

LAW ON CHANGES AND ADDITIONS TO THE LAW ON LIBRARIES

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Article 1

In the Law on Libraries ("Official Gazette of the Republic of Macedonia" no. 66/2004), the title of Chapter XII "Penalty Provisions" shall change to read: "Misdemeanor Provisions".

Article 2

In article 52, paragraph (1), the words: "A fine in the amount of 100,000 to 200,000 MKD shall be imposed, for a misdemeanor, against a legal entity if:" shall be replaced with the words: "A fine in the amount of the MKD equivalent of 3,000 to 5,000 EUR shall be imposed, for a misdemeanor, against a legal entity that:".

In paragraph (2), the words "A fine in the amount of 10,000 to 30,000 MKD shall be imposed, for a misdemeanor stipulated in paragraph (1) of this article, against the responsible person within the legal entity" shall be replaced by the words: "A fine in the amount of the MKD equivalent of 800 to 1,500 EUR shall be imposed, for a misdemeanor stipulated in paragraph (1) of this article, against the responsible person within the legal entity".

The paragraph (3) shall be deleted.

The paragraph (4) that shall become paragraph (3) shall be changed to read as follows:

"(3) "For committing the misdemeanor stipulated in paragraph (1), item 5 of this article, a special misdemeanor measure involving the confiscation of objects acquired by committing the misdemeanor can be imposed against the legal entity."

Article 3

After the article 52, two new subtitles and two new articles 52-a and 52-b shall be added, which shall read:

"Misdemeanor authority

Article 52-a

(1) The misdemeanor procedure and the misdemeanor sanction regarding the misdemeanors stipulated in article 52 of this law will be implemented by the state administration authority responsible for handling matters in the area of culture (hereinafter in the text: Misdemeanor authority).

(2) The misdemeanor procedure stipulated in paragraph (1) of this article shall be implemented before the Misdemeanor authority by a Commission for deciding on the misdemeanor (hereinafter in the text: Misdemeanor Commission) formed by the Minister managing the state administration authority responsible for handling matters in the area of culture.

(3) The misdemeanor commission shall comprise authorized officers employed in the state administration authority responsible for handling matters in the area of culture, and one of its members shall perform the function of the president of the Misdemeanor Commission.

(4) The misdemeanor commission shall comprise three members of which:

- two shall have law degrees, one of them shall have passed the bar exam and shall have five years of working experience in his/her area of expertise and
- one member that shall have a university degree in the area of social sciences with five years of working experience in his/her area of expertise.

(5) The Misdemeanor Commission shall be selected for a term of three years and the members shall have the right to be reelected.

(6) Only a person with a law degree shall be able to be elected to the position of president of the Misdemeanor Commission.

(7) The Misdemeanor Commission for the Misdemeanor Authority shall decide on misdemeanors specified in this and other laws and shall impose misdemeanor sanctions specified in this law, the Law on Misdemeanors and/or other laws.

(8) In addition to the members of the Misdemeanor Commission, the Minister managing the state administration authority responsible for handling matters in the area of culture may determine a secretary of the Misdemeanor Commission that shall handle the administrative matters for the Commission and deputy members that can, by exception, participate in the work of the Misdemeanor Commission in the event when a member is absent.

(9) The Misdemeanor Commission shall adopt rules of procedure for its work.

(10) Against the decisions of the Misdemeanor Commission which impose a misdemeanor sanction, a complaint may be filed to instigate an administrative dispute before the competent court.

Settlement

Article 52-b

(1) For the misdemeanors stipulated in article 52 of this law, the culture inspectors shall be obligated to propose to the perpetrator of the misdemeanor, a procedure for settlement before filing a request for instigation of a misdemeanor procedure.

(2) When the perpetrator of the misdemeanor shall agree to the implementation of the settlement procedure, the culture inspector shall prepare minutes which shall indicate the important elements of the misdemeanor, the time, the place and the manner in which the misdemeanor was perpetrated, the description of the actions leading to the misdemeanor and the persons that were found on site.

(3) The minutes shall also determine the method in which the adverse consequences should be removed, as well as the method in which the consequences arising from the perpetration of the misdemeanor shall be overcome.

(4) The culture inspector can give a payment order to the perpetrator of the misdemeanor within the framework of the settlement procedure.

(5) If the perpetrator receives the payment order, then he/she shall be obligated to sign it. The fact that the perpetrator of the misdemeanor received the payment order shall be noted in the minutes.

(6) When the perpetrator of a misdemeanor is a legal entity, the minutes and the payment order shall be signed by an official or a responsible person that was found on site during the inspection supervision or another official person or responsible person that stated that he/she has the authority to sign the minutes and receive the payment order.

(7) The statement stipulated in paragraph (6) of this article shall be noted in the minutes.

(8) The culture inspectors shall be obligated to keep records about the instigated settlement procedures and their outcomes."

Article 4

This law shall become legally effective on the eighth day from the day of publication in the "Official Gazette of the Republic of Macedonia".