal entity is introduced for the first time in the national legislation with the Amendments of the Criminal Code of the Republic of Macedonia in March 2004.

In accordance with the Code (Article 28a), the legal entity is criminally responsible if the criminal act was committed by an act or omission of due supervision on the part of the managerial body or responsible person within the legal entity, or other person authorised to undertake actions in the name of the legal entity within the frameworks of his authorities, or when that person misuses its authorisation in order to acquire profit for the legal entity.

The criminal responsibility of a legal entity does not preclude the responsibility of the perpetrator of the criminal act. For the crimes determined by law (such as the criminal offences of fraud in the operation with securities and shares, smuggling, money laundering and other proceeds from crimes, etc), criminally responsible are all legal entities, with exception of the State. The foreign legal entities are criminally responsible if the crime has been committed within the territory of the Republic of Macedonia, irrespective of whether they have a franchise or branch office that performs activity on the Macedonian territory.

The following penalties can be imposed for criminal offences committed by legal entities: fine; temporary prohibition of performing certain activity; permanent prohibition of performing certain activity; and cessation of the legal entity (Article 96a).

The fine is imposed in an amount which may not be lower than 100.000 MKD, or larger than 30.000.000 MKD. For criminal offences committed from self-interest, or for criminal offences that cause large property damage, a fine of twice of the amount of the maximum of this sanction may be pronounced, or a fine in proportion to the extent of caused damage or acquired profit, but only up to ten times of the amount.

A temporary prohibition on performing a certain activity in duration between one and three years is pronounced together with a fine, if a crime was committed within the performance of activity of the legal entity, for which a fine or imprisonment sanction of up to three years is prescribed for a natural person, and depending on the modus operandi of the crime and expected danger of repeated performance of such or similar crimes.

A permanent prohibition on performing a certain activity, from the activities performed by the legal entity, is pronounced together with a fine, if a crime was committed for which a sanction of imprisonment of at least three years is prescribed for a natural person, and depending on the modus operandi of the crime and expected danger of repeated performance of such or similar crimes. The court shall impose this sanction too, when a criminal act is committed after a previous sentence which imposes a temporary prohibition of performing certain activity for the legal entity.

The sanction - cessation of the legal entity is imposed together with the fine, if a crime is committed for which a sanction of imprisonment of at least five years is prescribed for a natural person, and depending on the modus operandi of the crime and expected danger of repeated performance of such or similar crimes. The court shall impose this sanction too, when a criminal act is committed after a previous sentence which imposes a permanent prohibition of performing activity of the legal entity.

The sanction of- temporary or permanent prohibition of performing certain activity and a cessation of the legal entity may not be imposed to the legal entities that are established by law, as well as to a political party. The competent court, on the basis of a final sentence which has imposed the sanction of cessation of legal entity, initiates a legally determined procedure for liquidation of the legal entity within 30 days from the day when the sentence has become final.

The legal entity for which a bankruptcy procedure have been initiated, shall be punished for criminal offences committed before the opening of the bankruptcy procedure.

In the process of bringing a sanction, the court shall take into consideration the balance of the situation and the profit and loss balance sheet of the legal entity, type of activity and the nature and severity of the committed crime.

If the court determines a fine for two or more criminal offences in concurrence, the single sanction may not reach the sum of the individually determined sanctions, nor may exceed the legally prescribed maximum of the sanction for a legal entity.

The confiscated property and proceeds acquired through a criminal offence perpetrated by legal entity are subject to the provisions of the Criminal Code regarding the manner of confiscation, protection of the injured party and confiscation from a legal entity.

If the confiscation of the property or proceeds can not be executed due to cessation of the legal entity before carrying out of the confiscation, than the founder or founders of the legal entity, i.e. in cases of a trade company, the shareholders or stock-owners jointly will be obligated to pay a financial amount that is corresponding to the acquired proceeds.

The seizure of objects from the legal entities is executed under the conditions foreseen by the Criminal Code (Article 96).

The provisions regarding the procedure for legal entities are contained in the Law on Criminal Procedure, and these provisions are applied in the procedure for establishing a criminal liability, and when pronouncing sanction and other measures to the legal entities as perpetrators of criminal offences.

5. Has your country established jurisdiction over all of these offences?

According to the procedural provisions of the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", No. 15/97, 44/02 and 74/04), the Courts within their territorial and *ratione materiae* jurisdiction established under the Law on Courts ("Official Gazette of the Republic of Macedonia", No. 36/95, 45/95 and 64/03) are competent in proceedings regarding all types of crime.. Namely, according to this Law, the proceedings are carried out before the Basic Courts, while the Appellate Courts are deciding upon appeals.

The basic courts hold trials in chambers comprised of two judges and three lay judges for crimes for which the law prescribes a prison sentence of 15 years or life imprisonment and in chambers comprised of one judge and two lay judges for crimes for which the law prescribes more lenient penalty. Crimes for which a fine and imprisonment of up to three years is prescribed as a main penalty, are decided in the first instance by a single judge. The courts of second instance hold trials in chambers comprised of five judges for crimes for which the law prescribes 15 years or or life imprisonment, and in chambers comprised of three judges for crimes for which the law prescribes more lenient penalty. When trying is taking place in the second instance, at the hearings, the chamber is comprised of two judges and three lay judges.

Protection of the euro against counterfeiting ("third pillar aspects")

1. Has your country acceded to the 1929 International Convention on the Suppression of Counterfeiting?

The Republic of Macedonia has not acceded to the 1929 International Convention on Suppression of Counterfeiting (the League of Nations). During this year, the competent institutions will commence a procedure for acceding to the Convention and for its ratification.

2. Does national law criminalise the making and altering of counterfeit currency and related offences? Does it ensure that such activity is punished by appropriate criminal penalties, including imprisonment and the possibility of extradition?

Pursuant to Article 122, point 12 of the Criminal Code of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia", Nos. 37/96, 80/99, 4/02, 43/03 and 19/04), the notion "money" means coins and banknotes, that according to the law, are in circulation in the Republic of Macedonia or in a foreign country. This means that the criminal legislation of the Republic of Macedonia provides protection regarding the falsifying of Euro and other foreign currencies .

According to the Criminal Code, the criminal act of *Counterfeiting money* (Article 268) is prescribed in the Chapter relating to the crimes against public finances, payment operations and the economy. The action of perpetrating of these criminal offences is manifested in several forms. The first form of this criminal act is making counterfeit money with intention of releasing them in circulation as real.; The second form of the crime is altering real money with intention of releasing them in circulation, and the third one is releasing counterfeit money in circulation. The prescribed sanction for the above mentioned acts is imprisonment between one and ten years. The same sanction shall also apply to the perpetrator of paragraph 2, where a special form of the criminal act is prescribed, i.e. acquiring counterfeit money with intention of releasing them in circulation as real.

A qualified, aggravated form of this crime is also prescribed, which consists of causing a disorder of the economy because of the crimes from paragraph 1 and 2. For this crime the perpetrator shall be sanctioned with imprisonment of at least five years, which means that the general maximum of the imprisonment may be reached.(15 years).

The Code also incriminates two less severe forms of counterfeiting money: first, when the counterfeited money which were received as real will be further released in circulation as real, and second, when the perpetrator knows that the counterfeited money were actually counterfeited, or that the counterfeited money were released in circulation and he/she does not report this. For such crimes, the perpetrator shall be sanctioned with a fine or with imprisonment of up to three years.

The counterfeited money are mandatorily confiscated.

With regards to the possibility for extradition of accused or convicted persons for such crimes pursuant to Article 502 and Article 525 of the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", Nos. 15/97, 44/02, 74/04), as well as Article 2 paragraph 1 and Article 5 of the European Convention on Extradition and the Article 2 of the Second Additional Protocol to the European Convention on Extradition ("Official Gazette of the Republic of Macedonia", No. 32/99) the extradition for fiscal crimes is allowed.

Contributing to the above mentioned, and pursuant to Articles 118 and 119 of the Constitution of the Republic of Macedonia, the international agreements which are ratified in accordance with the Constitution are part of the legal order and they can not be amended with a law.

The Article 269 of the Criminal Code of the Republic of Macedonia incriminates the *Counterfeiting of securities*, as well. This crime consists of making counterfeited securities and altering real securities, i.e. using such counterfeited securities as real or giving them to another person for use, as well as direct use of counterfeited securities. The prescribed sanction for such crime is imprisonment between one and ten years, and the same sanction also applies to a person who acquires counterfeited securities with intention of releasing them in circulation as real.

A sanction of imprisonment of up to three years is foreseen for a perpetrator who releases in circulation false securities which he had received as real, or a person who knows that the counterfeited securities were actually counterfeited or that counterfeited securities were released in circulation and does not report this.

The counterfeited securities are mandatorily confiscated.

The following crimes are related to this crime; *Counterfeiting marks of value*, Article 270 of the Criminal Code; *Making, procuring or selling counterfeiting means*, Article 271; *Counterfeiting marks for marking*

goods, measures and weights, Article 272; as well as *Counterfeiting a document*, Article 378 ; *Counterfeiting or destruction of business books*, Article 280, and *Counterfeiting an official document*, Article 361 of the Criminal Code.

3. Does national law ensure that it has the appropriate jurisdiction over offences involving counterfeiting, both of the euro and of other currencies?

The national legislation provides appropriate jurisdiction over crimes involving counterfeiting of Euro and other currencies. More specifically, the relevant jurisdiction is ensured through the provisions included in the Law on Courts ("Official Gazette of the Republic of Macedonia", No. 36/95, 45/95 and 64/03) that define the legal jurisdiction over these crimes, through the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", No. 15/97, 44/02 and 74/04) and the provisions of the Criminal Code ("Official Gazette of the Republic of Macedonia", No. 37/96, 80/99, 4/02, 43/03 and 19/04).

According to the provisions of the Criminal Code, the crime *Counterfeiting currency* (Article 268) is a crime prosecuted ex officio and a sentence between one and ten years prison may be imposed on the perpetrator of this crime, while for the qualified form of the crime, at least five year prison sentence may be imposed.

4. Does national law provide for the concept of criminal liability of legal entities for these offences?

In the Republic of Macedonia, the concept of criminal liability of legal entities (Article 28a) included in the Criminal Code ("Official Gazette of the Republic of Macedonia", No. 37/96, 80/99 4/02 and 43/04) has been defined as in most of the European criminal legislations, bearing in mind that introduction of criminal liability of legal entities is becoming a common feature of the reforms in the European criminal legislations.

Criminal liability of legal entities is prescribed in Chapter XXV: *Crimes against public finances, payment operations and economy crimes, money laundering and other proceeds from crime* - Article 273, *Issuing an irregular check and credit card abuse* - Article 274, *Fraud in working with securities and shares* - Article 275, *Smuggling* - Article 278, etc.

In accordance with the Criminal Code (Article 28a), the legal entity is criminally liable in cases established by law, and in respect of certain crimes, if the criminal act has been committed by an action or omission of due supervision by the managerial body or responsible person at the legal person, or other person authorised to undertake actions on behalf of the legal entity within his/her authorities, or when the person has overstepped his/her authorities in order to gain benefit for the legal entity.

Criminal liability of a legal entity does not exclude the liability of the perpetrator of the crime, and in respect of crimes determined by law, all legal entities, except the state are criminally liable. Regarding foreign legal entities, the Law prescribes that they are criminally liable, if the crime has been committed within the territory of the Republic of Macedonia, irrespective of whether they have a representative or branch office that performs activities on the territory of the Republic of Macedonia.

Such formulation of the conditions for liability implies opting for the theory of identification, which has a restrictive meaning, and is closer to the principle of subjective liability of the management body or the representative of the legal entity.

According to the provisions of the Criminal Code (Article 96), the following penalties can be imposed for crimes committed by legal entities: fine; temporary prohibition on conducting certain activity; permanent prohibition on performing certain activity; and a cessation of the legal entity. The provisions of Article 98 -100 of the Criminal Code are applied in terms of confiscating the property and proceeds from crime of the legal person.

If the confiscation of the property or proceeds can not be executed due to the fact that the legal entity has ceased to exist before carrying out of the confiscation, than the founder or founders of the legal entity, i.e. in cases of a stock holding company, the shareholders or stock-owners jointly will be obligated to pay a financial amount corresponding to the acquired proceeds.

In cases of confiscation of objects from the legal entity, the provisions of Article 101-a of the Criminal Code apply, i.e. the legal consequences of the sentence, which are related to the verdicts for certain crimes, may apply only if the sentence of imprisonment is pronounced against the perpetrator of the crime.

The provisions of the Criminal Code prescribe that in the process of meting out a punishment, the court shall take into consideration the profit balance sheet of the legal entity, type of the activity and the nature and the seriousness of the committed crime. Criminal liability of legal entities in respect of crimes of organised crime and fraud is prescribed and the form of imposed penalty is fine.

The Law on Criminal Procedure contains a Chapter elaborating the proceedings against legal entities, in particular, the procedure for establishing criminal liability and pronouncing a sentence and other measures against legal entities as perpetrators of crimes, and if the provisions of this Chapter do not determine otherwise, the provisions of the Law on Criminal Procedure shall apply in the proceedings against legal entities.

Similarly, the Macedonian legal system, according to the Law on Misdemeanours prescribes the offence *Liability of legal entities*, which is based on the same principles of presumed liability.

5. Does your country recognise, for the purposes of establishing habitual criminality, sentences handed down in other Member States for these offences?

The Criminal Code of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia", Nos. 37/96, 19/04) does not explicitly regulate the status of foreign verdicts as a basis for establishing of habitual criminality. Still, the judicial practice recognises the effects of foreign criminal judgments as judicial antecedents regarding the habitual criminality and determination of the sanction for the perpetrator of the new criminal offence. The foreign court verdict is recognised as a predicate for habitual criminality under the conditions of double incrimination, i.e. only regarding criminal offences which our Criminal Code also recognises as criminal offences.

Pursuant to Article 39, paragraph 4, of the Criminal Code of the Republic of Macedonia, the habitual criminality is a facultative aggravating circumstance, which means that a repeated offender is sentenced within the frames prescribed in the Law, whereby the habitual criminality has an impact in determining of the pronounced sentence close to the upper threshold of the legally prescribed sanction.

Furthermore, the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", No. 15/97, 44/02 and 74/04) in Chapter XXX stipulates the procedure for provision of international legal aid and enforcement of international agreements in criminal law cases involving this type of criminality.

Pursuant to Article 505, the domestic courts can accept requests by foreign bodies for enforcement of criminal sentences of foreign courts or of international courts, if it is provided through international agreements or if there is reciprocity, or if the sanctions are handed down by a domestic court according to the Criminal Code.

The competent courts bring the verdicts in a chamber composed of three judges. The Public Prosecutor and the Defence Attorney shall be informed about the session of the chamber. The territorial jurisdiction of the court shall be determined according to the last permanent residence of the sentenced person in the Republic of Macedonia. If the sentenced person had no permanent residence in the Republic of Macedonia, the territorial jurisdiction shall be determined according to their place of birth. If the sentenced person neither had a permanent residence, nor was born in the Republic of Macedonia, the Supreme Court shall assign the conduct of proceedings to one of the courts of real jurisdiction.

In the pronouncement of the sentence, the Court will include the full verdict and the title of the court from the foreign sentence and will pronounce a sanction appropriate to the sanction pronounced by the foreign court. The elaboration of the verdict will present the reasons by which the court was guided in the deliberation of the sanction.

The sentence may be appealed by the public prosecutor and by the sentenced person or their defence attorney. If the foreign national sentenced by a domestic court, or the person authorised by contract files an application to the first instance court for serving the sanction in the country of origin, the first instance court will act in conformity with an international agreement regulating this matter.

The enforcement of a sanction of an international court is accomplished according to the international agreement establishment the court, ratified in accordance with the Constitution of the Republic of Macedonia.

The criminal trial chamber from the first instance court of local jurisdiction confirms the authenticity and enforceability of the sentence of the international court and establishes the mode for enforcement of sanctions and other measures

6. Have you formally designated a National Central Office on currency counterfeiting in line with Article 12 of the 1929 Geneva Convention and Regulation 1338/2001?

In the Republic of Macedonia, there is no formally designated National Central Office on Currency Counterfeiting in line with Article 12 of the 1929 Geneva Convention and the Regulation 1338/2001. However, there is a precise designation of institutions responsible for centralisation and processing of information concerning counterfeiting banknotes and coins, while the competencies regarding the investigation, prevention and repression are also precisely defined.

Namely, the National Bank of the Republic of Macedonia is in charge of the technical analysis and central collection and processing of information on counterfeited banknotes and coins of MKD, and the Ministry of the Interior is competent for technical analysis of the counterfeited Euros and other currency and coins. The Ministry of the Interior i.e. the Section for Criminal Police is competent for keeping records of all registered counterfeited banknotes of MKD, Euro and other currency and coins and on the perpetrators of the crimes related to counterfeiting currency, as well as for informing INTERPOL and other countries about cases of counterfeiting money, and for undertaking all necessary measures in the prevention and fight against counterfeiting currencies.

J. DRUGS

1. Please provide information on legislation or other rules governing this area, and their adhesion to relevant international conventions.

In accordance with the UNGASS principles and the Stabilisation and Association Agreement and National Programme for Suppression of Drug Abuse and Illicit Drug Trafficking, the Macedonian Government undertakes activities for harmonisation of national drug control legislation with European Union acquis on Drugs.

The Republic of Macedonia has ratified the UN Single Convention on Narcotic Drugs (1961), the Protocol amending the Single Convention (1972), the UN Convention on Psychotropic Substances (1971), and the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988).

The legal framework for drug control in the Republic of Macedonia is defined by the following national laws:

- Law on Production of Narcotic Drugs (“Official Gazette of SFRY”, No. 13/91; taken over as national regulation, under Article 5 of the Constitutional Law on the Implementation of the 1991 Constitution of the Republic of Macedonia);
- Law on Precursors Control (“Official Gazette of the Republic of Macedonia”, No. 37/04);
- Law Designating Bodies to Conduct Certain Activities in the Field of Production and Trade in Narcotics (“Official Gazette of the Republic of Macedonia”, No. 21/83);
- Decision on the List of Narcotic Drugs (“Official Gazette of SFRY”, No. 70/78, 14/81, 39/82, 28/85, 10/87, 53/88, 2/89 and 7/90);
- Law on Medicines, Auxiliary Medicines and Medical Aids (“Official Gazette of the Republic of Macedonia”, No. 21/98);
- Decision on the List of Narcotics that May be Released for Trade for Medical and Veterinary Purposes (“Official Gazette of SFRY”, No. 70/78, 52/83 and 47/85).

Chapter 21-Crimes against people’s health of the Criminal Code of the Republic of Macedonia (“Official Gazette of the Republic of Macedonia”, No. 37/96, 80/99, 4/02, 43/03 and 19/04) incriminates activities, which due to the scope, scale and manner of endangerment, can cause adverse health consequences for the people. Drug abuse is incriminated by the crimes of: *Unauthorised production and release in trade of narcotic drugs, psychotropic substances and precursors* (Article 215) and *Enabling use of narcotic drugs and psychotropic substances* (Article 216) of the Criminal Code.

Article 215 of the Criminal Code incriminates the activities of unauthorised production and release for trade of narcotics, psychotropic substances and precursors. The act can be perpetrated by any person. A prison sentence between one and ten years is prescribed for perpetrators of all forms of this crime. This article furthermore envisages the release of a perpetrator, with the exception of the organiser, who shall disclose the crime and shall significantly contribute to its disclosing. In addition, it prescribes compulsory confiscation of narcotics, psychotropic substances and precursors, as well as movable or immovable items used for their production, transfer of dealing.

The crime incriminated in Article 216 of the Criminal Code is perpetrated by inducing, giving or making premises available, or otherwise enabling another person to use narcotic drugs. A prison sentence of three months to five years is prescribed for the perpetrators of all forms of this crime.

The issue of confiscation of property and proceeds is regulated by the provisions of Articles 97 to 100 of the Criminal Code of the Republic of Macedonia (“Official Gazette of the Republic of Macedonia”, Nos. 37/96, 80/99, 4/02, 43/03 and 19/04).

Pursuant to Article 97 of the Criminal Code, nobody can retain direct or indirect proceeds acquired from crime. The proceeds shall be confiscated, based on a court decision that establishes the perpetration of the crime. The court may also adopt a decision on confiscation in cases in which there are legal obstacles preventing institution of criminal proceedings against the perpetrator of the crime. Under conditions determined by a ratified international agreement, the confiscated property can be returned to a third state.

Pursuant to Article 98, criminal proceeds in form of money, movable or immovable valuable items, as well as any other ownership, property or assets, material or non-material rights shall be confiscated, and if their confiscation is not possible, another property that corresponds to the value of the acquired proceeds shall be confiscated.

The proceeds may be confiscated from third parties, to whom they have been transferred without an appropriate compensation, if they were not aware, but were obliged and could have known of the criminal origin of the proceeds.

The Law on Criminal Procedure (“Official Gazette of the Republic of Macedonia”, Nos. 15/97, 44/02 and 74/04) envisages separate provisions for application of special investigative techniques (Articles

142-b, 142-c, 142-e and 142-f) that are in accordance with the European requirements for application of up to date measures necessary for detection, prosecution and conviction of perpetrators, especially in the context of organised crime, corruption, money laundering and other serious forms of crimes.

Chapter XVIII-Investigative activities of the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", Nos. 15/97, 44/02 and 74/04), i.e. the new provisions (Articles 202, 203-a, 203-b, 203-d and 207), envisage a procedure for application of the measure of "temporary seizure of property or assets connected with a crime that refers to temporary freezing, seizure, confiscation of funds, bank accounts, financial transactions or proceeds from crime".

These new legal provisions are implemented and harmonised with the ratified conventions in this area: Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime ("Official Gazette of the Republic of Macedonia", Nos. 58/99), the UN Convention against Transnational Organised Crime (Palermo Convention) and its Protocols ("Official Gazette of the Republic of Macedonia", No. 70/04) and the UN Convention against Illicit Trafficking in Drugs and other Psychotropic Substances and Precursors (Vienna Convention).

The Law on the Public Prosecutor's Office ("Official Gazette of the Republic of Macedonia", No. 38/04) regulates the procedure for efficient detection and prosecution of perpetrators of offences related to organised crime and corruption. Pursuant to Article 29 of this Law, a separate Unit specialised for fight against organised crime and corruption has been established at the Public Prosecutor's Office. For purposes of efficient work this Law strengthens the cooperation among competent bodies. Thus, the Law envisages that in course of a procedure, the Public Prosecutor may request certain employees of the Ministry of the Interior or from other competent bodies (Customs Administration, Financial Police etc) to be put at his/her disposal for realisation of his/her function (Article 21).

2. What are the main characteristics of your country's policy on combating drugs?

The strategic commitment of the Republic of Macedonia is harmonisation of national drug control legislation with European Unions acquis on Drugs. Such a commitment also implies institutional capacity building for drug control with continuous education of law enforcement personnel dealing with the fight against drug trafficking; undertaking of information dissemination on drugs and drug abuse and; preventive activities and repressive measures.

In 1996, the Macedonian Government adopted a National Programme for Suppression of Drug Abuse and Illicit Drug Trafficking ("Official Gazette of the Republic of Macedonia", No. 35/96), which has the following goals:

- Modernisation of the national drug control legislation;
- Establishment of Inter-ministerial State Commission for Combating Illicit Production, Trade and Abuse of Drugs;
- Creation of a central information system for drugs and drug abuse;
- Institutional capacity building;
- Development of programmes for prevention of drug abuse and for treatment, rehabilitation and social reintegration of drug abusers, on the basis of enhanced community participation;
- Upgrading the operative capacities of law enforcement agencies through training, improvement of equipment, and enhanced participation in the preventive programmes in the community;
- Establishment of municipal councils for fight against drugs and creation of communal drug abuse prevention programmes with active participation and collaboration of local authorities, police, judiciary, health, educational, and social welfare institutions NGOs and the private sector;
- Informative activities aimed at raising the awareness against drug abuse;

- International cooperation.

Under the National Programme for Suppression of Drug Abuse and Illicit Drug Trafficking the Government of the Republic of Macedonia in 1998 established the Inter-ministerial State Commission for Combating Illicit Production, Trade and Abuse of Drugs. It prepares the Programme for control of illicit production and trade in narcotic drugs psychotropic substances and precursors, and for prevention of drug abuse, and submits it to the Government.

The main goal of the State Commission for Combating Illicit Production, Trade and Abuse of Drugs is drug demand and drug supply reduction. The main objectives of the programme are horizontal coordination and advancement of cooperation among bodies and agencies for drug control; advancement and coordination of activities for early detection, treatment, rehabilitation and social reintegration of drug abusers; prevention of HIV/AIDS and other contagious diseases among them; support to the NGOs in the field of drug demand reduction activities and; activities in the area of drug information and health education.

3. What are the principal measures deployed? How does co-ordination between law enforcement agencies work? Is there a clear allocation of tasks and coordination:
a) between authorities competent for drug demand reduction?
b) between authorities involved in reducing drug supply?

In the fight against drug abuse the Republic of Macedonia is guided by the need for balanced measures and activities aimed at drug demand and drug supply reduction. In the field of repression, the Ministry of the Interior and the Customs Administration undertake continuous measures and activities for suppression of international criminal groups trafficking narcotic drugs, psychotropic substances and precursors, as well as for suppression of distribution of narcotic drugs, psychotropic substances and precursors on the illicit market in the country.

The Inter-ministerial State Commission for Combating Illicit Production, Trade and Abuse of Drugs is in charge of the horizontal coordination of the activities for drug control performed by various ministries in the Government of the Republic of Macedonia. The Committee is comprised of representatives of the relevant ministries (the Ministry of the Interior; the Ministry of Foreign Affairs; the Ministry of Justice; the Ministry of Health; the Ministry of Education and Science; the Ministry of Labour and Social Policy; the Ministry of Agriculture, Forestry and Water Resources Management and; the Youth and Sports Agency). It also coordinates the cooperation with the international organisations for drug control. The National Programme for Suppression of Drug Abuse and Illicit Drug Trafficking establishes the main measures and tasks for all entities in the Republic of Macedonia responsible for implementation of the activities aimed at drug demand and drug supply reduction.

In the field of prevention, the Ministry of Education and Science, the Ministry of Health and the Ministry of Labour and Social Policy, in compliance with their legal obligations and the annual operational programmes, undertake activities aimed at drug abuse prevention (realising drug abuse awareness campaigns and educational activities among the youth and general population) and treatment, rehabilitation and re-socialisation of drug abusers.

The Law enforcement agencies, on the basis of their legal competencies, fulfil the obligations to prosecute the drug-related crimes. In addition, they participate in the implementation of the measures for re-socialisation of the drug addicts by consistent application of the alternative -measures of sanctioning.

a)
Coordination between the bodies responsible for drug demand reduction

The Inter-ministerial State Committee for Combating Illicit Production, Trade and Abuse of Drugs in its programme defines the area of activity of the main agents responsible for the implementation of the programme activities for prevention of drug use and abuse.

The Ministry of Health and the Ministry of Labour and Social Policy implement the activities for early detection, treatment and rehabilitation and re-socialisation of drug abusers, as well as the activities for prevention of spreading of Hepatitis and AIDS.

The Ministry of Labour and Social Policy prepares a programme for activities for social integration drug abusers, and it implements them in cooperation with the non-governmental organisations active in this field.

The Ministry of Education and Science in the curricula of primary and secondary schools has incorporated educational activities aimed at increasing knowledge and skills of youth to resist drug use.

For further improvement of the inter-ministerial coordination and cooperation, as well as for increased efficiency of other activities, the Inter-ministerial State Committee for Combating Illicit Production, Trade and Abuse of Drugs will prepare a National Strategy for Drug Control and Action plan for its implementation.

b)

Distribution of tasks and coordination among the competent bodies involved in the drug supply reduction

The Ministry of the Interior, within its legal competencies for prevention and suppression of illicit drug trafficking, constantly cooperates and coordinates its activities with the Ministry of Finance – Customs Administration of the Republic of Macedonia, the Ministry of Health, the Ministry of Agriculture, Forestry and Water Resources Management and with other relevant ministries and institutions. Considering that the Ministry of the Interior and the Customs Administration are the main actors in the realisation of activities and measures aimed at drug supply reduction, their cooperation is organised through direct contacts between the specialised Sector for Illicit Drug Trafficking within the Department for Organised crime in the Ministry of the Interior, and the Customs Administration, through exchange of information and carrying out of joint operational measures and activities.

The Memorandum on Cooperation between the Ministry of the Interior and the Ministry of Finance signed on 18 November, 2004 regulates the modalities of the cooperation between law enforcement agencies within the two ministries in the fight against drug related crime. In this respect, in order to avoid overlapping or duplication of activities and human resources the areas of common interest have been defined. A system of continuous coordination in cases of joint competence has been built. In addition, a procedure for exchange and protection of operational data and intelligence information has been established, along with criteria for use of data from databases in the two ministries.

The Ministry of the Interior continuously cooperates with the Public Prosecutor's Office as well as with the investigative judges in cases of illicit drug trafficking, which contributes to achieving satisfactory level of concerted action when undertaking certain activities.

4. How does co-operation and exchange of information with other national authorities work? Are there any Memorandums of Understanding or Joint Agreements between the various law enforcement services with responsibility for tackling the supply of drugs? Are there similar agreements with relevant industries? If so, please provide details.

According to the National Programme for Suppression of Drug Abuse and Illicit Drug Trafficking ("Official Gazette of the Republic of Macedonia", No. 35/96), an Inter-ministerial State Commission for Combating Illicit Production, Trade and Abuse of Drugs of the Macedonian Government has been established in 1996. This body is in charge of horizontal coordination of the national activities aimed at realisation of the drug policy of the Government of the Republic of Macedonia.

The Ministry of the Interior coordinates its activities with the Ministry of Education, Ministry of Labour and Social Policy, Ministry of Forestry and Water Resources Management and with the Ministry of Health.

The Sector for Illicit Drug Trafficking at the Ministry of the Interior, cooperates with the inspectors of the Ministry of Agriculture, Forestry and Water Resources Management, primarily on the control of legal poppy cultivation, as well as on detecting illicit poppy and cannabis sativa cultivation, while in cooperation with the Ministry of Health, the Sector works on control of precursors, as well as on prevention of supply of legal drugs and chemicals to the illicit market, through joint controls of pharmacies and of the pharmaceutical industry. The Sector takes part in the realisation of educative programmes of the Ministry of Education and of the Agency of Youth and Sports, by holding lectures and presentations on the negative consequences of drug use for young people.

The Ministry of the Interior, i.e. its Sector for Illicit Drug Trafficking, cooperates with the Ministry of Finance i.e. the Customs Administration. Regular meetings among the Sector, the Border Police, and the Sector for Control and Investigations within the Customs Administration have been held since August 2004, in cooperation with EUROPOL – “PROXIMA” and CAFAO-MAK Missions. The objective of the meetings is to improve the cooperation, shorten procedures for information exchange, and facilitate the operative coordination.

Within its competencies, the Ministry also cooperates with several non-governmental organisations, which are active in this area and with media providing information about drug related crime, trends in drug use and about the current situation regarding abuse of new synthetic drugs.

Currently, there are no memoranda of understanding (MoU) or agreements among different law enforcement agencies that have competencies in drug control. Activities for preparation of MoUs among bodies are ongoing.

There are no agreements with relevant industries that produce drugs, psychotropic substances and precursors in the Republic of Macedonia.

5. What about co-operation at the international level (liaison officers)?

In the fight against drug related crimes, the Ministry of the Interior, according to its competencies, develops extensive international cooperation with the police services of the countries of the Balkan region, European Union and some other countries. Thus far, the Government of the Republic of Macedonia has signed, and the Assembly of the Republic of Macedonia has ratified six Agreements on Cooperation in the Fight against Terrorism, Organised Crime, Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors. The Agreement with Turkey was ratified in 1992, with Romania in 2004, with Albania in 1992, with Bulgaria in 2003, with Slovenia in 1995 and with Croatia in 1997. In addition, the Republic of Macedonia has signed Agreements with the Russian Federation, the French Republic, Ukraine and the Republic of Montenegro. The signing of the Agreements with Switzerland and the Republic of Hungary is pending.

The police cooperation with third countries is conducted through INTERPOL liaison officers and channels; the SECI (South-East European Cooperation Initiative) liaison officers, and liaison officers coming from third countries appointed in the Republic of Macedonia.

The Republic of Macedonia has its representatives-liaison officers from the Ministry of the Interior and the Customs Administration at the Headquarters of the SECI Regional Centre for Combating Trans- border Crime in Bucharest- Romania, while permanent liaison officers from the Republic of Bulgaria, Republic of Greece and from the French Republic have been appointed to the Republic of Macedonia.

Police cooperation has also been established with liaison officers appointed from countries having seats in the neighbouring countries, namely representatives from the Scandinavian countries, the USA (Drug Enforcement Administration-DEA) and Germany. For more details see [24 G 10](#).

At operational level, the international cooperation with third countries is carried out through INTERPOL in which respect, the Ministry of the Interior has established contacts and has realised successful operative actions with respective services of the Republic of Bulgaria, Republic of

Croatia, Republic of Slovenia, Republic of Austria, Federal Republic of Germany, the Netherlands and Republic of Turkey.

6. How do you co-operate with international bodies operating in the drugs field, such as UNODC, INCB, Commission on Narcotic Drugs, Pompidou Group, WHO etc.?

The Republic of Macedonia is a party to all UN Drug Conventions and closely cooperates with specialised agencies and other international organisations.

These activities are coordinated by the Inter-ministerial State Commission for Combating Illicit Production, Trade and Abuse of Drugs in close cooperation with the Ministry of Foreign Affairs.

The Republic of Macedonia submits reports on the implementation of UN drug conventions to the UNODC. Several ministries are responsible for competition and submission of the Annual Report Questionnaires. The Ministry of Health collects data on the export and import of narcotic drugs, psychotropic substances and precursors and prepares annual statistical reports on the production, consumption, storage, export and import of narcotic drugs, psychotropic substances and precursors, and together with Ministry of the Interior completes Annual Report Questionnaire Part I and Part II. The Ministry of the Interior keeps a National Register of Drug Users, and has data on drug related offences and illicit drug trafficking, seized drugs, and related human rights violation. The Ministry of the Interior and Customs Administration complete and submit The Annual Report Questionnaire Part III. The Ministry of Justice completes and submits The Annual Report Questionnaire Part I.

The more intensive cooperation with the United Nations Drug Control Program (UNDCP) began in 1997/1998. The cooperation has been realised through concrete projects aimed at strengthening the institutional capacities of the Ministry of the Interior and of the Customs Administration, strengthening the control on the border crossing points, staff training, study visits, providing literature, manuals, methodological guidelines, as well as support to NGOs.

In 1998, the joint project of UNDCP and PHARE entitled "Strengthening the Drug Control Capacities in the Republic of Macedonia" helped in harmonising the Macedonian legislation with the international standards for drug problem resolution. This project builds on international efforts to strengthen national law enforcement capacities in this area in Southeast Europe.

March 1999, marked the beginning of a joint project of UNDCP and PHARE project for strengthening the police capacities in Southeast Europe – repression of drugs smuggling among Macedonia, Bulgaria and Romania. This project was completed in December 2002. It was related to the enlargement of national capacities for border crossing control in respect of prevention of drug smuggling by air (airports in Macedonia, Bulgaria, Romania), water and land; development of national systems for intelligence data gathering and analysis for assistance in criminal investigations; organisation of coordinated control measures and; harmonisation of capacities for detection of drugs at road border crossing points between Bulgaria and Macedonia in order to cut off heroin smuggling (along the so-called Balkan route).

Another regional project of UNODC for prevention of drug smuggling is to be completed by the end of 2004. In addition to Macedonia, the project encompasses Bosnia and Herzegovina, Bulgaria, Croatia, Romania, Slovenia and Serbia and Montenegro. The project should provide assistance for strengthening and enhancing the national capacities for intelligence gathering and analysis regarding major drug smuggling investigations in the abovementioned seven countries. If there are no special drug related intelligence departments in these countries, the project is to assist in the establishing of such structures, provide training, as well as database equipment and analytical software, which is entirely compatible with the Europol and INTERPOL standards.

In the framework of the cooperation between the Republic of Macedonia and UNODC, new projects are being prepared, such as the National project for training of customs dogs for drug detection, as well as regional HIV/AIDS project.

In 1999, the UNDCP established an Operative Branch Office in Sofia, Bulgaria, which initially covered the activities in Macedonia, and later extended its coverage to the other countries in the Region – the then Federal Republic of Yugoslavia, Croatia, Bosnia and Herzegovina and Slovenia. The Sofia Branch Office also includes a network of experienced national project officers in Tirana, Sarajevo and Skopje.

Representatives of the Ministry of Foreign Affairs, Ministry of the Interior and the Inter-Ministerial State Commission for Combating Illicit Production, Trade and Abuse of Drugs participate in the activities of the Commission on Narcotic Drugs (CND). The Republic of Macedonia was CND member in period from 2000 to 2003.

The Republic of Macedonia is not a member of the Pompidou Group. The Ministry of Foreign Affairs prepares a proposal for the Government of the Republic of Macedonia to adopt a decision on accession to the Pompidou Group. This decision is to be passed in 2005.

The cooperation with the European Commission has been realised by implementation of several PHARE projects in the framework of PHARE Multi-Beneficiary Drugs Programme. Macedonia participated in the implementation of the projects entitled “Drugs Information System and Information Networks”, “Technical Assistance to Drug Demand Reduction – Sub-regional project Harm Reduction”, “PHARE Precursors Project”, Phase 4 and 5 and “PHARE Synthetic Drugs Project”.

The cooperation with the World Health Organisation (WHO) is carried out through the Ministry of Health.

In 2000/2001, a joint project of the Ministry of Health, WHO and UNICEF - “Decentralisation of services for prevention and treatment of drug abuse, aimed at improvement of treatment of drug-dependant individuals and HIV prevention” began. The project envisaged opening of regional treatment centres. However, this failed due to a number of subjective and objective difficulties.

In December 2003, the Government of the Republic of Macedonia signed a two-year Cooperation Agreement for the 2004/2005 period with the WHO Regional Office for Europe. Under the Agreement, support for development and improvement of projects in the health care will be provided. The planned activities are grouped in three key segments: provision of health care services (expert technical interventions in the country), development of health care system infrastructure and health policy, as well as other relevant elements. One of the priority activities is support for opening new services for treatment of drug abusers.

In September 2004, the Government of the Republic of Macedonia, through the Ministry of Health, signed a two-year Agreement under the Program “Building a coordinated national response to HIV/AIDS”, No. of Grant MKD-304-G01-H with the Global Fund to fight AIDS. The part “Prevention of HIV Transmission among Intravenous Drug Users” envisages improvement and better accessibility to programmes for substitution therapy for intravenous drug users, by opening of four treatment centres in the following 2 years.

7. Do you have general guidelines on the fight against drug trafficking?

Preventive and repressive measures are undertaken in the efforts for suppression of drug trafficking. The Republic of Macedonia actively undertakes measures and activities aimed at drug supply reduction and drug demand reduction.

The competent drug control authorities, the Ministry of the Interior and Customs administration undertake continuous high impact operations aimed at suppression of drug supply and disbanding of organised criminal groups involved in drug trafficking along the Balkan Routes

The fight against drug trafficking is based on the following legal instruments: Criminal Code of the Republic of Macedonia (“Official Gazette of the Republic of Macedonia”, No. 37/96, 80/99, 4/02, 43/03 and 19/04), the Law on Criminal Procedures (“Official Gazette of the Republic of Macedonia”,

No 15/97), the Law on Public's Prosecutor Office ("Official Gazette of the Republic of Macedonia", No 38/04, and the Law on Precursors Control ("Official Gazette of the Republic of Macedonia", 37/04).

The main objectives in the field of drug supply reduction are continuous realisation of operating methods (strategic and operational analysis of information; investigative procedures and collection, analysis, exchange and dissemination of information and data on drug seizures; improvement of cross-borders security measures; establishment of continuous and efficient inter-agency cooperation among Police, Customs authorities and juridical bodies; decisive action against individuals and criminal groups including assets seizure; promotion of "controlled delivery" technique and other special investigative methods; promotion of inter-regional cooperation between law enforcement agencies; regular exchange of information with EUROPOL and ERUROCUSTOMS; cooperation with UN organs and agencies and; with other police organisations like DEA and BKA.

8. Is there adequate and sufficient administrative capacity to fight drug-related crime?

According to the adopted Strategy and Action Plan for the Police Reform, a Department for organised crime with a specialised Sector for Illicit Drug Trafficking was established. The Sector has a total of 29 executors, of which 20 in the central services while 9 of them detached in the territorial Sectors for Internal Affairs. Within the frames of the Sector there are two sections: Section for Illegal trafficking with opiates, cocaine and cannabis, and Section for illegal trafficking in synthetic drugs, psychotropic substances and precursors.

One part of the employees have participated in trainings and seminars on fight against drug trafficking, organised by the Federal Service of Germany - BKA, the American Agency – DEA, French and British Service, as well as the FBI Academy – ILEA in Budapest.

In addition, 6 employees and 4 handlers of police dogs for detecting drugs from the Control and Investigation Sector within the Customs Administration, were trained on basic and specialised works on drug related crimes. The trainings were organised in cooperation with the organisation of CAFAO - MAK Mission, Bulgarian Customs Administration, the Turkish Embassy in the Republic of Macedonia in co-operation with TADOK (International Academy on Fight against Drug and Organised Crime) – Republic of Turkey, Customs Administration of the Federal Republic of Germany and at the FBI Academy - ILEA in Budapest.

According to the Law on Police Academy ("Official Gazette of the Republic of Macedonia", No. 40/03) all legal assumptions are being fulfilled for continuous training of the personnel in the Ministry of the Interior and in other responsible bodies.

The adoption of the Law on Witness Protection and the Law on Interception of Communications, which are in parliamentary procedure, will represent a formal and legal basis for the use of special investigation techniques.

9. What are the relevant structures and competencies of the police, customs and judicial authorities? Please describe their functioning in day to day practice.

Relevant structures in the Republic of Macedonia directly in charge of undertaking measures and activities in suppression of trafficking in drugs, psychotropic substances and precursors are the Sector for Illicit Drug Trafficking at the Ministry of the Interior, and the Sector for Control and Investigations at the Customs Administration of the Ministry of Finance.

The Criminal Police Section at the Ministry of the Interior has a Unit for suppression of Drug Trafficking, while the regional sectors of the Ministry of the Interior have Sections for suppression of illicit drug trafficking, and the Skopje Internal Affairs Sector has a Department for suppression of drug trafficking.

The competencies of authorised officials, who in their every day work undertake measures and activities for prevention of drug related crimes are regulated with the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia", Nos. 19/95, 55/97, 38/02, 33/03 and 19/04), the Rulebook on

the Manner of Performance of Duties by the Ministry of the Interior ("Official Gazette of the Republic of Macedonia", No. 12/98 and 15/03), and the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", No. 15/97, 44/02 and 74/04). These laws prescribe the following competencies:

- checking/establishing the identity of individuals;
- summoning citizens upon a written invitation for the purpose of gathering the necessary information;
- requesting necessary information from citizens;
- inspection of vehicles, individuals, and baggage;
- redirecting, directing or limiting the movement of individuals and vehicles;
- entering home and premises upon presenting identification documents and a court decision i.e. order;
- securing and examining the crime scene;
- search for individuals and items for the purpose of finding and apprehending perpetrators of crimes related to illicit trafficking in drugs, psychotropic substances and precursors, finding items related to such crimes, and gathering data on individuals and items.

In gathering information and in terms of indications and undertaking concrete measures and activities in the combat against drugs, authorised officials of the Sector cooperate on daily basis with the uniformed officials. Aiming at upgrading the knowledge in the combat against drugs, since 2002, in cooperation with the OSCE, the Ministry has been organising three-day courses on topic "Identification of Drugs, Legal Procedure and Execution of Searches".

In the context of prevention, the Sector and the regional units undertake activities to inform secondary and elementary school students about the dangers of drug use, organising lectures, debates and discussions on prevention of drug abuse, while in cooperation with the uniformed police, there are activities aimed to prevent drug selling and gathering of drug users at public places and in abandoned objects.

The Customs Administration is a state body within the Ministry of Finance.

The Sector for Control and Investigations within the Customs Administration is in charge of activities for suppression of drug smuggling at national level.

The competencies of the Customs Administration are regulated with the Law on Customs Administration ("Official Gazette of the Republic of Macedonia", No. 46/04), Customs Law ("Official Gazette of the Republic of Macedonia", Nos. 21/98, 26/98, 63/98, 86/99, 25/00, 109/01, 4/02 and 55/02) and other regulations.

The Customs Administration is in charge of customs surveillance of goods and passenger transport on the border crossing points from the aspect of suppressing the smuggling of narcotic drugs and, customs surveillance of trade in precursors chemicals and their import, export and transit. Customs officers are authorised to carry out inspection and search of all individuals, vehicles and goods at border crossing points. In case of detecting an illegal shipment of narcotic drugs, the Customs Administration, through the Sector for Control and Investigations, implements investigative procedures and accordingly forwards a proposal for institution of criminal charges through the relevant Public Prosecutor's Office, to the competent court.

Based on the Law on Customs Administration and the Customs Law, in the context of inland customs operations, customs officers may stop, inspect and search vehicles used for transportation of goods.

In respect of precursor import and export, the Customs Administration examines whether a certain shipment is accompanied with a relevant permit issued by the Ministry of Health. If certain irregularities are established, the Customs Administration will stop the shipment and notify the Ministry of Health and the Sector for Control and Investigations for purposes of further investigations.

The Sector for Control and Investigations monitors the situation and cases of narcotic drug smuggling on the territory of the entire country, independently or in cooperation with the Sector for Illicit Drug Trafficking at the Ministry of the Interior. These bodies also plan or directly implement activities of enhanced control at the border crossing points, or control vehicles for transportation of goods within the country.

Concerning crimes of unauthorised production and release for trade of narcotic drugs, psychotropic substances and precursors, the Public Prosecutor's Office has the same competencies for detection and prosecution of perpetrators, as for other crimes and their perpetrators.

Under the new Law on the Public Prosecutor's Office, and following the amendments to the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", No. 74/04), and the proposed Law on Conditions and Procedure for Interception of Communication, the special investigative measures are extended, as well as the competencies of the Public Prosecutor's Office considering that in certain cases an approval for such measures is required to be issued from this Office. It is considered that this would strengthen the combat against crimes related to narcotic drugs, psychotropic substances and precursors.

10. What measures have been adopted at the external borders?

The "National Strategy for Integrated Border Management" defines the competencies of the Police and Customs regarding the detection of attempts of illegal import i.e. export of drugs at the border crossing points.

Having in mind the provisions of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia", No. 19/95, 55/97, 38/2002, 33/2003 and 19/2004) that define the scope of work of the separate organisational units of the Ministry of the Interior, in the course of the border crossing control, continuous measures directed at detection and suppression of attempts of illegal drug trafficking are undertaken by the Border Police Department.

Principally, the following measures were undertaken:

- Design of plans by the Police Stations at the border crossing points that define the activities directed at detection of attempts of illicit drug trafficking;
- Performance of so called selective controls of vehicles and persons with suspicious behaviour;
- Performance of compulsory control of persons in the context of intensified state, local and international operative control;
- Undertaking activities following orders for operative actions;
- Gathering operative information concerning the illicit drug trafficking and their distribution to the competent organisational units at the Ministry;
- Close cooperation and coordination of activities with the Criminal Police Department: at local level with the regional Sectors and Sections for Internal Affairs and at central level with the Sector for Illicit Drug Trafficking;
- Close cooperation with the Customs Administration in performing inspection of persons and vehicles;
- Training of Border Police staff that control the state border crossing;
- Equipping the border crossing points with adequate technical devices intended for detection of various types of drugs and use of such devices in the every day work at border crossing points;
- Training for authorised officers – handlers of police dogs and training of police dogs and their use in everyday work.

The Police operatively cooperates with the Customs Administration, which is competent for control of the import, export and transit of goods. The cooperation relates to providing information on trafficking

channels, trafficking techniques, used devices and persons involved in trafficking, etc. The control and inspection of vehicles for transport, i.e. import, export and transit of goods is performed by the Customs Administration, which possesses necessary data on the goods, their sender and carrier (interesting from the viewpoint of the possibility to smuggle narcotic drugs). Upon a request of the Ministry of the Interior, the Customs Administration, in light of the abovementioned reasons, may perform activities of control and inspection in cooperation with the representatives of the Ministry of the Interior.

The Customs Administration through the Sector for Control and Investigations analyses the movement of goods (senders, carriers, transporters, drivers and vehicles) that transport goods in passenger, railway and air traffic.

The above referred to is undertaken with the aim of reducing the supply of and demand for all types of narcotic drugs by increasingly supervising the state border (passenger and goods traffic) and by intercepting international drug transportation channels. When undertaking measures carried out in cooperation among the Border Police, the Customs Administration and the Sector for Illicit Drug Trafficking, it is particularly taken into consideration that the preventive-repressive measures have no adverse impact on Macedonia's openness and traffic flow, and its orientation towards tourism.

11. Have you created electronic data banks covering seizures of drugs in the last three years and other statistics?

The Ministry of the Interior of the Republic of Macedonia has created an electronic database on drug related crimes and perpetrators, in accordance with the Rulebook on the Manner of Operation of the Ministry of the Interior ("Official Gazette of the Republic of Macedonia", No. 12/98) and the Guidelines on the Working and Operative Records Kept at Police Stations.

The crime related data are managed using adequate programmes within the central information system of the Ministry of the Interior, where, there are statistical indicators on the number of crimes, on the perpetrators and the type of drugs, while the data on quantities of seized and confiscated drugs are recorded manually based on instituted criminal charges. Upon further data processing, statistical data are prepared (quarterly, three-quarterly, semi-annually and annually) about the crime rate in the area of trafficking in drugs on the territory of the entire country.

The data on the crime offences and persons who possess and abuse narcotic drugs are kept separately and manually, in accordance with the Guidelines on Keeping Statistical Data and the Manner of Reporting on Events and Status in the Area of Public Security.

Special records are kept manually, containing data about detected international channels, quantities and types of confiscated drugs on the territory of the Republic of Macedonia, on the number of Macedonian nationals deprived of liberty in other countries on grounds of being involved in cases of trafficking in drugs, on drug users, as well as about the types of abused drugs.

The Republic of Macedonia is a member of the INTERPOL since 1993 and since 1999, it is a member of the SECI Regional Centre, being under the reporting obligation about more specific cases of seizure of drugs.

The Tables bellow contain data on the total number of registered crime offences of *Unauthorised production and release in trade of narcotics, psychotropic substances and precursors*, under Article 215 of the Criminal Code and the crime of *Enabling use of narcotic drugs, psychotropic substances*, under Article 216 of the Criminal Code of the Republic of Macedonia, about the perpetrators (table 1), about the types and quantities of the confiscated narcotic drugs (table 2), as well as the trends regarding drug users, according to police statistics (table 3).

Table 1: Crimes and perpetrators			
CRIMES	2001	2002.	2003
Crimes under Article 215 of the Criminal Code: unauthorised production and release for trade of narcotics, psychotropic substances and precursors	287	216	306
Crimes under Article 216 of the Criminal Code: enabling the use of narcotic drugs and psychotropic substances and precursors	61	66	100
PERPETRATORS			
Crimes under Article 215 of the Criminal Code: unauthorised production and release for trade of narcotics, psychotropic substances and precursors	400	307	412
Crimes under Article 216 of the Criminal Code: enabling the use of narcotic drugs and psychotropic substances and precursors	70	71	105
Source: Ministry of the Interior			

Table 2: Types and quantities of confiscated narcotic drugs							
year	Heroin	Marihuana	Hashish	Cocaine	Raw opium	Ecstasy	Acetic Anhydride
2001	110 kg and 882 g	99 kg and 115 g; 606 plants 122 g and 186 seeds	309 kg and 846 g	5 kg and 860 g	3 kg and 494 g	45 tablets	/
2002	28 kg and 572 g	29 kg and 234 g ; 815 plants and 298 seeds	258 kg and 406 g	342 g	22 kg and 930 g	18.341 tablets	/
2003	66 kg and 145 g	180 kg and 681 g 858 plants and 217 g seeds	423 kg and 504 g	6 kg and 502 g	17 kg and 947 g	9.646 tablets	400 litres
Source: Ministry of the Interior							

Table 3: Registered drug users			
Year	2001	2002	2003
Users	5.030	5.222	6.034
Source: Ministry of the Interior			

12. Have you concluded Memoranda of understanding with concerned counterparts (ports, express delivery services, etc.)?

The cooperation with the public enterprises and companies that perform related activities (post offices, express mail service, the telephone providers etc.) is carried out in accordance with the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", Nos. 15/95, 44/02 and 74/04). Pursuant to Article 142 of this Law, the Ministry of the Interior may request necessary information from legal entities and institutions having public authorities, in order to perform inspection in their documentation, or to conduct inspection of certain facilities and premises.

The Republic of Macedonia, so far, has not signed Memoranda of Understanding with relevant partners beyond civil administration, aimed at regulating joint and coordinated action on drug control.

13. Do your authorities make use of systematic risk-analysis? To what extent do they rely on financial investigations and on controlled deliveries?

In the course of its day-to-day activities, the Ministry of the Interior does not use a systematic risk-analysis, but there is a risk-analysis in respect of each indication, i.e. only indications which provide

sufficient grounds for suspicion that a crime has been perpetrated are subject to separate risk analysis.

Financial investigations at the Ministry of the Interior are conducted by the Financial Crime Sector, which in its scope of work gathers indications and data on the committed financial frauds for the purpose of acquiring illegal proceeds.

The Sector cooperates with the Directorate for Prevention of Money Laundering. The Law on Prevention of Money Laundering and other Criminal Proceeds ("Official Gazette of the Republic of Macedonia", No. 46/2004) prescribes the obligation for entities that deal with financial transactions, for transactions exceeding 15,000 EUR, to establish the identity of the entity-party to the transaction, as well as related transactions in the amount exceeding 15,000 EUR.

Financial investigations related to illicit drug trafficking are only an indication that a certain individual or organisation have gained or are gaining drug trafficking proceeds.

After the adoption of the amendments to the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", No. 74/04), controlled delivery and transportation of persons and objects were introduced as a special investigative measure in the Republic of Macedonia.

In its work thus far, the Ministry of the Interior has had certain experiences in undertaking and execution of controlled deliveries of narcotic drugs, and has achieved satisfactory results, i.e. it has seized larger amounts of drugs, while a number of persons have been arrested.

Through its competent organisational units, the Ministry of the Interior continually cooperates and exchanges information with the police authorities of the European countries and wider, and takes part in police operations led by INTERPOL and SECI (Southeast European Cooperation Initiative). These police operations require application of controlled deliveries as a special investigative measure.

14. Is the EU Action Plan on Drugs 2000-2004 known?

The Inter-Ministerial State Commission for Combating Illicit Production, Trade and Abuse of Drugs, as well as other competent drug control institutions and agencies of the Government of the Republic of Macedonia are familiar with the EU Action Plan on Drugs 2000-2004.

The Inter-Ministerial State Commission for Combating Illicit Production, Trade and Abuse of Drugs has distributed the EU Action Plan on Drugs in 2003, along with the preliminary Draft Action Plan for Fight against Drugs in the Republic of Macedonia, which is fully harmonised with the EU Action Plan on Drugs 2000-2004.

In addition, this Commission according to the Government Action Plan for European Partnership, is to prepare a National Strategy for Drug Control by June 2005, which would be harmonised with the EU Action Plan on Drugs 2005-2009.

The ongoing activities for drug control in the Republic of Macedonia are based on the principles set forth in the EU Action Plan on Drugs 2000-2004.

15. Does a "National Programme for the fight against drugs" exist? How is it implemented?

The Government of the Republic of Macedonia, aiming to intensify and coordinate the activities of the competent Ministries in the area of drug control, in 1996 adopted the National Programme for Suppression of Drug Abuse and Illicit Drug Trafficking ("Official Gazette of the Republic of Macedonia", No. 35/96). In accordance with this Programme the Government of the Republic of Macedonia in 1998 set up the Inter-ministerial State Commission for Combating Illicit Production, Trade and Abuse of Drugs which prepares the Programme for control of illicit production and trade with narcotic drugs psychotropic substances and precursors, and for prevention of drug abuse and submits it to the Government of the Republic of Macedonia.

The Programme for control of illicit production and trade in narcotic drugs, psychotropic substances, and precursors and for prevention of drug abuse defines the activities of the competent ministries and agencies responsible for implementation of the activities directed towards drug supply and drug demand reduction. It also foresees activities for approximation of the national drug legislation with the European Union's *acquis* on Drugs, training activities of law enforcement personnel as well as activities in the area of primary, secondary and tertiary prevention of drug abuse.

The Programme for control of the production and trade in drugs, psychotropic substances, and precursors and for prevention of the abuse of drugs, psychotropic substances and precursors is comprised of three principal chapters:

- Activities for reduction of supply of drugs, psychotropic substances and precursors;
- Activities to reduce the demand for drugs, psychotropic substances and precursors;
- Inter-ministerial coordination and cooperation.

This Programme clearly defines the national priorities related to drug control and defines the role of the relevant ministries and agencies of the Government of the Republic of Macedonia.

The Programme of the Inter-ministerial State Commission for Combating Illicit Production, Trade and Abuse of Drugs defines seven specific areas of action: activities in the field of law enforcement, activities of early detection, treatment and rehabilitation of drug users, activities of social reintegration of drug users, activities in the field of education, activities aimed at youth, informative activities and international cooperation.

16. Although the *acquis* does not specify any administrative structures, how do you intend to prepare for participation in EMCDDA and the European Information Network on Drugs and Drug Addiction (REITOX)? Do you intend to set up a national focal point?

There is no unified information network and system for collection, processing and publication of data on drugs and drug use in the Republic of Macedonia. Data on persons treated for health problems caused by use of drugs are registered on *Hospital-Statistical Sheet* form, which is sent to the National Public Health Institute. The data of hospital statistics on persons with health problems caused by drugs use are not processed.

The Ministry of the Interior keeps a register of persons that have perpetrated crimes of drug possession, as well as crimes of offering and enabling drug use, while the State Statistical Office collects data on persons convicted for drug related crimes.

The Republic of Macedonia was included in the Project on Drug Information Systems and Networking-DIS, under the PHARE Multi-Beneficiary Programme for Fight against Drugs (1997-1999). A National Focal Point was established in 1999, and a donation from the PHARE program helped in realisation of the initial Focal Point staff training. Furthermore, the necessary logistics was provided for functioning of the Focal Point and National Reports were prepared in 1999 and 2000, and forwarded to EMCDDA. However, due to lack of finances, this project ceased to function within a year.

It is important to emphasise that according to the Action Plan for European Partnership, the Macedonian Government plans to institutionalise the National Focal Point.

Furthermore, in order to provide for the appropriate functioning of the National Focal Point, the Government of the Republic of Macedonia will undertake activities for creation of a drug information system according to the standards of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). In this direction, the Republic of Macedonia plans to become part of the European Information Network on Drugs and Drug Addiction (REITOX).

K. CUSTOMS COOPERATION

1. Please provide information on legislation or other rules governing the customs area.

Basic legal acts concerning the customs area in the Republic of Macedonia are the Customs Administration Law ("Official Gazette of the Republic of Macedonia", No. 46/04) and the Law on Customs Tariff ("Official Gazette of the Republic of Macedonia", Nos. 23/03 and 69/04).

The Customs Administration Law ("Official Gazette of the Republic of Macedonia", No. 46/04), regulates the organisation, scope of activities, method of operating and managing of the Customs Administration, the customs competencies, as well as the rights and responsibilities when collecting, registering, processing and protecting the data related to the Customs Administration. This law regulates the specifics in regard to the rights, obligations and responsibilities of customs officers, the code of conduct, awards, promotions, as well as the financing of the Customs Administration.

At the same time the Customs area is regulated by other customs related laws and by numerous by - laws, as well as by directly applicable international conventions (for more details see [25 II 13](#)).

Issues concerning customs cooperation are governed by a number of provisions within Chapter 3 – Section 2 (Responsibilities of the Customs Administration) of the Customs Administration Law ("Official Gazette of the Republic of Macedonia", No. 46/04).

Namely, in accordance with Article 21, paragraph 2 of this Law, the Customs Administration cooperates and exchanges information with state administration bodies and other state authorities, as well as with public or private organisations. The types and procedures of customs cooperation with these bodies are regulated separately, by other provisions of this Law (from Article 18 to Article 22).

The issue of providing assistance for enforcement of the provisions of this Law, or other laws applied by the Customs Administration are subject to regulation with the Ministry of the Interior.

Subject to regulation with the state administration bodies and other state authorities, is the issue of giving necessary assistance for implementation and enforcement of certain customs measures, reports on committed customs offences and criminal offences in the field of customs operation, as well as provision of information and documents .

Also, the provisions of Article 22 of this Law, in accordance with the ratified international agreements, regulate the cooperation of the Customs Administration with the Customs Administration authorities of other countries in the field of customs operation - in the process of detection and prevention of customs and criminal offences, training of Customs officers, upgrading of technical development etc.

On the other hand, the provisions of Article 138 of Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", Nos. 15/97, 44/02 and 74/04) prescribe that state authorities are obliged to provide necessary assistance to the Courts and other relevant bodies, which participate in the criminal procedure, especially with respect to detecting crimes and their perpetrators. In this view, particularly significant is the provision incorporated in Article 142-a of the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", Nos. 15/97, 44/02 and 74/04) which is establishing the responsibilities of the Customs Administration in the preliminary investigation procedure and in the investigation. Namely, the same powers which are given to the Ministry of the Interior are also given to the legally authorised officers from the Customs Administration in cases when they work on detecting crimes and their perpetrators and on collecting evidence for the purpose of criminal prosecution of perpetrators of criminal offences that are explicitly enumerated in this provision as well as other criminal offences related to export, import and transit of goods across the border line.

The co-operation of the Customs Administration with the Public Prosecutor's Office and the investigative judge, as well as with state administration bodies, i.e. the Ministry of the Interior and the Financial Police, is elaborated in more details by other provisions from this Law, which regulate the preliminary investigation procedure and the investigation. This co-operation is regulated in particular with the provisions in Article 144-a of the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", Nos. 15/97, 44/02 and 74/04) and Article 22 of the Law on Public Prosecutor's Office ("Official Gazette of the Republic of Macedonia", No. 38/04). Pursuant to these provisions, in the preliminary investigation procedure and in the investigation related to crimes for which the prescribed sentence is imprisonment of at least four years; to crimes committed by several perpetrators; or when it is necessary because of especially justified reasons for efficient evidence gathering for the indictment, the Public Prosecutor may order one or more authorised officers from the respective Ministry or other state authority to be available to the Public Prosecutor's Office for a specified time period, but not longer than one year. Pursuant to these legal provisions, the authorised officers act upon the orders and instructions of the Public Prosecutor and they are directly accountable to the Public Prosecutor for the performance of their tasks.

Article 2, paragraph 2 and Article 38 on the Law on Misdemeanours ("Official Gazette of the Republic of Macedonia", Nos. 15/97 and 35/97) prescribe that for the misdemeanour procedure, the provisions of the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", Nos. 15/97, 44/02 and 74/04) shall apply. Accordingly, the cooperation determined by the Law on Criminal Procedure also applies to the misdemeanour procedure.

Customs cooperation with other state administration bodies is also provided for in Article 53 of the Law on Organisation and Operation of the State Administrative Bodies ("Official Gazette of the Republic of Macedonia", Nos. 58/00 and 44/02). In accordance with these provisions, the state administration bodies, which are performing inspection tasks have a duty to cooperate between themselves, as well as with the other state administration bodies.

2. Does the Customs Administration have an integrated computer system?

The Customs Administration of the Republic of Macedonia uses the *Asycuda* customs operation application for its customs information system (MAKCIS). The *Asycuda* application is a computerised customs management system developed by UNCTAD (United Nations Conference on Trade and Development). The system contains most of the customs transit procedures, processes documents for inspection of goods, customs declarations, payment procedures, and provides confidential and punctual statistical data. The referential data are integrated within the system: harmonised tariff system, submitters, enterprises, currency and exchange rate, customs warehouses and all reference lists related to the SCD (Single Customs Document). The system has integrated the international standards and codes developed by the EU, World Customs Organisation and the UN. The system is configured according to the needs of the Macedonian legislation, to the necessary extent.

The Customs Administration is organised into five regions (Customs Houses), with a total of 43 customs offices, out of which 36 are currently linked with the computer network, while it is planned to link the other five customs branch offices with the Macedonian Customs Information System (MAKCIS) in the near future. MAKCIS implies a computerised customs branch office (CI), with LAN (Local Area Network) links with the local server on which *Asycuda* server application is installed. All the customs branch offices (CI) connected to MAKCIS are linked with the WAN (Wide Area Network) of the Customs Administration, which provides for data exchange. Data from all Customs Branch offices are collected at the central server through WAN, which serves for statistical processing, as well for further preparation of the statistical data for the needs of other state institutions. The process of reducing the number of servers in the customs branch offices (CI) has started, i.e. certain smaller customs branch offices (CI), are WAN linked to one server. At present time, a complete centralisation is not possible, mainly due to the unsatisfactory quality of the communication line provided by the two providers, and to lack of backup access. The users (customs officers and submitters) have access to the server application via personal computers on which the client *Asycuda* application is installed. The access to the server is provided via two physically separated LANs, one being for the submitters,

and the other for the customs officers. Internet access for all customs branch offices (CI) has been provided from a central location via a single firewall protected link.

The communication network of the Customs Administration of the Republic of Macedonia uses modern network equipment that provides support for large number of transmission technologies and integration of multimedia services. The network is based on the IP protocol, which results in simplification of the administrator functions and reduces the burden of the network itself. In functional terms, the network provides access to Internet/Intranet, e-mail services, access to data at the central server and to each of the operational servers. The network for connection of border crossings is property of the Ministry of the Interior.

Direct participants in the MAKCIS are the public enterprises. Beside them direct participants are: the Public Enterprise for Airport Services "Macedonia", the Public Enterprise - Macedonian Railways and the Public Enterprise for Postal Traffic – Macedonian Post. These participants submit to MAKCIS data on goods - subject to customs clearance and they have the possibility to check the customs procedure for the goods they handle or they guarantee. Furthermore, the Ministry of Economy, the Ministry of Finance, the Ministry of Agriculture, Forestry and Water Resource Management, the National Bank of the Republic of Macedonia, the State Statistical Office and the Public Revenue Office are also users of the MAKCIS data in electronic format. There is no integrated computer system linking the Ministry of the Interior and the Customs Administration. However, should any of the services (Ministry of the Interior and Customs Administration) need information available to another service, the latter is ready to provide it at any time.

3. Is there development of risk analysis using, inter alia, information derived from Memoranda of Understanding (MoU)?

According to the mission of the Customs Administration aiming at accelerating customs procedures, and simultaneously enhancing its control function, as of 2002, the operation of the Customs Administration has been based on the Method of risk analysis and selectiveness. In this respect, there is a module within the existing customs information system (MAKCIS) based on the ASYCUDA system, which has been integrated in the customs branch offices. Furthermore, there are also selective controls at border crossing points supported by intelligence.

The risk analysis and the establishment of criteria are based on the information received from the MAKCIS (the existing information system), the intelligence database, as well as on information from other units and services at the Customs Administration.

The risk management and the operative actions are under the responsibility of the Risk Analysis Unit within the Control and Investigations Sector.

Being result oriented, the Customs Administration puts special focus on cooperation with other institutions in the country and on international cooperation with the countries in the region.

The cooperation thus far, and the information exchange that are used in the risk analysis process are in compliance with Article 10, point 17 and Article 21 of the Customs Administration Law ("Official Gazette of the Republic of Macedonia", No. 46/04), Article 11, point 9 of the Customs Law ("Official Gazette of the Republic of Macedonia", Nos. 21/98, 26/98, 63/98, 86/99, 25/00, 109/00, 31/01, 4/02, 55/02 and 42/03), and Article 3 of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia" Nos. 19/95, 55/97, 38/02, 33/03 and 19/04).

The Memorandum of Understanding between the Ministry of the Interior and the Ministry of Finance (referring also to the Customs Administration) was signed in November 2004.

With intention of improvement of the cooperation, Protocols will be signed based on the Memorandum of Understanding between the Ministry of the Interior and the Customs Administration.

4. What is done to ensure inter-agency co-operation and the implementation of mutual assistance agreements?

Pursuant to Article 10, point 17, Article 21 of the Customs Administration Law ("Official Gazette of the Republic of Macedonia", No. 46/04), Article 11, point 9 of the Customs Law ("Official Gazette of the Republic of Macedonia", Nos. 21/98, 26/98, 63/98, 86/99, 25/00, 109/00, 31/01, 4/02, 55/02 and 42/03), and Article 3 of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia", Nos. 19/95, 55/97, 38/02, 33/03 and 19/04) the cooperation and data exchange between the bodies of the state administration and other state authorities, as well as with the City of Skopje and the other municipal bodies is prescribed.

The National Strategy for Integrated Border Management, which was adopted by the Government of the Republic of Macedonia in 2003, stipulates strengthening of the cooperation between the responsible Ministries.

In practice, the cooperation between the Ministry of the Interior and the Customs Administration is successful both at central and local level.

Pursuant to Article 8 of the Agreement on Cooperation to Prevent and Combat Trans-Border Crime (SECI) ("Official Gazette of the Republic of Macedonia", No. 16/00), a National Focal Point for mutual assistance in trans-border crime between the Ministry of the Interior and the Customs Administration, has been established within the Ministry of the Interior. A Guide for the National Focal Point has been prepared for this purpose. The Customs Administration has its own officer at the National Focal Point who submits and receives requests from the SECI Regional Centre for Combating Trans-Border Crime.

In order to establish cooperation between the representatives from the Sector for Illicit Drug Trafficking within the Ministry of the Interior, the Border Police, the Control and Investigations Sector within the Customs Administration, under the patronage of EUPOL PROXIMA and the CAFAO-MAK mission, regular meetings have been held since August 2004. The purpose of these meetings is improvement and supporting the mutual cooperation with the aim of successful fight against illicit drug trafficking, shortening of information exchange procedures, supporting the mutual coordination on operational level, starting from the local sectors of every subject involved.

5. Does the Customs Administration have a special investigation service with sufficient resources?

There is a Investigation Unit within the Customs Administration which functions within the Control and Investigations Sector. The basic responsibility of this Unit is preventing, detecting and revealing criminal acts and customs offences. The Unit cooperates with the competent services in the country for performance of the activities within its operational scope. Similarly, the Unit implements and directly participates in the cooperation with the foreign customs services and international organisations.

The Investigation Unit directly participates in actions for detecting and documenting perpetrated criminal acts and customs offences and initiates legal procedures before the Court. Pursuant to the secondary legislation and through analysis of data which have been submitted by other Customs Administration services, as well as by other services, the Unit decides which cases will be subject of further investigation. The Unit follows the current trends or modus operandi for perpetrating criminal acts, transportation of goods, illicit drug trafficking, trafficking in precursors, arms, excise goods and other commodities within the country and abroad.

For implementation of these operating tasks the Investigation Unit has sufficient funds at its disposal, secured through the budget for each calendar year. These funds are sufficient basis for performing current activities, but funds for development are lacking. Moreover, the Unit uses various operational and technical means (vehicles, examination equipment, digital cameras, digital video-cameras, drug detection devices, trained customs dogs, dictaphones, etc.). Parts of those means are obtained as

technical assistance through different European Union programmes. The customs inspectors will be armed with personal weapons in the near future. The Investigation Unit, apart from using the information system of the Customs Administration – MAKCIS and the database of the Intelligence Unit, has its own database of information and documented cases about perpetrated criminal acts and customs offences.

6. Are there adequate methods for the fight against fraud, including the introduction of mobile surveillance units?

All the Sectors of the Customs Administration, and particularly the Control and Investigations Sector, ex officio are involved in the fight against fraud. Within this Sector, the following bodies are involved in detecting customs offences and criminal acts:

- Coordination Centre
- Analytical and Statistical Service
- Control and Audit Unit
- Control and Audit Service (within the Control and Audit Unit)
- Risk analysis Unit
- Custom Intelligence Unit
- Investigation Unit
- Mobile Teams Unit

At local level, within the Customs Houses, local intelligence officers and customs inspectors - auditors are assigned to perform duties within the Control and Investigations Sector.

Mobile teams operate for suppression of smuggling and act upon special plans, or necessity for increased surveillance of certain border crossings, or frequent roads, airports and customs terminals. For improved operability, the Mobile Teams Unit is organised in teams acting on the whole territory of the Republic of Macedonia. Additionally, there is a Rapid Interventions Taskforce (duty team). In particular cases, mixed teams from the Investigations and Intelligence Units and mobile teams are created, in order to execute specific actions, especially for cases of smuggling of prohibited goods, primarily narcotics and excise goods. Mobile teams are acting in coordination, i.e. together with police teams for operations on the regional level.

The information system of the Customs Administration – MAKCIS is of a great assistance in detecting frauds, as well as the databases from the Intelligence and Investigation Units. Within the 24 hour Operational Centre there is an Open Customs Line for citizens to submit information on smuggling drugs, arms, goods, as well as to report corruption, 24 hours a day.

Pursuant to Article 24 of the Customs Administration Law ("Official Gazette of the Republic of Macedonia", No. 46/04), the Customs are allowed to pay compensation for information that would help in detecting and preventing customs offences or criminal acts.

The procedure upon detection of fraud depends on whether smuggling or fraud is detected during customs procedures - when the goods are still under customs surveillance, or in the means of transportation, i.e. when the fraud is detected during the procedure for additional control of the accounting records.

In case of detection of criminal acts and customs offences, the Investigation Unit is immediately informed in order to get involved into the investigation. The complete procedure is carried out by the Investigation Unit.

The Control and Audit Unit has a special role in establishing faults or irregularities in the application of customs regulations, and pursuant to the Customs Law ("Official Gazette of the Republic of Macedonia", Nos. 21/98, 26/98, 63/98, 86/99, 25/00, 109/00, 31/01, 4/02, 55/02, and 42/03), performs control and supervision over all the participants in the customs procedure. The Control and

Audit Unit takes appropriate measures and pursues procedures in accordance with responsibilities defined by Law, which in some cases end up with filing appropriate charges to the Public Prosecution Service or the first instance courts.

7. Please describe the training of customs officers.

Upon the proposal of the Director of the Customs Administration, the Minister of Finance, in March, 2004 has adopted a Rulebook on Manner of Organisation of the Customs Administration and a Rulebook on Systematisation of Working Positions within the Customs Administration. Based on these documents, for the first time, the establishment of the Human Resources Management Sector is foreseen. This Sector carries out the activities from its scope of work through the Human Resources Unit, Training Unit and Advisory Unit.

The Training Unit is develops and updates strategic plan for trainings establishing the needs for improvement of knowledge and skills of the employees in the service, organises seminars, procedures for development and training of the employees, conducts assessment of the trainings, cooperates with the organisations and institutions in the country and abroad, keeps and updates records within its competence.

The uniformed Customs officers having special duties and authorisations comprise the biggest proportion of the employees with such status in the service. They are employed with secondary or university education. Only 4% of the employees of the Customs Administration have status of civil servants, and for them, the professional development is performed in accordance with the Law on Civil Servants ("Official Gazette of the Republic of Macedonia", Nos. 59/00, 112/00, 34/01, 103/01, 43/02, 98/02, 17/03, 40/03, 85/03, 17/04 and 69/04).

The professional development of the customs employees is performed through trainings, seminars and conferences. Beside the General customs course, the customs employees also attend specialised courses:

- With the aim to provide more efficient performance at the border crossings that will enable more rapid flow of passengers and vehicles, trainings for primary and secondary inspection of passengers and vehicles are held for all the employees at the border crossing points. These trainings are carried out by the customs officers from the Customs Administration. From February to September 2004, trainings for the largest number of the employees within border branch offices were completed. 190 customs officers have participated at these trainings. A plan for carrying out this training for the rest two border crossing points has been drafted.
- One-day trainings for handling the instruments for measuring radioactive radiation, organised by the Training Unit, have been held at some border crossing points where instruments for measuring the radioactive radiation are installed. In May 2004, trainings intended for 4 border crossing points were carried out by a trainer from the Customs Administration, where 65 customs employees have participated. A plan for conducting this training for the employees at the remaining 6 border crossing points where such instruments are installed has been prepared.

Policy of trainings

Supported by the Customs and Fiscal Assistance Office - CAFAO MAK and the bilateral international cooperation, the development of the In-service trainings is planned for fulfilment of the EU standards in this field.

Therefore, the Training Unit performs analysis for the needs of the training, which is a first step in the cycle of trainings, where a correct analysis determine the direction, the content and the structure of the trainings necessary for designing and structuring the training program. The design of the training programme enables the employees to acquire not only knowledge, but also skills and attitude necessary for performance of their working tasks.

In order to enhance the development of the training system, there is already a trend of securing manager's support. The managers have to recognise and establish the training needs, analyses and to forward them to the Training Unit. In this manner, they have to promote the principles of continuing education, to motivate the employees to develop themselves, to induce them to take the responsibility for their own development and to enable the employees to use part of their time as trainers or trainees.

The Training Unit already has a plan for establishment of introductory course aimed at introducing the newly employed personnel with the goals and structure of the Customs Administration, as well as with their rights and obligations. The Training Unit will revise the modules, content, time, schedule and the practical training within the general customs course, in order to provide more intense activities appropriate to relevant job needs.

The Training Unit has conducted an initial selection of the trainers by interviewing them, for the purpose of providing the Customs Administration with quality trainers that will satisfy certain higher standards and who besides the knowledge, will possess skills and talent to transfer those standards. Furthermore, participation at the Train the Trainer's module, carried out by a company from Skopje qualified for conducting such trainings has been provided for those who were selected during the interviewing procedure. 29 customs officers attended and completed this training for trainers. The Training Unit will provide a contract that will be concluded between the Director and the trainers, regarding the duration of the engagement and their rights and obligations.

The Training Unit, together with the trainers, will work on the development of national modules for internal trainings, individual and group types of training, type of on-the-job training by applying various methods and techniques which will deliver quality trainings.

The Training Unit keeps records on the trainings and on the conducted trainings of every employee, but an electronic support to this system should be provided and developed in order to obtain simpler updating and filling in this database.

The training process along with the trainers, are monitored and assessed with the aim to evaluate the effectiveness and to identify the necessary changes. The Training Unit specifies the goals and the criteria for assessment of the training.

Thus, the Training Unit is developing towards acquiring an advisory function. At the same time, the Training Unit tends to serve as a trainer, to prepare the national training modules and to assess and implement the established training standards. By conducting these activities, the Training Unit will contribute towards a comprehensive and independent support to the working strategy of the Customs Administration, on the whole, and will contribute towards improvement of the working performance of the employees and their development through training.

General vocational course for customs officers

Training for total of 287 customs officers (132 with university education and 155 with secondary education) was conducted during the year 2000, organised by the Human Resources and Training Units for personnel and training.

Based on the General customs course programme in duration of 266 classes for the employees with university education, and 162 classes for the employees with secondary education, the following courses were encompassed:

For the customs officers with university education:

- Customs System and Procedure;
- Goods familiarity;
- Customs tariff;
- Foreign trade and foreign currency operation;

- Smuggling prevention with fundamentals of psychology;
- Working discipline and ethics;

For the customs officers with secondary education:

- Customs System and Procedure;
- Goods familiarity;
- Customs tariff;
- Foreign trade and foreign currency operation;
- Smuggling prevention with fundamentals of psychology;
- Working discipline and ethics;

In 2002, the General customs course programme was reformed, and in the period of 2002-2004, there were 2 general customs courses organised, for total of 109 customs officers (71 with university education and 38 with secondary education). On the basis of the General customs course programme in duration of 216 classes intended for the employees with university education and 104 classes for the employees with secondary education, the following courses were encompassed:

For the customs officers with university education:

- Customs Law and Customs Procedures;
- Customs tariff;
- Customs value;
- Origin of the goods;
- Offences and criminal acts;
- Measures of the trade policy;
- Taxes and excises;
- Computer system of the Customs Administration;
- Smuggling prevention;
- Work discipline and ethics;

For the customs officers with secondary education:

- Customs Law and Customs Procedures;
- Customs value;
- Offences and criminal acts;
- Measures of the trade policy;
- Taxes and excises;
- Computer system of the Customs Administration;
- Smuggling prevention;
- Work discipline and ethics;

The instructions are performed by the lecturers from the Customs Administration of the Republic of Macedonia.

Calculation of the imported goods

Thus far, for customs officers there were no trainings on control of the accounting of imported goods. Such trainings are planned for the forthcoming year.

Foreign languages

The Customs Administration of the Republic of Macedonia, supported by the Embassy of France, organises classes in French language for its employees. Within the period between November 2003 and June 2004, 13 customs officers attended the classes and the French language education resumed from September to December 2004.

Courses on information technology

Within the framework of the Project "Trade and Transport Facilitation in South East Europe - Integrated Customs Information System (ICIS), the following trainings have been performed:

- Computer training for "Windows Basics, MS Office and Internet", carried out in the period between April 2001 and April 2002 intended for total of 332 customs officers within the Customs Administration and Customs House Skopje (179), Customs House Kumanovo (47), Customs House Gevgelija (36), Customs House Štip (31) and Customs House Bitola (39). The course were carried out by the Customs Administration in cooperation with a company authorised for implementation of IT trainings;
- Training for trainers on creation of modules for training and additional documentation for Automatic System for Customs Data and Function for Software Development (ASYCUDA) - transit, selectiveness, forwarding and accounting module (18 participants, with the lecturers from United Kingdom);
- IT training. 1. Phase - Management with computer networks (basic phase) carried out in June 2001, in Skopje, and attended by 5 participants; 2. Phase – Telecommunications conducted in July 2001, in Skopje, attended by 9 participants; 3. Phase - Management with computer networks (advanced phase) carried out in July 2001, in Belgium, attended by 6 participants;
- Training - "IT&C - Web Site" for database management, internal instruments and mechanisms, web site design and development, performed in October 2001 in Skopje, attended by 7 participants;
- Training "Case Tools" telecommunications, CASE (Computer Added System Engineering) instruments and IT methodologies, carried out in October and November 2001, in Skopje, attended by 4 participants;

Other IT courses

- Training on computer language – Oracle 9: Program with PL/SQL, a total of 5 days training was held in April 2003, in Skopje, attended by 1 participant from the Intelligence department within the Customs Administration;
- Seminar on topic Win Days 2004, held in April 2004 in the Republic of Croatia, attended by 1 participant from the IT Sector;
- For the needs of the employees of the Control and Investigations Sector and the Sector for Professional Responsibility, during May and July 2004, trainings for "Computer Skills" and "MAKCIS" have been held within the Customs Administration, in order to enable the customs officers to follow the progress of the information technology and more efficient application of the MAKCIS system in their daily operation. The lecturers performing the training were from the IT Sector within the Customs Administration of the Republic of Macedonia.

Counselling on actual issues in the customs system

- For the purpose of correct implementation of the new Customs Law, the Law on Value Added Tax, and the Law on Excise, several "one day" seminars have been held in Customs House Kumanovo (18 participants), Customs House Skopje (36 participants), Customs House Gevgelija (15 participants), Customs House Bitola (20 participants), Customs House Štip (29 participants) during July 2001;

- For the purpose of introducing the Law amending the Law on Customs Tariff , one day seminar for representatives from all the Customs Houses (39 participants) has been held by the Customs Administration in March 2002;
- Conferences intended for customs officers and for other participants in the customs procedure, such as: importers, exporters, freight forwarders or transporters, if necessary, are organised when amendments of the regulation were introduced, or when estimated that there is a need to clarify certain actual issues in the field of customs operations. The last conference held in 2003 was dealing with the implementation of the customs clearance procedure, risk analyses, completion of transit procedure, re-export and simplified procedures. Likewise, conferences were held on the implementation of the provisions of the Free Trade Agreements concluded by the Republic of Macedonia, as well as for the implementation of the Stabilisation and Association Agreement, especially regarding the rules for origin;
- Upon the accession of the Republic of Macedonia to the World Customs Organisation, in order to introduce all the customs employees with the latest amendments to the Law on Customs Tariff and to uniform and correct the classification of goods pursuant to the accession of the Republic of Macedonia to the World Customs Organisation, one day seminars were held across the Customs Houses. All the customs employees directly involved in customs tariff classification of goods have participated;
- In May 2004, two daily seminars on topic “Acting upon TIR Convention” were held in Skopje and Bitola for total of 110 customs officers.

Training on use of means of coercion and carrying and using firearms

Article 44 of the Customs Administration Law (“Official Gazette of the Republic of Macedonia”, No. 46/04) stipulates that the customs officers in performing their competences may use means of coercion. They may carry and use firearms in cases determined by this Article.

The Government of the Republic of Macedonia, upon the proposal of the Minister of Finance, prescribes in details the use of means of coercion, as well as the carrying and use of firearms by the customs officers. Following the adoption of this act, courses on the use of means of coercion, as well as training on carrying and using firearms are planned in cooperation with the Ministry of the Interior.

Commercial fraud methods

- Seminar for commercial frauds was held in May 2002; Attended by 16 participants under the auspices of the World Customs Organisation;
- Seminar for money laundering and international banking was held in October 2003 in Skopje; Attended by 4 customs officers;
- Two seminars for prevention of the financial crime were held by the US Agency for International Development (USAID) in March 2004; 4 customs officers participated; One day seminar on money laundering prevention was held in April 2004 and 7 customs civil servants participated;
- Two days training on money laundering prevention was organised by the Directorate for Money Laundering prevention in June 2004 where 2 customs officers participated;
- One day seminar on the topic “Coordination of the activity between the competent bodies for implementation of the measures and activities” regulated with the Law on Prevention of Money Laundering and other Proceeds from Crime (“Official Gazette of the Republic of Macedonia”, No. 46/04) was held in October 2004; 2 customs officers participated.

Seminars on anti-smuggling

- A basic training for two drug detection dogs and two handlers of dogs was held in Germany under UNDCP and FARE project - In the period between April and May 2000 (first part) and between August and September 2000 (second part) a basic training for authorised officers -

handlers of dogs for detection of heavy drugs was held in Germany; The third part (re-dressage) was held in March and April 2001 also;

- Within the joint UNDCP and FARE programme, training for control of passengers, luggage and cargo deliveries at the airports was held in June 2000. 17 officers participated;
- Training for prevention and detection of illegal trafficking in precursors (Ministry of the Interior and Drug Enforcement Agency) was held in November 2000. 8 customs officers participated;
- UNDP and FARE Project - Training on correct use of technical devices for detection of narcotic drugs and other smuggled goods (RAD REFLEX) was held in Bulgaria in May 2001. 2 participants attended;
- During 2001 and 2002, three trainings for fight against smuggling and illegal drug trade were organised by the Customs Administration. 39 participants attended;
- International Workshop for prevention, fight against illegal trade with small calibre and light weapon in South East Europe was held in September 2002. Attended by 1 participant;
- One day trainings for handling the instruments Vapor Tracer 2 - analysers of narcotics and explosives were held in May 2003 and in January 2004. Attended by 14 participants;
- Training for drug identification was carried out by an international police expert from the OSCE Police Training Unit in October 2003. Attended by 31 participants from the Customs Administration;
- Seminar for fight against dissemination of weapons of mass destruction was held in June 2003 in Hungary. Attended by 1 participant from the Intelligence Department;
- During 2003, total of 11 trainings were organised by the Customs and Fiscal Assistance Office CAFAO MAK, and during 2004, total of 3 trainings were organised for the Customs Intelligence Unit, the Investigations Unit, Mobile Teams Unit and the Duty Operational Centre within the Control and Investigation Sector. These seminars were attended by 58 customs officers.

8. Which measures are taken to ensure the integrity of customs officers and prevent corruption?

The work of the customs officers is based on the Constitution ("Official Gazette of the Republic of Macedonia", Nos. 52/91, 01/92, 31/98, 91/01 and 84/03), relevant laws and other regulations. The customs officers are conducting the custom service matters in compliance with general principles of customs competences envisaged in Article 12 of the Customs Administration Law ("Official Gazette of the Republic of Macedonia", No. 46/04), and in compliance with the competencies of the Customs officers stipulated in Article 26 of the abovementioned law, as well as with the Rulebook for Systematisation of Working Positions in the Customs Administration.

Article 58 of the Customs Administration Law ("Official Gazette of the Republic of Macedonia", No. 46/04), defines the general obligations of the customs officers. Thus, the customs officers are obliged to perform their working assignments conscientiously, professionally, efficiently, orderly and timely, impartially and without external influences, personal financial interests. Also they have to refrain from abusing of their authorisations and of the Customs officer status and to protect the reputation of the Customs Administration.

They execute the orders of their immediate superior in compliance with the Constitution, the legal acts and other relevant regulations. The Customs officers, upon request by the citizens, interested parties and public institutions provide information required to exercise their rights and interests. Classified and confidential information are not being provided for this purpose.

The Customs officers shall not use privileges and immunities and shall not request nor accept material or other gifts for fulfilling their duties.

The Customs officers are obliged to comply with all the security measures applied; they are obliged to behave in accordance with the Code of Conduct and the prescribed rules on order and discipline

of the Customs Administration, which are envisaged with the Collective Agreement for Labour Relations in the Customs Administration of the Republic of Macedonia, No. 01 - 1984/1 (17.03.2003).

Pursuant to the obligations of the Collective Agreement, the custom officers are signing a Statutory Declaration that they “are introduced to the provisions of the Collective Agreement and shall conscientiously, orderly and responsibly perform the working tasks assigned, complying with the Constitution, the Laws and with the other regulations and that they shall not participate in bribe and corruption, nor shall tolerate such behaviour as for other employees of the Customs Administration of the Republic of Macedonia”.

The signed Declaration is kept in the Custom’s officer personal file.

The Customs Administration Law (“Official Gazette of the Republic of Macedonia”, No. 46/04) for the first time envisages the basis that will provide for undertaking measures by the Customs Administration in interest of ensuring the integrity of the customs officers and prevention of the corruption, such as:

- For the persons employed for the first time by the Customs Administration as a customs officers, it is envisaged to give and sign a prescribed oath in front of the Director. The signed oath is kept in the personal file. If a customs officer refuses to give and sign the oath, it shall be deemed that a decision for employment is not made.
- In the process of recruitment as a customs officer, the Director may request data on a person from competent state institution authorised for maintaining security data, on the existence of obstacles threatening the security of the operation of the Customs Administration.
- The contract for establishing labour relation will be signed, after a healthcare institution which is recognised by the Customs Administration determines that the candidate for customs officer meets the relevant health standards for performing the tasks on the working position.
- Regarding the customs officer who has an employment contract and who does not perform his working assignments satisfactory and when he/she has been away from work for a longer period, or his/her health is questionable, or similar circumstances exist, the director may decide to instruct the customs officer to undergo a medical examination at an official medical institution designated for that purpose;
- Prohibition on performing external activities, i.e. the customs officers may not perform any other profit-making function, duty or activity which is in conflict with their official duty. This ban relates to customs officers as owners or partners in trade companies, members of a board of the directors or of supervisory authorities of trade companies, as well. The customs officers are disciplinary liable if they act contrary to this ban;

The Customs Administration drafted an Operational Instruction with description of the work and activities that are in conflict with the official duties of the customs officers, and that must not be performed by the customs officers. In this Operational Instruction other matters and activities are also described, that are not in conflict with official duty, and also under which conditions and in which cases may be performed by the customs officers, i.e. only upon submitted request and obtained written approval by the Director of the Customs Administration. This Instruction is binding for all customs officers, inclusive of highest managerial staff. With regards of transparency and the determination of the Customs Administration for providing implementation of the Operational Instruction, it shall be distributed to each employee demanding signing of a Declaration for introduction.

The rules for working discipline prescribe an obligation for the Head of the organisational unit in cases when violation of working discipline is determined or for non-fulfilment of the working assignments, to initiate a procedure for establishing the liability of the customs officer by submitting a proposal.

This rule applies entirely in all cases of established violation of working discipline or non-fulfilment of working assignments and is a part of an established practice of disciplinary procedures within the Customs Administration.

The training of newly recruited customs officers on the module, the work discipline and the ethics represents a prevention measure for ensuring the integrity, moral behaviour of the customs officers and suppression of corruption. This training has been carried out since 1998 (91 participants). In the year 2000 (287 participants), 2002 (90 participants) and in 2004 (19 participants).

In view of ensuring the integrity of the customs officers and preventing corruption, the Customs Administration has introduced an additional part of the official uniform - the ID card with a duty for carrying it, as a possibility for identification of a customs officer who improperly performs its duty or misconducts.

In that direction, the Customs Administration is transparent and open for the public by conducting regular reporting for the regulations, the current problems in the service, the activities that are undertaken for overcoming them and the results achieved. The Customs Administration has established practice of publishing information on Internet. Regular panels and press-conferences are also carried out. The established system of regular meetings with the trade groups (customs brokers, forwarding agents (logistics agents), carriers, importers, exporters and commercial chambers) should be emphasised.

All measures that are undertaken to ensure the integrity of customs officers and to prevent the corruption have contributed for introducing the working differentiation.

In view of ensuring the integrity of the customs officers and preventing corruption, in 2003, a new Organisation unit with such function within the Customs Administration was introduced, i.e. the Sector for Professional Standards with two Departments: Department for Internal Inspection and Internal Investigations Department.

The Sector for Professional Responsibilities is under direct jurisdiction of the Director of the Customs Administration of the Republic of Macedonia.

In May 2004, the staffing of the Sector for Professional Responsibilities began upon the initiative of the Director of the Customs Administration of the Republic of Macedonia.

A training particularly intended for the needs of the Sector for Professional Responsibilities was carried out by foreign experts in June and August 2003, and in September 2004.

The mission of the Sector for Professional Responsibilities is:

- to act preventive, to detect and eliminate non-professional conduct, frauds, losses, abuses, corruption and mal-governance, in fact, all deviant conducts listed in Article 123 of the Collective Agreement for Labour Relations in the Customs Administration of the Republic of Macedonia;
- to perform control over all introduced functions in the Sectors within the Customs Administration and Customs Houses, from the viewpoint of their enforcement in compliance with the law, prescribed procedures, competencies, working assignments, rights and duties, as well as investigation of allegedly improper conduct by the employees (employees in uniform, authorised officials, employees with civil servants status and persons without a status of civil servant);

In terms of the abovementioned, the Sector for Professional Responsibilities collects information on illegal conduct of the customs officers through the 24 hour Operational Centre, i.e. the OPEN TELEPHONE LINE for citizens' complaints on the work of customs officers - 197, which was established on 27.11.2003. As of 31.11.2004 inclusive, there were 349 registered calls of citizens

regarding corruption of customs officers. This project was financed by the Government of the Kingdom of the Netherlands.

The Sector for Professional Responsibilities also receives information from the Control and Investigations Sector, uses various techniques of monitoring and surveillance in accordance with law and develops confidential contacts with the subject that is participating in the customs procedure.

The Sector for Professional Responsibilities prepares official reports on the basis of collected facts and evidences.

This Sector also prepares Official notes for internal use and Official information for communication with the Director, as a support for the assertions for committed customs offence, thereby strictly taking care for the moral integrity of the customs officer personality and not violating their human rights.

Following the obtained approval by the Director, such Official information through the Sector for Human Resources Management is being delivered to the first superior - the Customs House Manager, who is competent for initiation of the disciplinary procedure. The proposal for initiating a disciplinary procedure is submitted to the Director, who further processes the proposal to the disciplinary commission.

9. What internal disciplinary procedures exist?

The uniformed customs officers or officers with special duties and authorisations can be found disciplinary responsible for three types of violations:

- Violation of working discipline due to a failure in performing official duties and assigned operations or a failure to abide by general obligations;
- Unsatisfactory work results;
- Lack of knowledge and skills for carrying out the work, pursuant to the Customs Administration Law ("Official Gazette of the Republic of Macedonia", No. 46/04), Law on Labour ("Official Gazette of the Republic of Macedonia", Nos. 80/93, 3/94, 14/95, 53/97, 59/97, 21/98, 25/00, 34/00, 50/01, 25/03 40/03 and 80/03 consolidated text) and the Customs Collective Labour Agreement.

For the employees who have a status of a civil servant at the Customs Administration, the Law on Civil Servants ("Official Gazette of the Republic of Macedonia", Nos. 59/00, 112/00, 34/01, 103/01, 43/02, 98/02, 17/03, 40/03, 85/03, 17/04 and 69/04) applies to their rights, obligations and responsibilities.

1. Disciplinary procedure for violation of working discipline due to a failure in performing official duties and assigned operations, as well as failure to abide to general obligations.

The Customs Administration Law ("Official Gazette of the Republic of Macedonia", No. 46/04) defines general obligations of the customs officers. In the Collective Labour Agreement of the Customs Administration, concluded on 17 March 2003 between the Union of the Customs Administration and the Customs Administration, signed by the President of the Union and the Director of the Customs Administration, a Code of Conduct for Customs Officers is attached, defining 57 cases of behaviour that might be a subject to disciplinary measures, including the termination of employment by dismissal. The Code explains the meaning of improper conduct and subsequent sanctions. Every employee of the service is informed about the Code, signs a statement that he/she is familiar with it, and the statement is kept in the personal record. The proposal for initiating a procedure is under the jurisdiction of a Senior Manager who is obliged to initiate a procedure, if during the regular supervision of the subordinates' work an irregularity is determined.

The disciplinary procedure may be initiated by the Sector for Professional Responsibilities, as well as on the basis of calls to the Open Line 197 for cases of crime, corruption and other types of customs abuse.

The Customs Administration has established permanent contacts with the Courts and the Law enforcement bodies, as well as with the Ministry of the Interior, focused on the information exchange about employees under suspicion of committed illegal activities during office or in connection with their official duties. After the completion of the investigations in the appropriate Department, the information is forwarded to the Senior Manager for initiating a disciplinary procedure.

In such cases, additional to the disciplinary procedure, a procedure before the Court is initiated for establishing criminal liability of the customs officer.

The Customs Administration has established records on initiated disciplinary procedures.

The Disciplinary Commission formed by the Director represents a competent body for conducting disciplinary procedures against uniformed customs officers or officers with special duties and responsibilities. A representative of the Union is present during the disciplinary procedure and he submits a written opinion, when the procedure is completed.

During the disciplinary procedure, the customs officer is entitled to a legal assistance by the Union or by another person.

The Disciplinary Commission establishes the responsibility of the employee and submits a written proposal to the Director. If the customs officer brings an appeal against the Director's decision, a Second Instance Commission within the Government of the Republic of Macedonia issues a decision on the case. Upon the decision of this Commission, a court protection before the competent court is also foreseen.

Customs officers may be suspended from their duties at the Customs Administration if there is a grounded suspicion that they have abused their job; in cases when a criminal procedure for a criminal act perpetrated at work or in connection with the job is initiated; if they are sentenced to prison; if they directly endanger the life and the health of the employees or other persons or cause damage to assets with greater value; if their presence at work and continuation of the work would cause damage to the operations of the Customs Administration; if they obstruct or prevent establishing responsibility for violation of the working obligations.

The suspended customs officers must turn over their official ID, the official personnel seal, the uniform and other equipment entrusted for carrying out their duties.

The suspension is effective for the duration foreseen for the cause of suspension i.e. the duration of the criminal and/or disciplinary procedure.

During the period of suspension, the customs officer receives 60% of the salary base, and in case of returning to their post, he/she is compensated for the difference to the full amount of the salary.

2. Disciplinary procedure for unsatisfactory work results

If an employee shows unsatisfactory results during the ongoing month, the senior manager prepares a report on his unsatisfactory work and presents it to the employee with a written notice and warning to improve his work in the following month. If the employee does not improve the work results in the following 30 days, and there are no justifications for such behaviour, a written and elaborated report is prepared for initiating a procedure for establishing responsibility. The proposal is submitted to the employee, who is obliged to answer to it. The proposal is also submitted to the Union of the Customs Administration, and a written opinion is requested. The complete file is submitted to the Director, who initiates the disciplinary procedure.

3. Disciplinary procedure for lack of knowledge and skills for carrying out work

If equal working conditions are provided to an employee as to other employees with similar working posts and duties, and if the senior manager monitoring the employee's work assesses that he/she does not have appropriate knowledge and skills, the senior manager notifies the employee of initiating a procedure for checking his knowledge and skills necessary for the relevant job. The notification is also submitted to the branch of the Union. The employee has the right to have an insight into the procedure and to ask for clarification. The senior manager submits the complete documentation to the Director of the Customs Administration who forms a Commission for evaluating the employee's skills. After the evaluation is done by the Commission, the Director brings forth an appropriate decision.

The Customs Administration regularly informs the public about the initiated procedures and the disciplinary measures taken upon them.

III. There are two types of disciplinary measures in the Customs Administration:

- Termination of employment with dismissal;
- Fine in the amount of 15 % from the monthly salary of the employee in the duration of 1 to 6 months.

The Director of the Customs Administration may replace the employee's dismissal with a fine depending on the customs officer's degree of responsibility, the conditions under which the violation of working obligations has been done, the previous work and behaviour of the customs officer, the seriousness of the violation and its consequences.

To those employees in the Customs Administration that have a civil servant status, the disciplinary procedure is pursued in accordance with the Law on Civil Servants ("Official Gazette of the Republic of Macedonia", Nos. 59/00, 112/00, 34/01, 103/01, 43/02, 98/02, 17/03, 40/03, 85/03, 17/04 and 69/04). For more details see answer [LC 6](#).

10. Are any statistics available on the number and type of disciplinary cases that have been undertaken in the last 3 years?

The Human Resources Unit keeps records on disciplinary procedures since the establishment of the Customs Administration.

These statistical data serve as basis for preparing reports and analysis.

A total of 208 disciplinary procedures have been initiated in the last 3 years.

44 cases have resulted in termination of employment with dismissal, 120 with fines, and in 36 cases the disciplinary procedure was terminated, or the proposal for disciplinary procedure was dismissed.

Breakdown of types of penalties delivered:

2001	
Disciplinary measures	Cases
Termination of employment with dismissal	5
Fines:	
30 % salary reduction in duration of 1 month	8
15% salary reduction in duration of 1 month	12
10% salary reduction in duration of 1 month	1
15% salary reduction in duration of 6 months	2
Total fines:	23
Total of initiated disciplinary procedures:	28
<i>Job suspension</i>	5

2002	
Disciplinary measures	Cases
Termination of employment with dismissal	11
Fines:	
15% salary reduction in duration of 3 months	2
15% salary reduction in duration of 6 months	6
Total fines:	8
Total of initiated disciplinary procedures:	27
<i>Job suspension</i>	5

2003	
Disciplinary measures	Cases
Termination of employment with dismissal	22
Fines:	
15% salary reduction in duration of 1 month	2
15% salary reduction in duration of 2 months	5
15% salary reduction in duration of 3 months	8
15% salary reduction in duration of 6 months	61
Total fines:	76
Terminated disciplinary procedure or dismissed proposal for disciplinary procedure	15
Total of initiated disciplinary procedures:	113
<i>Job suspension</i>	4

2004	
Disciplinary measures	Cases
Termination of employment with dismissal	6
Fines:	
15% salary reduction in duration of 3 months	4
15% salary reduction in duration of 6 months	9
Total fines:	13
Terminated disciplinary procedure or dismissed proposal for disciplinary procedure	21
Total of initiated disciplinary procedures:	40
<i>Job suspension</i>	3

L. JUDICIAL CO-OPERATION IN CIVIL AND CRIMINAL MATTERS

1. Please provide information on legislation or other rules governing this area, and their adhesion to relevant international conventions.

In the Republic of Macedonia, the procedure for providing legal assistance for fulfilling the obligations prescribed by international conventions for civil and criminal cases is regulated by national legislation, unless otherwise prescribed by international conventions.

Pursuant to Article 118 of the Constitution of the Republic of Macedonia, ratified international treaties are part of the national legislation and cannot be changed by domestic law. In accordance with Article 119 of the Constitution the President of the Republic of Macedonia concludes international conventions on behalf of the Republic of Macedonia. The Government of the Republic of Macedonia is also entitled to conclude international conventions in cases prescribed by law.

Pursuant to the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", Nos 15/97, 44/02 and 74/04), international legal assistance in criminal cases is granted according to provisions of this Law unless otherwise regulated by the European Convention on Mutual Legal Assistance in Criminal Matters with Protocols, the United Nations Convention on Transnational Organised Crime and other international conventions ratified in accordance with the Constitution of the Republic of Macedonia.

The aforementioned provisions apply when the country, submitting a request, has not ratified the European Convention on Mutual Legal Assistance in Criminal Matters with the Additional Protocol, or when there are no bilateral agreements between the two countries. The principle of reciprocity in criminal matters in the Republic of Macedonia is abandoned, but not excluded, so it means that in certain cases it can be applied pursuant to Article 505 of the Law on Criminal Procedure. Domestic courts may accept a request of a foreign authority for enforcing a criminal verdict of a foreign court, if it is stipulated with an international convention, if there is reciprocity and if the offence is also punishable in accordance with the Criminal Code of the Republic of Macedonia.

Pursuant to Article 5 of the European Convention on Mutual Legal Assistance in Criminal Matters with the Additional Protocol ("Official Gazette of the Republic of Macedonia", No 32/29), the Republic of Macedonia retains the right to forward the request for enforcement of search or seizure of items. Therefore, in case when the request for legal assistance relates to a crime for which the law prohibits extradition, the rule of reciprocity applies. Pursuant to the Law on Criminal Procedure, the procedure for transferring convicted persons is pursued according to the provisions of this Law, unless otherwise regulated by the European Convention on Transfer of Convicts with Additional Protocol and other international conventions ratified in accordance with the Constitution of the Republic of Macedonia.

In addition to the aforementioned European Convention on Mutual Legal Assistance in Criminal Matters with Additional Protocols, the following international conventions relating to this area are adhered to: the European Convention on Extradition with its Additional Protocol and the Second Additional Protocol; the European Convention on Transfer of Convicts with the Additional Protocol; the European Convention on Laundering, Search, Seizure and Confiscation of Proceeds from Crime; the UN Convention against Corruption; the European Convention on Cyber Crime; the European Convention on Transfer of Proceedings in Criminal Matters; the United Nations Convention on Transnational Organised Crime with its Two Additional Protocols, as well as the Second Additional Protocol on Mutual Legal Assistance in Criminal Matters.

The Law on Civil Procedure of the Republic of Macedonia contains general provisions regulating the procedures for mutual legal assistance in civil cases mostly in regard to court jurisdiction (Articles 165 to 169). Pursuant to this Law, courts shall provide legal assistance to foreign courts for cases regulated by international conventions and also when reciprocity in providing legal assistance is prescribed. In case it is not clear whether reciprocity exists, the Minister of Justice provides an explanatory note. However, the court shall refuse to provide legal assistance to a foreign court if it requests enforcement of an action which is contrary to the public order of the Republic of Macedonia. In such cases the competent court for providing legal assistance shall *ex officio* submit the case to the Supreme Court of the Republic of Macedonia. The main act in this area is the Hague Convention on Civil Procedures from 1951 which is transposed into national legislation.

2. How are foreign judicial decisions recognised and enforced:

a) in general civil and commercial matters?

b) in criminal matters?

a) Recognising foreign judicial decision in general civil and commercial matters

The issue of recognition and enforcement of foreign judicial decisions is incorporated in the positive legislation of the Republic of Macedonia through the Law on Deciding upon Collisions of the Laws with the Regulations of Third Countries in Certain Relations ("Official Gazette of the SFRY", No. 43/82), transposed into national regulation with the Article 5 from the Constitutional Law on Implementing the Constitution of the Republic of Macedonia from 1991.

The Republic of Macedonia, since its independence, has concluded several agreements on legal assistance containing separate chapters regulating the matter of mutual recognition and enforcement of judicial decisions:

- Agreement between Republic of Macedonia and Republic of Croatia on Legal Assistance in Civil and Criminal Matters (“Official Gazette of the Republic of Macedonia”, No. 19/95) – Articles 20 to 23;
- Agreement between Republic of Macedonia and Republic of Slovenia on Legal Assistance in Civil and Criminal Matters (“Official Gazette of the Republic of Macedonia”, No. 24/96) – Articles 20 to 23;
- Agreement between the Government of the Republic of Macedonia and the Council of Ministers of Republic of Albania on Legal Assistance in Civil and Criminal Matters (“Official Gazette of the Republic of Macedonia” No. 16/98) – Articles 20 to 23;
- Agreement on Legal Co-operation in Civil and Criminal Matters between Republic of Macedonia and Republic of Turkey (“Official Gazette of the Republic of Macedonia” No. 23/97) – Articles 19 to 24;
- Agreement between Republic of Macedonia and Ukraine on Legal Assistance in Civil and Criminal Matters (“Official Gazette of the Republic of Macedonia”, No. 48/2000) – Articles 45 to 51;
- Agreement on Legal Assistance in Civil Matters between Republic of Macedonia and Republic of Bulgaria (“Official Gazette of the Republic of Macedonia”, No. 13/2002) – Articles 20 to 23;
- Agreement between Republic of Macedonia and Romania on Mutual Legal Assistance in Civil Matters (“Official Gazette of the Republic of Macedonia”, No. 41/2004) – Articles 23 to 31, which is ratified, but still has not entered in force;
- Agreement between Republic of Macedonia and State Union of Serbia and Montenegro on Legal Assistance in Civil and Criminal Matters, signed in 2004, but still has not entered in force.

The Republic of Macedonia, on the basis of succession, applies several agreements related to this area which were concluded by the former Socialist Federative Republic of Yugoslavia. Some of the agreements, relate completely, and some partially to the recognition and enforcement of foreign judicial decisions. This area is regulated by separate chapters in agreements on legal assistance with Austria, Bulgaria, Czech Republic, Slovakia, Hungary, Poland, Romania, and the Russian Federation (former USSR). With France, this area is regulated by a separate agreement, namely with the Convention on Recognition and Execution of Court Rulings in Civil and Trade Matters; with Greece with the Agreement on Mutual Recognition and Execution of Court Rulings; while with Austria and Belgium they refer only to court rulings for maintenance (Agreement with Austria on Mutual Recognition and Execution of Court Rulings on Maintenance, and a Convention with Belgium on Recognition and Execution of Court Rulings on Maintenance).

Therefore, it is obvious that Republic of Macedonia has concluded agreements on legal assistance in civil and trade matters with many countries regulating the matter of recognition and enforcement of foreign court rulings. However, the competent bodies in the Republic of Macedonia, apart from the provisions of the relevant bilateral agreements, in certain relations also apply the provisions from the Law on Deciding upon Collisions of the Laws with the Regulations of Third Countries in Certain Relations. In cases when provisions of this law and international agreements are applied, the international agreements always have priority.

The Republic of Macedonia (by way of succession) is a Party to several multilateral conventions in this area: The United Nations Convention on Recovery Abroad of Maintenance from 20.05.1956 and the International Convention on Civil Liability for Nuclear Damage from 21.06.1963.

In 1994, the Republic of Macedonia joined the Convention on Recognition and Enforcement of Foreign Arbitral Awards from 1958, the Convention on Enforcement of Foreign Arbitral Awards from 1927, the European Convention on Commercial Trade Arbitration from 1961, the Protocol for Arbitration Clauses from 1923, and applies all of them when recognising and enforcing arbitration decisions.

In the international treaties where the Republic of Macedonia is a Contracting Party, the subject of recognition and enforcement may be judicial decisions in the area of civil and family law; judicial settlements; judicial decisions pronounced in the area of penal law pertaining to claims for compensation of damages caused by criminal acts and returning of objects; and judicial and arbitration decisions and settlements in economic (trade) cases.

The Law on Deciding upon Collisions of the Laws with the Regulations of Third Countries in Certain Relations (Article 101, paragraph 2), and the international treaties, prescribe several preconditions that have to be cumulatively, and positively or negatively, fulfilled for the purpose of recognition of foreign judicial decision on the territory of Republic of Macedonia. Those are, mainly, the generally accepted conditions in the international private law. Namely: the foreign court should be competent for the matter in question; the judicial decision should be effective and in force; there should have been no irregularities in the procedure that could have caused inability to participate or non-participation of the person against whom the decision was brought; and the rules for delivery should not have been violated. Beside this, it is also important that provisions of the Law which protect the public order in the Republic of Macedonia were not violated, and in certain cases it is also important whether the current legislation of the Republic of Macedonia was applied while deciding upon certain legal relations. Existence of the reciprocity principle is also of a great significance in the recognition and enforcement of judicial decisions.

When the recognition of foreign judicial decision is evaluated from the standpoint of domestic legal regime of reciprocity, the first and most important condition for the court is not to examine the rest of the conditions, but to reject the recognition automatically. On the other hand, when the recognition and enforcement is regulated by an agreement with the foreign country, the question of reciprocity does not arise because the existence of an international agreement by itself determines reciprocity.

The court deciding upon the recognition of foreign judicial decisions determines whether the foreign court has been competent for the case from the standpoint of the international agreement, if such an agreement exists, i.e. on the basis of the legal provisions regulating the competencies of the Republic of Macedonia.

Pursuant to the Law on Deciding upon Collisions of the Laws with the Regulations of Third Countries in Certain Relations, the foreign judicial decision shall not be recognised in the Republic of Macedonia if the exclusive competency for the subject matter belongs to a court or another body in the Republic of Macedonia (Article 89, paragraph 1). However, if the defendant files a request for recognition of a foreign judicial decision on a marital dispute, or the plaintiff files the request for recognition, and the defendant does not object, the exclusive competency of the courts in the Republic of Macedonia is not an obstacle for the recognition of that decision (Article 89, paragraph 2).

Furthermore, the exclusive jurisdiction of the courts in the Republic of Macedonia is not an obstacle for recognition of a foreign judicial decision when it relates to the personal status of citizens of the country where the decision was brought (Article 94, paragraph 1).

If there is no agreed reciprocity in the foreign country, a starting point is the presumption that reciprocity exists, until the opposite is proven (Article 92, paragraph 3 of the Law on Deciding upon Collisions of the Laws with the Regulations of Third Countries in Certain Relations).

A foreign judicial decision shall not be recognised if there is no reciprocity. The non-existence of reciprocity is not an obstacle for recognition of a foreign judicial decision brought on marital dispute or a dispute for establishing and denying fatherhood or motherhood, as well as for recognition and enforcement of a foreign judicial decision if petitioned by a citizen of Republic of Macedonia (Article 92, paragraph 2). The reciprocity also is not an obstacle when the recognition of a foreign judicial decision relates to the personal status of a citizen of the country where the decision was brought (Article 94, paragraph 1).

The respect for the public order in the country of recognition is a generally accepted condition for recognition and enforcement of foreign judicial decisions, both on the basis of agreed and legal regime

for recognition of such decisions. In Article 91 of the Law on Deciding upon Collisions of the Laws with the Regulations of Third Countries in Certain Relations it is stipulated that a foreign judicial decision shall not be recognised if it is contrary to the public order determined by the Constitution of the Republic of Macedonia.

The application of certain subsidiary law, pursuant to the Law on Deciding upon Collisions of the Laws with the Regulations of Third Countries in Certain Relations (Article 93), is a condition for recognition of foreign judicial decisions, but only in cases when the foreign court has decided upon the personal status of a citizen of the Republic of Macedonia and this law stipulates that the domestic law of the Republic of Macedonia should be applied. In all international treaties where the Republic of Macedonia is a contracting party, the legal validity and enforceability of the foreign judicial decision is a condition for recognition and enforcement of those decisions.

A foreign judicial decision in order to be recognised in the Republic of Macedonia, it should have status of final decision according to the law of the country where it was brought. The applicant is also obliged to submit a relevant certificate, as a proof, either from the competent foreign court, or another institution (Article 87).

A foreign judicial decision shall not be recognised if a court or another institution in the Republic of Macedonia has pronounced legally valid decision upon the same matter or if another foreign judicial decision upon the same matter has already been recognised in the Republic of Macedonia.

The provision for *lis pendens* is contained in Article 90, paragraph 2 from the Law on Deciding upon Collisions of the Laws with the Regulations of Third Countries in Certain Relations, and it stipulates that the court shall end the procedure for recognition of a foreign judicial decision if an earlier procedure on the same legal matter and between the same parties is pending before a court in the Republic of Macedonia, until the conclusion of that procedure.

The principle of *audiatur et altera pars* is also one of the prerequisites for recognition of foreign judicial decisions. Namely, Article 88, paragraph 1 of the Law on Deciding upon Collisions of the Laws with the Regulations of Third Countries in Certain Relations stipulates that the recognition of a foreign judicial decision shall be rejected, if the person against whom the decision has been brought declares that he could not participate in the procedure because of irregularities during the same.

It shall especially be deemed that the person against whom the foreign judicial decision has been pronounced could not have participated in the procedure because the summons, the appeal or the decision for starting the procedure were not delivered in person, i.e. there has been no attempt for delivery of summons in person, unless he/she in any way participated in first degree court hearings (Article 88, paragraph 2 from the Law on Deciding upon Collisions of the Laws with the Regulations of Third Countries in Certain Relations). Almost all international agreements prescribe the existence of such a condition, additionally precisising that if the person has been procedurally unable to attend, should have been adequately represented before the court. In the procedure for recognition of foreign judicial decisions, the court does not consider this negative presumption *ex officio*, but decides upon it only on the basis of an objection from the person against whom the decision has been brought.

Regarding the procedure for recognition and enforcement of foreign judicial decisions it should be noted that the law does not contain special provisions regarding the procedure, except the provisions in Article 101 of the Law on Deciding upon Collisions of the Laws with the Regulations of Third Countries in Special Relations. The enforcement of foreign judicial decisions is defined as their recognition and acceptance as executive decisions, but there is no provision for a forceable enforcement. A number of international agreements which regulate the issue of recognition and enforcement of foreign judicial decisions contain certain procedural provisions for the recognition (e.g. the agreements with Bulgaria, France, the Czech Republic and Slovakia).

The procedure for recognition of foreign judicial decisions is implemented by the rules of non-litigation procedures. The procedure is initiated by some of the persons who were parties in the procedure before the foreign court. The recognition of a foreign court decision for matters regarding

the personal status may be petitioned by anyone with legal interest (Article 101, paragraph 6 from the Law on Deciding upon Collisions of the Laws with the Regulations of Third Countries in Certain Relations).

The law contains provisions on territorial jurisdiction, stipulating the jurisprudence of the court where the procedure for recognition or enforcement should be implemented (Article 101, paragraph 1). The provisions for jurisdiction *ratione materiae* are found in the Law on Courts ("Official Gazette of the Republic of Macedonia" Nos. 35/95 and 45/95), particularly in Article 32 paragraph 1b: the basic courts decide upon recognition and permission for enforcement of foreign judicial decisions.

The court pronounce a decision upon request for recognition of foreign judicial decisions, and does not discuss the factual status or the legality of the foreign judiciary decisions, merely limiting on examining the current contractual, i.e. legal conditions for recognition of the decisions.

However, if the existence of obstacles to the recognition or the execution is established, the court shall reject the request with a decision. The decision may be appealed within 15 days from the day of receiving. An appellate court decides upon the appeal.

All courts are competent to decide upon recognition of foreign judicial decisions if there is no previous special decision, as well as upon the pre-trial issues, but only about the procedure *inter partes*.

This rule may especially be evident in case of forced enforcement of foreign condemnation judicial decisions, pointed out in the provision of Article 11 of the Law on Enforcement Procedure ("Official Gazette of the Republic of Macedonia", Nos. 53/97, 59/2000 and 64/2003) which stipulates that the enforcement decisions of foreign courts may be allowed and enforced in the Republic of Macedonia only if the decisions fulfil the presumptions for recognition prescribed by law.

Furthermore, the matter of recognition and enforcement of foreign arbitration decisions is regulated with the Law on Deciding upon Collisions of the Laws with the Regulations of Third Countries in Certain Relations. Namely, a foreign arbitration decision is defined as an arbitration decision that was not pronounced in the Republic of Macedonia. The foreign arbitration decision belongs to the country where it was pronounced. Arbitration decision brought in the Republic of Macedonia, where the law of a foreign country was applied in the procedure, shall also be considered as a foreign arbitration decision, unless it is contrary to the enforcement regulations of the Republic of Macedonia. The foreign arbitration decision belongs to the country whose law was applied during the procedure (Article 97)

The conditions and procedures for recognition and execution of foreign and arbitration decisions are regulated with this law and they do not differ essentially from the provisions for recognition and enforcement of judicial decisions (Articles 100 and 101 of the law).

b) Recognising foreign judicial decision in criminal matters

The procedure for recognition and enforcement of foreign judicial decisions in criminal matters in the Republic of Macedonia is incorporated in the Macedonian legal system as an institute within the provisions of the Law on Criminal Procedure (Official Gazette of the Republic of Macedonia No. 15/97 and 44/02). Chapter XXX of the Code, regulating the *Procedure for approval of international legal assistance and execution of international treaties in judicial criminal cases*, in its Article 505 stipulates that the domestic courts may accept the request from a foreign body for enforcement of a criminal verdict pronounced by a foreign court or an international court, if it is determined with an international treaty, or if there is reciprocity, and if the sanction is also pronounced by the domestic court in accordance with the Criminal Code of the Republic of Macedonia. A Trial Chamber of the competent court composed according to Article 22, paragraph 6 pronounces a verdict and the public prosecutor and the attorney shall be informed for the session of the Chamber. The territorial jurisdiction of the court in the procedure of recognition and enforcement of foreign judicial decisions is determined according to the place of birth or last residence of the convicted person, while the jurisdiction *ratione materiae* is determined pursuant to Article 32, paragraph 1b from the Law on Courts ("Official Gazette of the Republic of Macedonia", Nos. 35/95 and 45/95), stipulating that the

basic courts in the Republic of Macedonia are competent both for the recognition and the permission of enforcement of foreign courts' decisions. In the verdict with which the foreign judicial decision is recognised, the domestic court inserts the complete pronouncement and the title of the foreign court, and pronounces a sanction appropriate with the one pronounced by the foreign court, while the elaboration of the verdict presents the reasons guiding the court for the pronouncement of the sanction. This verdict may be appealed by the public prosecutor, the convicted person or his attorney.

In cases when a citizen of Republic of Macedonia has been sentenced abroad, and has filed a request for serving the remaining imprisonment in the Republic of Macedonia, this request is subject to recognition or enforcement of foreign judicial decision pursuant to the provisions of the European Convention on Transfer of Convicts ("Official Gazette of the Republic of Macedonia" No. 32/99), which is in force from 11.11.1999, while the court procedures are in accordance with the provisions of the Law on Criminal Procedure. If a foreign citizen convicted by a domestic court, or a person authorised by contract lodge file a request to the basic court for the convict to serve the remaining sentence of imprisonment in the country of citizenship, the basic court shall decide in compliance with the international treaty.

The execution of international court' verdicts is done according to the international treaties for its establishment, ratified in accordance with the Constitution of the Republic of Macedonia. The Chamber, pursuant to Article 22, paragraph 6 from the Law on Criminal Procedure, approves the authenticity and enforceability of the international court verdicts to the locally competent basic court, and determines the way of execution the sanctions or other imposed measures.

Domestic courts according to conditions determined by international agreement, act upon a request of foreign body when taking temporary measures for securing pursuant to Article 203 of the Law on Criminal Procedure (regarding temporary freezing, seizure and confiscation of funds, bank accounts and financial transactions or criminal proceeds), or during execution of the measure *confiscation of property and proceeds and seizure of objects*. With a court decision and under conditions determined by ratified international agreement, the confiscated property and proceeds and the seized objects may be returned to a foreign country. Domestic courts, under conditions determined by international agreement and pursuant to Article 203-a of this law, may request the foreign bodies to determine temporary measures for securing and execution of the confiscation of property and proceeds and seizure of objects. In cases when an international treaty determines that the confiscated property and proceeds should be divided between the Republic of Macedonia and a third country, this proposal is submitted to the foreign country by the Ministry of Justice.

Pursuant to Articles 118 and 119 of the Constitution of Republic of Macedonia ("Official Gazette of the Republic of Macedonia", Nos. 52/91, 01/92, 31/98, 91/01 and 84/03), the international treaties ratified in accordance with the Constitution are a part of the internal legislation and cannot be changed with national law.

Republic of Macedonia has also concluded several bilateral agreements regulating the recognition and execution of foreign judicial decisions. The Republic of Macedonia, since its independence in 1991, has concluded such bilateral agreements with Republic of Croatia – the Agreement between the Republic of Macedonia and Republic of Croatia on Mutual Execution on Court Rulings in Criminal Matters ("Official Gazette of the Republic of Macedonia", No. 17/95) – in force from 07.08.1997; with Republic of Slovenia – the Agreement between Republic of Macedonia and the Republic of Slovenia on Mutual Execution on Court Rulings in Criminal Matters ("Official Gazette of the Republic of Macedonia", No. 24/96) – in force from 05.09.1997; with Republic of Albania - the Agreement between the Government of Macedonia and the Government of Albania on Mutual Execution on Court Rulings in Criminal Matters ("Official Gazette of the Republic of Macedonia", No. 16/98) – in force from 05.09.1997; with Republic of Turkey - Agreement on Legal Assistance in Civil and Criminal Matters between Republic of Macedonia and Republic of Turkey ("Official Gazette of the Republic of Macedonia", No. 23/97) – in force from 28.08.2000; with State Union of Serbia and Montenegro - Agreement between Republic of Macedonia and Serbia and Montenegro on Legal Assistance in Civil and Criminal Matters.

Furthermore, it must be pointed out that Republic of Macedonia negotiate the conclusion of several bilateral agreements on international legal assistance with Bosnia and Herzegovina, Poland, the Russian Federation, the United States of America, Greece, Canada, Switzerland, Australia, Hungary, the Czech Republic and Slovakia.

The procedures determined with these agreements mostly relate to the establishment of the provisions of the already mentioned European Convention on Transfer of Convicts, and the differences relate to the simplification or harmonisation of procedures.

3. Are there special, simplified procedures available in your country for claiming and recovering non-contested and small claims?

1. In the Republic of Macedonia, the simplified procedures for claiming and recovering non-contested and small value claims are regulated with the Law on Litigations ("Official Gazette of the Republic of Macedonia", No. 33/98, 44/02). Within this law, two separate chapters regulate the institutes of payment order (Articles 417 to 427) and procedures in small value litigations (Articles 428 – 437).

Namely, pursuant to the provisions of the Law on Litigations, the court shall issue a payment order, i.e. shall order the defendant to recover the claim when the claim relates to outstanding financial claims, which are proven with an authentic document filed together with the lawsuit in original or as a validated copy. The law deems authentic any public documents, private documents on which the signature of the obligor is validated by a body competent for validating, bills of exchange and protested cheques or return receipts if they are needed for establishing a claim, copies of documents from validated business books, invoices and documents that have significance as public documents by the virtue of certain regulations. If the conditions on issuing a payment order are met, the court shall issue a payment order *ex officio*, although the plaintiff did not request it in the lawsuit. However, if enforcement may be petitioned on the basis of an authentic document, pursuant to the Law on Execution Procedure, the court shall issue a payment order only if the plaintiff makes possible the existence of legal interest for issuing a payment order. If the plaintiff does not make possible the existence of legal interest for issuing a payment order, the court shall reject the claim. In the cases when the claims of the lawsuit relate to an outstanding financial claim not exceeding the total of 30,000 MKD, the court shall issue a payment order against the defendant, although authentic documents have not been filed together with the lawsuit, if the basis and the amount of the debt, and the proofs on basis of which it is possible to establish the truthfulness of the lawsuit allegations are presented. Such a payment order may be issued only against the principal debtor.

The court issues the payment order without a trial hearing. It orders that the defendant is obliged to recover the claim from the lawsuit and the expenses determined by the court within eight days, and in bills of exchange and cheque disputes within three days after the reception of the payment order, or to appeal the payment order within the same period. The court shall warn the defendant that it will reject any untimely filed appeals on the payment order.

The defendant may contest the payment order only with an appeal. If the payment order is contested only regarding the decision on expenses, this decision may be disputed only with an appeal against a decision. For the part non-contested with an appeal, the payment order remains in effect.

Untimely, incomplete or impermissible appeals shall be rejected by the court without a trial hearing. If the appeals are filed in a timely manner, the court will evaluate whether it is necessary to set a date for a pre-trial, or it may immediately set a date for the main hearing. During the pre-trial and on the main hearing, the parties may present new facts and propose new evidence, while the defendant may present new objections concerning the contested part of the payment order.

With the decision on the principal matter, the court shall decide whether the payment order shall remain completely or partially in effect, or it shall be revoked.

If the defendant objects that there were no legal grounds for issuance of a payment order, or that there are obstacles for the further proceedings, the court shall decide on that objection first. If it finds that such an objection is well grounded, it will revoke the payment order with a decision, and after the

effectiveness of the decision, shall start the hearing on the principal matter, when there is room for such a hearing, and if it rejects the objection, it shall proceed with the hearing on the principal matter, and the decision of the court shall be entered into the decision on the principal matter.

When the court brings a decision on rejection of the lawsuit, it shall also revoke the payment order. The plaintiff may withdraw the lawsuit without the defendant's consent only until the filing of the appeal. In that case, the court shall revoke the payment order with a decision.

If the defendant revokes all the filed objections until the conclusion of the main hearing, the payment order shall remain in force.

2. The Law on Litigations regulates the small claims with a special chapter. Small claims, as defined with the provisions of this chapter, are claims in which the lawsuit claim relates to financial claims not exceeding the sum of 30,000 MKD.

Small claims are also claims in which the lawsuit complaint does not relate to financial claims, and the plaintiff stated in the lawsuit that they agree to receive as compensation for the complaint a certain monetary amount not exceeding the sum of 30,000 MKD, as well as disputes in which the subject of the lawsuit complaint is not a monetary amount, but handing over a movable object with a value, stated in the lawsuit by the plaintiff, not exceeding the sum of 30,000 MKD.

Disputes regarding immovables, labour relation disputes and property evaluation disputes are not deemed small claims.

The procedures for small claims shall be also implemented for appeals against payment orders if the value of the contested part of the payment order does not exceed the sum of 30,000 MKD.

During the procedures for small claims, special appeals only against the decision for ending of the procedure are not permitted.

If the plaintiff modifies the lawsuit complaint in a way that the value of the disputed object exceeds the sum of 30,000 MKD, the procedure shall be concluded according to the provisions for regular procedures of this law, while if the plaintiff, before the conclusion of the main hearing governed by the provisions of this law for regular procedures, modifies the lawsuit complaint in a way that it no longer exceeds the amount of 30,000 MKD, the rest of the procedure shall be governed by the provisions for small claims' procedures.

If the plaintiff does not appear at the first date for the main hearing, and they have been legally summoned, it shall be deemed they have revoked the lawsuit, unless the defendant starts a discussion.

The judgement in the small claims' procedures is proclaimed right after the conclusion of the main hearing.

The judgement or the decision which concludes the dispute in the small claims' procedures may be contested by an appeal as a legal remedy only for essential violation of the provisions of the law, or because of incorrect appliance of the substantive law.

A revision of the decision of the second instance court is not permitted (extraordinary legal remedy).

4. How are foreign decisions in family law matters (i.e., legal separation, divorce, marriage annulment, parental responsibility, maintenance obligations) recognised and enforced?

Foreign decisions in family law matters are recognised and enforced on the basis of the same legislation as other decisions in civil matters. For more details see answer [24 L 02](#). However, it should be pointed out that the recognition and enforcement of foreign judicial decisions in family matters has a special treatment. These decisions create, by their nature, a change in the family conditions of persons (e.g. deprivation or re-claiming of ability to work, parental rights, placing

a person under custody, divorce or marriage annulment) which is most frequently registered by the relevant institutions of the state, whose national is the person in question.

The Republic of Macedonia, when a party of international conventions regulating this area, provides recognition of judicial decisions in effect brought by one contracting party to the other contracting party without any court examination. Article 94, paragraph 1 of the Law on Deciding upon Collisions of the Laws with the Regulations of Third Countries in Certain Relations ("Official Gazette of SFRY" No. 43/82), which relates to the decisions of foreign courts regarding the personal status of a citizen of a country whose decision is in question, stipulates simplified recognition, since in such cases the conditions relating to jurisdiction, public order and reciprocity are not examined. In such cases, it is possible to recognise those decisions in the Republic of Macedonia although an international agreement with the relevant country is not concluded, nor an actual reciprocity in judicial decisions with that country is established.

Likewise, in many international conventions there is a rule that a judicial decision of one contracting country regarding the personal status of citizens of third countries shall be recognised in another contracting country only if such a decision is also recognised in the country of the citizenship of the persons whose status is changed (e.g. the agreements with France, Greece and Hungary). Only if such a decision fulfils the conditions for recognition in the country of citizenship of the persons whose status is changed, the decision shall be recognised in the Republic of Macedonia. Article 95 of the Law on Resolving Conflicts of Laws with the Regulations from Third Countries in Certain Relations contains this rule, too.

Most international conventions allow judicial decisions of one contracting party in regard to the personal status of citizens of another contracting party to be recognised in that other country. In that case, apart from the conditions for recognition stipulated by the agreement, additional conditions for recognition can only be provided if these decisions do not oppose the regulations of the country that recognises them, and that would be applied in the legal matter, and if it was taken in a country that recognises those regulations or does not substantially deviate from them. This remedy is provided in Article 93 of the Law on Resolving Conflicts of Laws with the Regulations from Third Countries in Certain Relations.

The Republic of Macedonia is a party to the United Nations Convention on the Recovery Abroad of Maintenance (20.06.1956), and has designated agencies for filing and receiving claims. The filing agency in the Republic of Macedonia is the Ministry of Justice, while the receiving (mediatory) agency is the Ministry of Labour and Social Policy.

The procedure for realisation of maintenance claims is mediated by the Social Affairs Centre, covering the territory of residence of the debtor. When the debtor is not willing to voluntarily comply with his/her obligation, the matter is referred to the court. The enforcement procedure is implemented on the basis of the Law on Execution Procedure ("Official Gazette of the Republic of Macedonia", Nos. 53/97, 59/00 and 64/03).

Regarding international conventions please refer to answer [24 L 02](#).

5. How are cases of international child abduction dealt with under the 1980 Hague Convention on the Civil Aspects of International Child Abduction? Please specify the number of applications made under the Convention for the return of children for the last three years, the outcome of the applications (return or non-return of the child) as well as the average duration of the procedure.

The Ministry of Labour and Social Policy is responsible to consider applications made under the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For that purpose the Ministry cooperates with the Social Work Centres for voluntary return of children in the country of their last residence, pursuant to Article 10 of the Convention; with courts – in terms of forwarding the decisions brought by the Social Work Centres; the Ministry of Labour and Social Policy, in order to deliver court

decisions, pursuant to Articles 11 and 12 of the Convention; as well as with the law enforcement agencies - in finding children.

In the last three years a total of 7 applications under the Hague Convention on the Civil Aspects of International Child Abduction have been filed. The procedures for 5 of them are concluded with the following outcome: 4 applications under the Convention were accepted and children were returned to the country of residence; one application was rejected and the child remained in the Republic of Macedonia. The procedures for the remaining 2 applications are in progress.

The average duration of the procedures up to the final enforcement of the decisions is three years. This is mostly due to the fact that agencies in the Republic of Macedonia make all possible efforts and take every appropriate action for voluntarily return of the children, pursuant to Article 10 of the Convention.

6. How does your legislation solve conflicts of jurisdiction and applicable law as regards international insolvency proceedings? How are foreign decisions on insolvency recognised and enforced?

The Bankruptcy Law ("Official Gazette of the Republic of Macedonia", Nos. 55/97, 53/00, 37/02 and 17/04)), in Part One, Chapter X, regulates the jurisdiction of courts in the Republic of Macedonia (Articles 335 to 342).

The court in the Republic of Macedonia has exclusive jurisdiction for bankruptcy proceedings against a debtor having a main office in the Republic of Macedonia.

If the debtor – legal entity - has a real main office in the Republic of Macedonia, and not in the country where it was established, it shall be deemed as domestic legal entity and bankruptcy proceedings against this legal entity shall be under the exclusive jurisdiction of the Macedonian court.

The proceedings encompass the whole property of the debtor, regardless of the fact whether that property is located in the Republic of Macedonia or abroad.

Bankruptcy proceedings against a debtor having a branch office without the capacity of a legal entity in the Republic of Macedonia shall also fall within the jurisdiction of the Macedonian court. The bankruptcy proceedings from this paragraph encompass only the debtor's property located in the Republic of Macedonia.

If conducting bankruptcy proceedings in the Republic of Macedonia would be in the jurisdiction of several basic courts, the court that first received a proposal for opening bankruptcy proceedings has territorial jurisdiction.

If the foreign debtor, who has a branch office without the capacity of a legal entity in the Republic of Macedonia, is a citizen, or has a main office or a real main office in a country with which there is no reciprocity in recognition of judicial decisions regarding bankruptcy proceedings, the bankruptcy proceedings for that debtor regarding the property of the branch office in the Republic of Macedonia shall be under the exclusive jurisdiction of the Macedonian court.

General rules governing the recognition of foreign judicial decisions by the Republic of Macedonia are also applicable for recognition of foreign judicial decisions for opening bankruptcy proceedings against a debtor with a main office in the jurisdiction of a foreign court.

The provisions regulating international bankruptcy apply only if all conditions for recognising foreign judicial decisions according to the legislation of the Republic of Macedonia are met, and in particular if: the decision was reached by a court of jurisdiction; the decision is in force in the territory where the bankruptcy proceedings were opened; the decision is not contrary to the public law and order in the Republic of Macedonia established by the Constitution; and if there is reciprocity.

Existence of reciprocity in terms of recognition of foreign judicial decisions regarding bankruptcy proceedings shall not be presumed. It shall be assumed that there is no such reciprocity until the

Ministry of Justice submits a clarification thereof. Until the Ministry of Justice of Republic of Macedonia confirms the reciprocity, the absence of reciprocity shall present an obstacle for the recognition of the foreign judicial decision.

If some of the conditions set by the legislation of the Republic of Macedonia regarding the recognition of foreign judicial decisions are not met, especially if there is no reciprocity, the foreign judicial decision reached regarding the bankruptcy proceedings shall not be recognised and it shall be deemed that for any related matter the Macedonian court has exclusive competence.

The decision for recognition of the foreign judicial decision is published in the *Official Gazette of the Republic of Macedonia* in a manner prescribed with the Bankruptcy Law for announcing decisions for opening bankruptcy proceedings.

The decision is delivered to the proposer, to the foreign bankruptcy trustee, to the bankruptcy debtor, to banks where the debtor has accounts, and to the Public Prosecutor. The decision shall also be delivered to the bodies in charge of keeping public records on real estate rights (cadastre), the register of ships, of ships in construction and of aircrafts. These bodies shall *ex officio* register the recognition of the foreign decision for opening bankruptcy proceedings, on the basis of the received decision.

With the recognition, the foreign decision is equivalent to a decision of a Macedonian court for opening bankruptcy proceedings, and in Republic of Macedonia it can only have the effects compliant to the domestic bankruptcy law.

The provisions of the Bankruptcy Law apply to the legal position of the foreign debtor and to the foreign bankruptcy trustee, accordingly.

If the foreign court decision on bankruptcy proceedings opened against a foreign debtor is recognised, for the parts of the debtor's property located on the territory of the Republic of Macedonia neither a new Bankruptcy Trustee, nor a Board of Creditors shall be appointed in the Republic of Macedonia.

The time periods defined by the Law of Republic of Macedonia start expiring with the publishing of the decision on recognition.

With the amendments to the Bankruptcy Law ("Official Gazette of the Republic of Macedonia", No. 17/04) it is stipulated that the provisions of this law shall apply to the bankruptcy proceedings opened after this law entered into force, as well as to the pending bankruptcy proceedings, and for those proceedings where hearing date has not been set until the day of entry into force of this law.

7. How are foreign judicial and extrajudicial documents received and served? How are your country's judicial and extra-judicial documents transmitted when they have to be served abroad?

Pursuant to the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia" Nos. 15/97, 44/02, 74/04), the Law on Civil Procedure ("Official Gazette of the Republic of Macedonia" Nos. 33/98 and 44/02) and the Law on General Administrative Procedure ("Official Gazette of SFRY Nos. 52/56; 10/65; 18/65; 4/77; 11/78; 32/78; 9/86; 16/86; 47/86-consolidated text and "Official Gazette of the Republic of Macedonia" No. 44/02), the foreign judicial and extrajudicial documents are received in the Republic of Macedonia from foreign judicial and administrative bodies through diplomatic channels. These are also used when judicial and extrajudicial documents need to be transmitted to competent foreign bodies.

In emergency cases requests for legal assistance may be transmitted through the Ministry of the Interior – Interpol Section.

The Ministry of Foreign Affairs forwards the requests for legal assistance in civil and criminal matters to the Ministry of Justice, while it forwards the requests in administrative matters to the responsible administrative bodies (the competent Ministry).

Pursuant to the Law on Criminal Procedure (Articles 503 and 504) and the Law on Civil Procedure (Article 125), diplomatic channels are also used if other means of transmission are not defined by an international agreement (multilateral or bilateral). If a written document should be delivered to a citizen of the Republic of Macedonia in a foreign country, this can be done by a diplomatic representative of the Republic of Macedonia in charge of the consular matters in that country. This way of servicing documents is only valid if the person in question is willing to accept the document.

The Ministry of Foreign Affairs forwards the foreign authority's request for legal assistance to the Ministry of Justice, which transmits it for further procedure to the court of jurisdiction in the territory where the person to be serviced resides. The permissibility and the way of assistance are decided by the court according to national legislation.

The Republic of Macedonia is a party to the European Convention on Mutual Legal Assistance in Criminal Matters with Additional Protocols from 1999, and the procedure for serving legal documents is completely in accordance with international practice.

8. How do you deal with requests from foreign courts to take evidence? How are your country's requests for taking evidence abroad transmitted?

Pursuant to Article 504 of the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia" Nos. 15/97, 44/02 and 74/04) the Ministry of Foreign Affairs forwards the request for legal assistance from a foreign court, to the Ministry of Justice. This Ministry transmits it for further procedure to the competent court for taking evidence. This is the court that has jurisdiction either to interview or to examine a person or to proceed investigative action.

The gathered evidence is transmitted to the requesting country through diplomatic channels. These are also used when a Macedonian court requests a foreign court for legal assistance in taking evidence. In emergency cases such requests may be transmitted through the Ministry of the Interior – Interpol Section.

Pursuant to Article 15 of the European Convention on Mutual Legal Assistance in Criminal Matters with Additional Protocols, the requests from foreign courts for taking evidence are transmitted from the Ministry of Justice of a requesting country to the Ministry of Justice of the requested country and are returned back in the same manner.

9. Is State compensation to victims of crime available? If so, how is it organised?

Compensation is determined on the basis of the rules for compensation established in the Law on Obligations ("Official Gazette of the Republic of Macedonia" Nos. 18/01, 4/02 and 5/03). Compensation comprises compensation of the entire damage (both material and non-material) which the injured party had suffered. In a case of death, bodily injury or damage of the health, a financial compensation is awarded in the form of a financial rent which covers the costs of treatment, the lost earning because of the inability to work, compensation for lost or reduced opportunities for further advancement, etc. The Law on Obligations also provides compensation of the non-material damage. Pursuant to Article 189 of the Law, for suffered physical pain, for suffered emotional pain due to the limitations of vital activities, disfiguring, violation of the reputation, honour, freedom or the rights of the person, death of a close relative and suffered fear, the court shall award a fair financial compensation if it finds that the circumstances of the case, and especially the severity of pains and fear and their duration, are justifying this decision, regardless of the compensation of material damage. In a case of a death of a person or in case of exceptionally severe invalidity, the court can award members of the closer family (marital partner, children and parents) fair compensation for their emotional pains (Article 190).

The civil procedure is instigated by a complaint. Competent courts acting upon such cases are the basic courts.

Special cases of liability enumerated in the law are: responsibility for terrorist acts, public protests or events; responsibility for acts of corruption perpetrated by civil servants in execution of their offices and compensation of damage for violent criminal offences committed by an unknown perpetrator. In

all of these cases, the responsibility for compensation of damage lies within the state (Articles 166, 167 and 168)

In cases when criminal offences are perpetrated by an authorised officer, the protection can be also enforced through the Ombudsman, who pursuant to the Constitution protects the freedoms and rights of the citizens when they are infringed by an act or action of state administrative authorities or bodies and organisations with public competence. If the Ombudsman concludes that the constitutional and legal rights of the citizens are infringed, they can propose instigation of a disciplinary procedure against the authorised officer, or submit a request to the public prosecutor to instigate a criminal procedure against that person.

Also, the injured party (the victim) has the right, within the criminal procedure, to submit a property claim pursuant to the provisions of the Law on Criminal Procedure.

Pursuant to Article 96 of the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", Nos. 15/97, 44/02, 74/04), a property claim for a damage suffered because of a perpetrated crime is resolved within a criminal procedure, upon a proposal of an authorised person, but under the condition that the procedure is not significantly delayed if such a claim is decided upon. The property claim can be related to compensation of damage, restoration of objects or annulment of certain legal matter. In case of insurance, such claim can be filed against an insurance company as well. The proposal can be filed not later than the end of the main hearing before the basic court. The proposing party is obliged to define their claim and to enclose evidence. The authorised persons may withdraw from the claim and realise their rights through a dispute until the completion of the main hearing.

When the accused was found guilty, the court decides on the property claim of the damaged party fully or partially, and if the evidence do not provide sufficient grounds for such decision, the court will, by a judgement, recognise only the grounds, whereas on the amount of the claim or the remainder of that amount it will bring an additional judgement. In case of a decision by which the accused is acquitted or the charges are refused or the procedure is terminated by a decision or the indictment is rejected, the court will instruct the damaged party to enforce the property claim through a dispute (Article 101).

The Criminal Code ("Official Gazette of the Republic of Macedonia" Nos.37/96, 80/99, 4/02, 43/03, and 19/04) also contains provisions on protection of the damaged party. Namely, pursuant to Article 99, the damaged party who has been referred to a litigation regarding their property claim, may petition for a settlement from the amount of the confiscated assets, if they instigate litigation within six months from the date when the decision by which they are referred to litigation becomes enforceable and if they request settlement of the claim from the confiscated assets within three months from the date when the decision by which their claim was established has become enforceable. The damaged party who has not identified a property claim may petition for a settlement from the confiscated assets if they have initiated a litigation to identify their claim within three months from the date when they have learned about the judgement by which the proceeds have been confiscated, and not later than two years from the date when the decision on confiscation of the proceeds has become enforceable, and if they request settlement from the confiscated assets within three months from the date when the ruling which establishes their claim has become enforceable.

Also, the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", No 74/04) introduces a new Chapter XIX – a, *Protection of witnesses, collaborators of justice and victims*. Namely, the public prosecutor, the investigating judge or the president of the court, in the course of the procedure undertake actions to ensure efficient protection of the witnesses, collaborators of justice, and of the victims if they appear as witnesses in the procedure, when there is a risk that they will be exposed to intimidation, threat with retaliation or risk to life, health or the physical integrity, or if their protection is needed. The protection is enforced by special way of interrogation and participation in the procedure. In these cases, the witness is interrogated only in the presence of the public prosecutor and the investigating judge, or the president of the court, and in a location which guarantees protection of the identity. Also, by consent of the victim, other technical means for

communication and telecommunication may be used for their interrogation. The transcript of the minutes with the witness' statement, without their signature, is submitted to the defendant and the defence attorney who can in writing, through the court, question the witness.

Protection can be also rendered through inclusion in the Witness Protection Programme. A request for inclusion in the Programme is submitted to the Public Prosecutor of the Republic of Macedonia, and is submitted by the competent public prosecutor, investigating judge or the president of the court council. If there are conditions for inclusion in the programme, the Public Prosecutor of the Republic of Macedonia submits a proposal to the competent body to bring a decision on inclusion into the Programme.

10. Is it possible for parties involved in civil litigation in your country but not present in it, to ask for legal aid in the country of their habitual residency? If so, how are these requests received and dealt with by your country? Is the same possibility available to parties present in your country who are involved in litigation abroad? If so, how are these requests presented and then transmitted abroad?

The Republic of Macedonia, by succession, is a party to the Hague Convention on Civil Procedure (1954), and the Convention on International Access to Justice (1980), which provide several possibilities for granting legal aid to foreign persons before national courts and in civil cases.

Pursuant to the Hague Convention, the Ministry of Justice of the Republic of Macedonia grants legal aid. Applications for legal aid can be filed in the Ministry of Justice – Sector for International Legal Aid, which forwards them to the competent bodies in the Republic of Macedonia, i.e. to the competent Ministries in the relevant countries if provided so by a bilateral agreement. If international conventions prescribe transmission by diplomatic channels, this way of forwarding the applications is used.

It should be pointed out that applications relating to the above mentioned subject have not yet been received in the Ministry of Justice, but if they are received in the future, they shall be acted upon in the same manner, disregarding their origin, national or foreign. Namely, if the application originates from a national law enforcement body, the Ministry of Justice shall transmit it to the competent bodies in the country of the person's permanent residence, and in an opposite case, if it is of foreign origin, it shall transmit it to the competent law enforcement body in the Republic of Macedonia. Depending on each individual case, the Ministry of Justice shall act in accordance with international conventions covering this matter, as well as with the national legislation which regulates the area of international legal assistance.

11. Which alternative dispute resolution methods are available in your country, and how are they organised? How is their quality ensured?

The Law on Litigation Procedure ("Official Gazette of the Republic of Macedonia" Nos. 33/98 and 44/02) regulates the procedure before arbitration courts with a special Chapter (Articles 438 to 459), which could be considered as a type of alternative dispute resolution.

The provisions of this Chapter regulate the procedures before selected courts, having a seat in the Republic of Macedonia, unless the provisions of another law or an international treaty do not stipulate that a certain arbitration court with a seat in the Republic of Macedonia is deemed as foreign arbitration court.

For disputes having an international element, and for the rights they are freely entitled to, the parties may agree on the jurisdiction of a domestic or foreign arbitration court if at least one of them is a natural person with a habitual or permanent residence abroad, or a legal person with the main office abroad, if exclusive jurisdiction of a court in the Republic of Macedonia is not prescribed.

For disputes without an international element, the parties may refer to the regular arbitration courts established with the chambers of commerce and with other organisations defined by law.

Agreement for an arbitration court may be concluded both for a certain dispute, and for any future disputes that might arise from a certain legal relation, and it is deemed valid only if concluded in writing (the Law also accepts letter exchange, telegrams, telexes, and other means of communication that provide for a written proof of the concluded agreement).

The agreement on the arbitration court is also deemed concluded by an exchange of a lawsuit in which the plaintiff points to the existence of that agreement, and a response to the lawsuit in which the defendant does not contest it.

The agreement on an arbitration court may be proved only with documents.

The number of judges of the arbitration court must be odd. If by the agreement of the parties the number of judges is not defined, every party appoints one judge, and they elect a Presiding Judge. The judges of the regular courts may be elected only for Presiding Judges of the arbitration court.

If the parties have agreed upon the jurisdiction of an arbitration court for a certain dispute, the court to which the lawsuit was filed for the same dispute and between the same parties, upon an objection of the defendant, shall have no jurisdiction, shall revoke the actions already taken in the procedures, and reject the lawsuit. This objection may be filed by the defendant at the pre-trial hearing the latest, and if the pre-trial hearing is not set, at the main hearing, before a discussion on the principal matter is entered.

The party that according to the agreement for the arbitration court should appoint a judge of the arbitration court may call the opposed party to do the appointment within fifteen days, and to inform about it the other party. If the appointment of the judge should be done by a third party, each party may invite the third party to appoint the judge. The person invited to appoint a judge for the arbitration court is tied to the appointment at the moment this has been announced to the opposed party, i.e. to one of the parties.

If the judge of the arbitration court is not appointed on time, the judge, upon a party's proposal, is appointed by the court. If the appointed judges cannot agree upon the appointment of the presiding judge, it shall be appointed by the court upon a proposal by each judge or a party.

For the appointment of a judge or a presiding judge of the arbitration court, the responsibility lies with the court, which would have the jurisdiction for the dispute at the first instance, if there were no agreement about the arbitration court. The decision of the court may not be appealed.

It is mandatory to exempt the judge of the arbitration court when reasons for exemption determined by the Law on Civil Procedure exist. The parties may submit petition for exemption of a judge of the arbitration court for the same reasons, only if the reason for exemption has occurred, or the party has found about it after the appointment of the arbitration judge.

The hearing of witnesses before the arbitration court is done without taking an oath. The arbitration court may not use compelling means or pronounce sentences against the witnesses, the parties or the other persons participating in the procedure.

The arbitration court may reach a verdict on the grounds of righteousness, only if the parties granted it such an authorisation.

When the arbitration court consists of more than one judge, the verdict is reached by a majority of votes, unless the agreement upon the arbitration court prescribes otherwise. The verdict of the appointed court must be explained, unless the parties have agreed otherwise. The original of the verdict and all its copies are signed by all arbitration judges. The verdict is valid even if any of the judges refuses to sign it, if the verdict has been signed by the majority of judges, and they have confirmed this refusal of signing. The parties are served with copies of the verdict.

The verdict of the arbitration court has the power of effective verdict for the parties, unless the agreement provides for the opportunity to appeal the verdict before a higher instance arbitration court.

The verdict of the arbitration court may be annulled by an appeal from any party, which may be filed before the court of jurisdiction within thirty days. The appeal is decided by the court that would otherwise have jurisdiction over the case in first instance. The reasons for annulment of the verdict of the arbitration court are enumerated in the Law. A year after the verdict of the arbitration court has become effective, annulment of the verdict may not be petitioned for.

Regarding alternative dispute resolution, bearing in mind that out-of-court settlement of disputes, using the institute of mediation, would directly result in reduction of the number of court cases, thus easing the burden on the court system, the Strategy for Reform of the Judiciary includes enactment of a Law on Mediation. This Law would regulate the cases and different forms of mediation, reconciliation, and dispute resolution through arbitration, as well as the legal validity of the acts and decisions reached in such out-of-court procedures.

12. How does your legislation solve conflicts of law for contractual and non-contractual obligations?

In the Republic of Macedonia the obligations stemming from international legal assistance and the competencies for contractual and other obligations, i.e. the conflict between the laws for contractual and non-contractual obligations, are regulated with the Law on Deciding upon Collisions of the Laws with the Regulations of Third Countries in Certain Relations ("Official Gazette of SFRY", Nos. 43/82), transposed into national legislation of the Republic of Macedonia by the Article 5 of the Constitutional Law on Implementing the Constitution of the Republic of Macedonia from 1991. This Law contains rules on determining law that has to be applied in personal, family and proprietary relations, i.e. material and legal relations with international element (relevant law).

Pursuant to Article 19 of this Law, the law chosen by the contracting parties is deemed the relevant law, unless this Law or any other international treaty determines otherwise.

In cases when the contracting parties have not chosen a relevant law, and if the special circumstances in the case do not point to some other law, pursuant to Article 20 of this Law, the relevant law shall be the following:

1. For contracts for movable property sale – the law of the state where at the time when the offer was accepted the seller had the residence or the seat;
2. For work contracts or construction contracts – the law of the state where at the time when the offer was accepted the entrepreneur had the residence or the seat;
3. For contracts on authorisation – the law of the state where at the time when the offer was accepted the proxy holder had the residence or the seat;
4. For contracts on mediation – the law of the state where at the time when the offer was accepted the mediator had the residence or the seat;
5. For contracts on commission – the law of the state where at the time when the offer was accepted the commissioner had the residence or the seat;
6. For contracts on shipping services – the law of the state where at the time when the offer was accepted the carrier had the residence or the seat;
7. For contracts on lease of movable objects – the law of the state where at the time when the offer was accepted the lessor had the residence or the seat;
8. For contracts on loan – the law of the state where at the time when the offer was accepted the loaner had the residence or the seat;
9. For contracts on service – the law of the state where at the time when the offer was accepted the provider had the residence or the seat;
10. For contracts on deposits – the law of the state where at the time when the offer was accepted the depositary had the residence or the seat;

11. For contracts on storage – the law of the state where at the time when the offer was accepted the storage provider had the residence or the seat;
12. For contracts on transport – the law of the state where at the time when the offer was accepted the transporteur (driver) had the residence or the seat;
13. For contracts on insurance – the law of the state where at the time when the offer was accepted the insurer had the residence or the seat;
14. For contracts on copyrights – the law of the state where at the time when the offer was accepted the author has the residence or the seat;
15. For contracts on gifts – the law of the state where at the time when the offer was accepted the gift giver had the residence or the seat;
16. For stock exchange operations – the law of the state where at the time when the offer was accepted the stock exchange had the seat;
17. For contracts on independent bank guarantees – the law of the state where at the time when the offer was accepted the guarantor has the seat;
18. For contracts on transfer of technology (licences, etc.) – the law of the state where at the time when the offer was accepted the user of technology has the seat;
19. For property claims from employment contracts – the law of the state where at the time when the offer was accepted, the work was or has been carried out;
20. For other contracts – the law of the state where at the time when the offer was accepted the bidder had the residence or the seat.

When the contractual parties have not otherwise determined the relations between them, the relevant law for the contract in question shall be also qualifying for determining the hour when the acquirer of the movable object is entitled to the products and the benefits from the product, as well as for determining the hour from which the acquirer takes the risk for the objects (Article 22).

The law regarding the place where the object is to be delivered is the relevant law if the contractual parties have not agreed otherwise regarding the manner of delivery of the object and on the measures to be taken if the delivery is rejected (Article 23).

For actions of renounce of claims or taking over of debts towards a debtor, i.e. a creditor that has not participated in the renouncing or taking over, the law that is relevant for the claim or the debt, shall be applied (Article 24).

The Law on Deciding upon Collisions of the Laws with the Regulations of Third Countries in Certain Relations ("Official Gazette of the SFRY", No. 43/82) defines the relevant law for accessory legal matters. Unless otherwise is provided by national legislation or an international treaty the law relevant for the principal legal matter shall apply (Article 25).

For unilateral legal matters the law of the state where the debtor has permanent residence or the seat is applied as the relevant law (Article 26).

For acquiring without a legal basis, the relevant law for the legal relation that occurred, that was expected or assumed, and which was the reason for acquirement, shall apply.

For unsolicited execution of other's tasks the law of the place where action took place is applied as relevant law.

For obligations arising from unsolicited usage of objects, and other non-contractual obligations that do not come out of the damage liability, the law of the location where the facts causing the obligation occurred, shall be the relevant law. (Article 27)

For non-contractual damage liability, unless for special cases otherwise is determined by law international treaty, the law of the location where the action took place, or the law of the location where the consequences occurred, depending which law is more lenient toward damaged party, shall

be the relevant law. This law is also qualifying for non-contractual damage liability that has occurred in relation to the legal obligations from Article 27 from this law.

For unlawfulness of an action, the law of the location where the action took place or where the consequence occurred, shall be the relevant law,—while if the action took place or the consequence occurred in several locations - it is sufficient the action to be unlawful according to the law of any of those locations (Article 28).

If the event, wherefrom the obligation for damage compensation arises, took place on a vessel on an open sea or in an aircraft, the law of the location where the facts that caused the obligation for damage compensation occurred, shall be the law of the country of origin of the vessel, i.e. the law of the country where the aircraft is registered (Article 29).

For contracts relating to real estate property, the law of the country where the real estate property is located is the exclusively relevant law (Article 21).

13. How does your legislation solve conflicts of jurisdiction in criminal matters?

Jurisdiction of courts is regulated by a separate Chapter in the Law on Criminal Procedure (“Official Gazette of the Republic of Macedonia”, Nos 15/97, 44/02 and 74/04), (Articles 21 to 35).

Pursuant to the Law, courts are deciding in criminal cases within the limits of their jurisdiction set by the Law.

Regarding territorial jurisdiction, in principle, jurisdiction over the case belongs to the court that is covering the territory where the crime was committed or attempted to be committed. If the crime was committed or attempted to be committed on territories of different courts, or on the borders of those territories, or it is uncertain where it was committed, or attempted to be committed, the first court where the procedure was initiated has jurisdiction, and if the procedure has not yet been initiated, the first court where the charge was filed has jurisdiction. The crime (pursuant to the Criminal Code) is deemed to be committed both on the place where the perpetrator operated or was obliged to operate and on the place where the consequence has occurred. The conspiring and the attempt for a crime are deemed perpetrated both on the place where the perpetrator has operated, and the place where according to the plan the consequence did or could have occurred.

According to the Law, in cases of private complaints in criminal matters, several options are available. The initiator of the complaint is entitled to decide whether he/she will bring a private complaint before the court according to the place of perpetration, or before the court according to the territory where a defendant has temporary or permanent residence.

The general principle of territorial jurisdiction according to the location of the domestic port (i.e. domestic jurisdiction) also applies to crimes perpetrated on a domestic vessel or a domestic aircraft while in a domestic port or out of it.

If it is not known where the crime was perpetrated or the location is out of the territory of the Republic of Macedonia, the Law prescribes that a court, where the defendant has a temporary or permanent residence, has jurisdiction. If the court on which territory the defendant has a temporary or permanent residence has already initiated the procedure, the case remains in its jurisdiction even if the location of perpetration of the crime is detected afterwards. If it is neither known where the crime was perpetrated, nor the place of temporary or permanent residence of the defendant, or they are both out of the territory of the Republic of Macedonia, the court where the apprehension or surrender of the defendant occurred, has jurisdiction. It is clear that this provision represents an exemption from the general rule of defining territorial jurisdiction of the courts.

If a person perpetrated crimes both in the Republic of Macedonia and abroad, the court that has jurisdiction for the crime committed in the Republic of Macedonia has jurisdiction. The territorial jurisdiction for the crime perpetrated in the Republic of Macedonia is defined according to the above mentioned rules.

In cases where it is impossible to establish the territorial jurisdiction according to the provisions of the Law, the Supreme Court of the Republic of Macedonia, in regard of the subject matter, shall assign jurisdiction to one of the courts to proceed the case. The determination of territorial jurisdiction in this manner is foremost due to the impossibility of using general rules in regard of this matter.

The Law also contains provisions for determining territorial and jurisdiction *ratione materiae* through merging and separation of procedures.

Furthermore, provisions of the Law provide rules for delegation of territorial jurisdiction. Namely, if the competent court can not proceed due to legal or factual reasons, it is obliged to inform the higher court about this fact. Subsequently, the higher court assigns jurisdiction to another court on its territory, subject to hearing the Public Prosecutor, in case the procedure has been initiated upon a Public Prosecutor's request. Appeal against this decision is not allowed. The delegated court has the jurisdiction until the end of the procedure, disregarding the fact that the impediments, which have led to delegation might have ceased to exist.

In addition, if it is obvious that a procedure is easier to pursue, or if there are other important reasons, the common higher court can decide another court on its territory to have jurisdiction for a certain procedure. The court may reach this decision following a proposal of the investigative judge, a single judge, the President of the Chamber or of the Public Prosecutor, authorised for the proceedings before the court that decides on delegation of the territorial jurisdiction, if a criminal procedure is conducted at the Prosecutor's request.

The court is obliged to pay due attention to its jurisdiction during the entire course of the proceeding. As soon as it notices that it has no jurisdiction, it shall proclaim itself without jurisdiction for the case. After the finality of this decision, it shall transfer the case to the court of jurisdiction. The obligation of the court to consider its jurisdiction (both territorial and *ratione materiae*) relates to all stages of the procedure. After the Prosecutor's charge is final, the court may not refuse territorial jurisdiction, nor may the parties oppose its territorial jurisdiction. According to this provision, refusing territorial jurisdiction over the case by a court is restricted to the moment of finality of the Prosecutor's charge. The court that has refused jurisdiction is obliged to take actions if their delay would risk the course of the procedure.

If the court to which the case has been transferred, considers that the court which transferred the case or some other court has jurisdiction, it shall initiate a procedure for resolving the conflict of jurisdiction. Namely, the obligation for initiating a procedure for resolving a negative conflict of jurisdiction lies within the court to which the case was transferred.

When a second instance court reaches a decision upon an appeal against the decision of the first instance court on refusing jurisdiction, the decision regarding jurisdiction also bounds the court to which the case was transferred, if the second instance court is authorised for resolving the conflict of jurisdiction between these courts.

The conflict of jurisdiction between the courts is resolved by the first common higher court. Before reaching a decision upon the conflict of jurisdiction, the court shall ask the Public Prosecutor authorised for the proceedings before that court whether the criminal procedure is conducted at the Public Prosecutor's request. No special appeal is allowed against this decision. Until the conflict of jurisdiction between the courts is resolved, they are both obliged to take actions if their cancellation would be a risk for the course of the procedure.

14. Which procedures are available in the field of mediation in criminal matters?

Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", Nos 15/97, 44/02 and 74/04) contains provisions regulating this issue.

Pursuant to Article 145 of this Law, the Public Prosecutor, in agreement with the injured party, may postpone criminal prosecution for a criminal offence for which a fine or a sentence of imprisonment up to three years is prescribed, if the suspect is prepared to conduct according to the instructions of the Public Prosecutor and to fulfil specific obligations reducing or eliminating the harmful

consequences of the crime. The suspect may accept the obligations for reducing or eliminating the damage, paying of certain amount of funds to the budget or another institution performing public duties, or for humanitarian purposes, or to fulfil obligations relating to maintenance. The Public Prosecutor, again in agreement with the injured party, may postpone criminal prosecution if the conditions for discharging because of damage compensation regulated by the Criminal Code are met.

The Public Prosecutor shall discharge the criminal charge against the perpetrator of a criminal offence if he/she fulfilled imposed obligations within a period not exceeding six months.

Likewise, the Law on Criminal Procedure (Articles 146 and 146a) prescribes that the Public Prosecutor is not obliged to initiate a criminal procedure, or may give up from prosecuting if:

It is stipulated in the Criminal Code that the court may release the perpetrator of the criminal offence, and if the Public Prosecutor, having in mind the actual circumstances of the case, deems that the verdict itself, without the criminal sanction, is not needed;

The Criminal Code prescribes for the criminal offence a fine, or an imprisonment not exceeding three years, while the suspect, because of actual regret, prevented the occurrence of damaging consequences or has compensated the damage, and the Public Prosecutor, having in mind the actual circumstances of the case, deems that criminal sanction would not be justifiable; and

The suspect, being a member of an organised group, gang or other criminal association, voluntarily collaborates before or after detecting a crime or during the criminal procedure, and if that collaboration and his statements are of great importance for detection of crimes and perpetrators.