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## INTRODUCTION

**The Public Enterprise Official Gazette of the Republic of Macedonia is issuing the english version edition of The Constitution of the Republic of Macedonia (adopted on November 17, 1991, published in the Official Gazette of the Republic of Macedonia No.52/1991), with the Amendments to the Constitution from I to XXX which were published in the Official Gazette of the Republic of Macedonia, as follows:**

- Amendments I and II, No.1/1992;**
- Amendment III, No.31/1998;**
- Amendments from IV to XVIII, No.91/2001;**
- Amendment XIX, No.84/2003;**
- Amendments from XX to XXX, No.107/2005.**

**In the presented edition, are published as well:**

- The Constitutional Law on the implementation of the Constitution of the Republic of Macedonia published in the Official Gazette of the Republic of Macedonia No.52/1991;**
- The Constitutional Law for changing and supplementing of the Constitutional Law for implementation of the Constitution of the Republic of Macedonia, published in the Official Gazette of the Republic of Macedonia No.4/1992;**
- The Constitutional Law on implementation of Amendments from XX to XXX to the Constitution of the Republic of Macedonia, published in the Official Gazette of the Republic of Macedonia No.107/05.**

**THE EDITOR**



**CONSTITUTION OF THE  
REPUBLIC OF MACEDONIA**  
**WITH THE AMENDMENTS TO THE CONSTITUTION**  
**I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV,**  
**XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIII,**  
**XXIV, XXV, XXVI, XXVII, XXVIII, XXIX and XXX**



\*)

Proceeding from the historical, cultural, spiritual and statehood heritage of the Macedonian people and their centuries-long struggle for national and social liberty and the creation of their own state, and particularly from the statehood and legal traditions of the Kruševo Republic and the historic decisions of the Anti-Fascist Assembly of the People's Liberation of Macedonia, from the constitutional and legal continuity of the Macedonian state as a sovereign republic within Federal Yugoslavia, from the freely expressed will of the citizens of the Republic of Macedonia in the referendum of September 8th, 1991, as well as from the historical fact that Macedonia is established as a national state of the Macedonian people, in which full equality as citizens and permanent coexistence with the Macedonian people is provided for Albanians, Turks, Vlachs, Roma and other nationalities living in the Republic of Macedonia, and with intention:

- to establish the Republic of Macedonia as a sovereign and independent, as well as a civic and democratic state;
- to establish and consolidate the rule of law as the fundamental system of government;
- to guarantee human rights, civil liberties and ethnic equality;
- to provide peace and co-existence of the Macedonian people with the nationalities living in the Republic of Macedonia; and
- to provide social justice, economic welfare and prosperity in the life of the individual and the community, the Assembly of the Republic of Macedonia adopts

*\*) The Preamble of the Constitution of the Republic of Macedonia is replaced by item 1 of Amendment IV.*

#### **AMENDMENT IV <sup>1)</sup>**

**1. The citizens of the Republic of Macedonia, the Macedonian people, as well as citizens living within its borders who are part of the Albanian people, the Turkish people, the Vlach people, the Serbian people, the Roma people, the Bosniak people and others, taking responsibility for the present and future of their fatherland, aware of and**

<sup>1)</sup> "Official Gazette of the Republic of Macedonia" No. 91/01.

**grateful to their predecessors for their sacrifice and dedication in their endeavors and struggle to create the independent and sovereign state of Macedonia, and responsible to future generations for preserving and developing everything that is valuable from the rich cultural inheritance and coexistence within Macedonia, equal in rights and obligations towards the common good - the Republic of Macedonia – in accordance with the tradition of the Kruševo Republic and the decisions of the Antifascist People's Liberation Assembly of Macedonia, and the Referendum of September 8, 1991, have decided to establish the Republic of Macedonia as an independent, sovereign state, with the intention of establishing and consolidating the rule of law, guaranteeing human rights and civil liberties, providing peace and coexistence, social justice, economic welfare and prosperity in the life of the individual and the community, through their representatives in the Assembly of the Republic of Macedonia, elected in free and democratic elections, adopt**

**2. Item 1 of this Amendment replaces the Preamble of the Constitution of the Republic of Macedonia.**



# THE CONSTITUTION OF THE REPUBLIC OF MACEDONIA <sup>2)</sup>

## I. BASIC PROVISIONS

### Article 1

The Republic of Macedonia is a sovereign, independent, democratic and social state.

The sovereignty of the Republic of Macedonia is indivisible, inalienable and non-transferable.

### Article 2

In the Republic of Macedonia sovereignty derives from the citizens and belongs to the citizens.

The citizens of the Republic of Macedonia exercise their authority through democratically elected Representatives, through referenda and through other forms of direct expression.

### Article 3\*)

The territory of the Republic of Macedonia is indivisible and inalienable.

The existing borders of the Republic of Macedonia are inviolable.

The borders of the Republic of Macedonia may be changed only in accordance with the Constitution.

*\*) Article 3 is supplemented by Item 1 of the Amendment I and Paragraph 3 is replaced by item 2 of Amendment I.*

## AMENDMENT I <sup>3)</sup>

**1. The Republic of Macedonia has no territorial pretensions towards neighbouring states.**

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<sup>2)</sup> The Constitution of the Republic of Macedonia was published in the "Official Gazette of the Republic of Macedonia" No. 52 from November 22, 1991.

<sup>3)</sup> "Official Gazette of the Republic of Macedonia" No. 1/92.

**2. The borders of the Republic of Macedonia can only be changed in accordance with the Constitution and on the principle of free will, as well as in accordance with generally accepted international norms.**

**3. Item 1 of this Amendment is an Addendum to Article 3 and Item 2 replaces Paragraph 3 of the Article 3 of the Constitution of the Republic of Macedonia.**

#### **Article 4**

Citizens of the Republic of Macedonia have citizenship of the Republic of Macedonia.

A citizen of the Republic of Macedonia may neither be deprived of citizenship, nor expelled or extradited to another state.

Citizenship of the Republic of Macedonia is regulated by law.

#### **Article 5**

The state symbols of the Republic of Macedonia are the coat of arms, the flag and the national anthem.

The coat of arms, the flag and the national anthem of the Republic of Macedonia are determined by law adopted by a two-thirds majority vote of the total number of Representatives in the Assembly.

#### **Article 6**

The capital of the Republic of Macedonia is Skopje.

#### **Article 7\*)**

The Macedonian language, written using its Cyrillic alphabet, is the official language in the Republic of Macedonia.

In the units of local self-government where the majority of the inhabitants belong to nationalities, in addition to the Macedonian language and Cyrillic alphabet, their language and alphabet are also in official use, in a manner determined by law.

In the units of local self-government where there is a considerable number of inhabitants belonging to a nationality, their language and alphabet are also in official use, in addition to the Macedonian language and Cyrillic alphabet, under conditions and in a manner determined by law.

*\*) Article 7 is replaced by item 1 of Amendment V.*

**AMENDMENT V <sup>4)</sup>**

**1. The Macedonian language, written using its Cyrillic alphabet, is the official language on the whole territory of the Republic of Macedonia and in its international relations.**

**Any other language spoken by at least 20 percent of the citizens is also an official language, written using its alphabet, as specified in this Article.**

**Official personal documents of citizens speaking an official language other than Macedonian shall be issued in the Macedonian language, as well as in that language in accordance with the law.**

**Any citizen living in a unit of local self-government in which at least 20 percent of the citizens speak an official language other than Macedonian may use any of the official languages and their alphabets in communication with the local office of the central government. The local offices with competencies for these units of local self-government shall reply in the Macedonian language and its Cyrillic alphabet, as well as in the official language and alphabet used by the citizen. Any citizen may use any official language and its alphabet to communicate with Ministries, which shall reply in the Macedonian language and its Cyrillic alphabet, as well as in the official language and alphabet used by the citizen.**

**In the organs of the Republic of Macedonia, any official language other than Macedonian may be used in accordance with the law.**

**In the units of local self-government, the language and the alphabet used by at least 20 percent of the citizens is an official language in addition to the Macedonian language and the Cyrillic alphabet. The bodies of the units of local self-government decide on the use of the languages and alphabets spoken by less than 20% of the citizens in that unit of local self-government.**

**2. This Amendment replaces Article 7 of the Constitution of the Republic of Macedonia.**

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<sup>4)</sup> "Official Gazette of the Republic of Macedonia" No. 91/01.

**Article 8\*)**

The fundamental values of the constitutional order of the Republic of Macedonia are:

- the fundamental freedoms and rights of the individual and citizen, recognized in international law and determined by the Constitution;
- the free expression of national identity;
- the rule of law;
- the separation of state powers into legislative, executive and judicial;
- political pluralism and free, direct and democratic elections;
- the legal protection of property;
- the freedom of the market and entrepreneurship;
- humanity social justice and solidarity;
- local self-government;
- space development based on urban and rural planning to promote and improve social wellbeing and protection and promotion of the environment and nature;
- respect for the generally accepted norms of international law.

Anything that is not prohibited by the Constitution and by law is permitted in the Republic of Macedonia.

*\*) Item 1 of Amendment VI is an Addendum to line 2 of this Article.*

**AMENDMENT VI <sup>5)</sup>**

**1. Equitable representation of citizens belonging to all communities in state bodies and other public institutions at all levels;**

**2. Item 1 of this Amendment is an addendum to line 2 of Article 8 of the Constitution of the Republic of Macedonia.**

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<sup>5)</sup> "Official Gazette of the Republic of Macedonia" No. 91/01.

## **II. FUNDAMENTAL FREEDOMS AND RIGHTS OF THE INDIVIDUAL AND THE CITIZEN**

### **1. Civil and political freedoms and rights**

#### **Article 9**

Citizens of the Republic of Macedonia are equal in their freedoms and rights, regardless of gender, race, colour of skin, national and social origin, political and religious conviction, property and social status.

Citizens are equal before the Constitution and the law.

#### **Article 10**

Human life is inviolable.

Capital punishment shall not be imposed on any grounds whatsoever in the Republic of Macedonia.

#### **Article 11**

Human physical and moral dignity is inviolable.

Any form of torture, or inhuman or humiliating treatment or punishment is prohibited.

Forced labour is prohibited.

#### **Article 12\*)**

The liberty of the individual is inviolable.

No person's liberty can be restricted except by a court decision and in cases and procedures determined by law.

A person summoned, apprehended or deprived of liberty shall immediately be informed of the reasons for the summons, apprehension or deprivation of liberty and about his/her rights and he/she shall not be asked to make a statement. A person has the right to an attorney in police and court procedures.

A person deprived of liberty shall be brought promptly, and not later than 24 hours from the moment of deprivation of liberty, before a court to decide without delay on the legality of the deprivation of liberty.

Detention may last, by court decision, for a maximum period of 90 days from the day of detention.

Persons detained may, under the conditions determined by law, be released from custody to conduct their defence.

*\*) Paragraph 5 of this Article is replaced by item 1 of Amendment III.*

### **AMENDMENT III <sup>6)</sup>**

**1. A person can be detained without indictment, by court decision, for a maximum period of 180 days from the day of detention.**

**After the indictment, the period of detention is extended or determined by the competent court in a case and procedure stipulated by law.**

**2. This Amendment replaces Paragraph 5 of Article 12 of the Constitution of the Republic of Macedonia.**

### **Article 13\*)**

A person indicted for an offence shall be considered innocent until his/her guilt is established by a final court decision.

A person unlawfully detained, apprehended or convicted has the right to compensation and other rights determined by law.

*\*) Amendment XX is an Addendum to this Article.*

### **AMENDMENT XX <sup>7)</sup>**

**1. For offences determined by law, sanction may be imposed, by a state administration body, organization and any other body carrying public mandates.**

**Court protection is guaranteed against final verdict for an offence, under conditions and procedure determined by law.**

**2. This amendment is an addendum to Article 13 of the Constitution of the Republic of Macedonia.**

### **Article 14**

No one may be punished for an act which had not been declared, prior to it being performed, a punishable offence under law, or other regulation, and for which no punishment had been prescribed.

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<sup>6)</sup> "Official Gazette of the Republic of Macedonia" No. 31/98.

<sup>7)</sup> "Official Gazette of the Republic of Macedonia" No. 107/05.

No person may be tried in a court of law for an act for which he/she has already been tried and for which a final court decision has already been made.

#### **Article 15\*)**

The right to appeal against individual legal acts issued in a first instance proceeding by a court, administrative body, organisation or other institution carrying out public mandates, is guaranteed.

*\*) This Article is replaced by Amendment XXI.*

#### **AMENDMENT XXI <sup>8)</sup>**

**1. The right to appeal against decisions in first instance proceedings by a court is guaranteed.**

**The right to appeal or any other legal protection against individual legal acts adopted in first instance proceedings by a state administration body or organization and any other body carrying public mandates shall be determined by law.**

**2. This amendment replaces Article 15 of the Constitution of the Republic of Macedonia.**

#### **Article 16**

Freedom of personal conviction, conscience, thought and public expression of thought is guaranteed.

Freedom of speech, public address, public information and the establishment of institutions for public information is guaranteed.

Free access to information and the freedom of reception and transmission of information are guaranteed.

The right of reply through the mass media is guaranteed.

The right to a correction in the mass media is guaranteed.

The right to protect a source of information in the mass media is guaranteed.

Censorship is prohibited.

#### **Article 17 \*)**

The freedom and privacy of correspondence and other forms of communication is guaranteed.

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<sup>8)</sup> "Official Gazette of the Republic of Macedonia" No. 107/05.

There can only be an exception to the principle of inviolability of the privacy of correspondence with a court decision, where necessary for the course of a criminal proceeding or if it is required in the interests of the defence of the Republic.

*\*) Article 17 is replaced by item 1 of Amendment XIX*

### **AMENDMENT XIX <sup>9)</sup>**

**1. The freedom and privacy of correspondence and other forms of communication are guaranteed.**

**There can only be an exception to the right of inviolability of correspondence and other forms of communication, with a court decision, under terms and by procedure stipulated by law, if this is necessary for the prevention or revelation of criminal acts, for the course of a criminal procedure or where required in the interests of security and defence of the Republic.**

**The law is adopted by a two-thirds majority of votes of the total number of Representatives.**

**2. This Amendment replaces Article 17 of the Constitution of the Republic of Macedonia.**

### **Article 18**

The security and privacy of personal information are guaranteed. Citizens are guaranteed protection from any violation of their personal integrity deriving from the registration of personal information through data processing.

### **Article 19\*)**

The freedom of religious confession is guaranteed.

The right to express one's faith freely and publicly, individually or with others, is guaranteed.

The Macedonian Orthodox Church and the other religious communities and groups are separate from the state and are equal before the law.

The Macedonian Orthodox Church and the other religious communities and groups are free to establish schools and other social and charitable institutions, under a procedure regulated by law.

*\*) Paragraph 3 of this Article is replaced by item 1 of Amendment VII, and Paragraph 4 is replaced by item 2 of the same Amendment.*

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<sup>9)</sup> "Official Gazette of the Republic of Macedonia" No. 84/03.



**AMENDMENT VII <sup>10)</sup>**

**1. The Macedonian Orthodox Church, as well as the Islamic Religious Community in Macedonia, the Catholic Church, the Evangelical Methodist Church, the Jewish Community and other Religious communities and groups are separate from the state and are equal before the law.**

**2. The Macedonian Orthodox Church, as well as the Islamic Religious Community in Macedonia, the Catholic Church, the Evangelical Methodist Church, the Jewish Community and other Religious communities and groups are free to establish schools and other social and charitable institutions, under a procedure regulated by law.**

**3. Item 1 of this Amendment replaces Paragraph 3 of Article 19 and Item 2 replaces Paragraph 4 of Article 19 of the Constitution of the Republic of Macedonia.**

**Article 20**

Citizens are guaranteed freedom of association to exercise and protect their political, economic, social, cultural and other rights and convictions.

Citizens may freely establish associations of citizens and political parties, and may join them or resign from them.

The programmes and activities of associations of citizens and political parties may not be directed at the violent destruction of the constitutional order of the Republic, or at encouragement or incitement to military aggression or ethnic, racial or religious hatred or intolerance.

Military or paramilitary associations, which do not belong to the Armed Forces of the Republic of Macedonia, are prohibited.

**Article 21**

Citizens have the right to assemble peacefully and to express public protest without prior announcement or a special licence.

The exercise of this right may be restricted only during a state of emergency or war.

**Article 22**

Every citizen who has attained the age of 18 years acquires the right to vote.

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<sup>10)</sup> “Official Gazette of the Republic of Macedonia” No. 91/01.

The right to vote is equal, universal and direct, and is exercised at free elections by secret ballot.

Persons deprived of the legal capacity do not have the right to vote.

#### **Article 23**

Every citizen has the right to take part in the performance of public affairs.

#### **Article 24**

Every citizen has the right to file petitions to state bodies and other public services, as well as to receive an answer to them. A citizen cannot be held accountable, or suffer adverse consequences, for attitudes expressed in petitions, unless he/she in so doing commits a criminal offence.

#### **Article 25**

Every citizen is guaranteed the respect and protection of the privacy of personal and family life and of dignity and reputation.

#### **Article 26**

The inviolability of dwellings is guaranteed.

The right to the inviolability of dwellings may be restricted only by a court decision in cases of the detection or prevention of criminal offences or the protection of people's health.

#### **Article 27**

Every citizen of the Republic of Macedonia has the right to free movement within the territory of the Republic and freely to choose his/her place of residence.

Every citizen has the right to leave the territory of the Republic and to return to the Republic.

The exercise of these rights may be restricted by law only in cases where it is necessary for the protection of the security of the Republic, in the course of criminal investigation or for the protection of public health.

**Article 28**

The defence of the Republic of Macedonia is a right and a duty of every citizen.

The exercise of this right and duty by the citizens is regulated by law.

**Article 29**

Aliens in the Republic of Macedonia enjoy freedoms and rights guaranteed by the Constitution, under conditions determined by law and international agreements.

The Republic guarantees the right of asylum to foreign nationals and stateless persons expelled because of their democratic political convictions and activities.

The extradition of aliens can be carried out only on the basis of a ratified international agreement and on the principle of reciprocity. Aliens cannot be extradited for political criminal offences. Acts of terrorism are not regarded as political criminal offences.

**2. Economic, social and cultural rights****Article 30**

The right to property and the right to inheritance are guaranteed.

Ownership of property creates rights and duties and should serve the wellbeing of both the individual and the community.

None may be deprived or limited of his/her property, or of the rights deriving from it, except in the public interest determined by law.

If property is expropriated or restricted, just compensation, not lower than its market value, is guaranteed.

**Article 31**

Aliens in the Republic of Macedonia may acquire the right to property under conditions determined by law.

**Article 32**

Everyone has the right to work, to free choice of employment, protection at work and material assistance during temporary unemployment.

Everyone shall have access under equal conditions to any position of employment.

Every employee has the right to appropriate remuneration.

Every employee has the right to paid daily, weekly and annual leave.

Employees cannot waive these rights.

The exercise of the rights of employees and their status are regulated by law and collective agreements.

### **Article 33**

Everyone is obliged to pay tax and other public contributions, as well as to share in the provision of public expenditure in a manner determined by law.

### **Article 34**

Citizens have the right to social security and social insurance, determined by law and collective agreement.

### **Article 35**

The Republic provides social protection and social security for citizens in accordance with the principle of social justice.

The Republic guarantees the right of assistance to citizens who are infirm or unfit for work.

The Republic provides particular protection for invalids, as well as conditions for their involvement in social life.

### **Article 36**

The Republic guarantees specific social security rights to veterans of the Anti-Fascist War and of all national liberation wars of Macedonia, to war invalids, to those expelled and imprisoned for supporting the ideas of the separate identity of the Macedonian people and of Macedonian statehood, as well as to members of their families without means of material and social subsistence.

The specific rights are regulated by law.

**Article 37**

In order to exercise their economic and social rights, citizens have the right to establish trade unions. Trade unions can constitute alliances and become members of international trade union organisations.

The law may restrict the conditions for the exercise of the right to trade union organisation in the armed forces, the police and administrative bodies.

**Article 38**

The right to strike is guaranteed.

The law may restrict the conditions for the exercise of the right to strike in the armed forces, the police and administrative bodies.

**Article 39**

Every citizen is guaranteed the right to health care.

Citizens have the right and the duty to protect and promote their own health and the health of others.

**Article 40**

The Republic provides for specific care and protection for the family.

The legal relations in marriage, the family and cohabitation are regulated by law.

Parents have the right and the duty to provide for the nurture and education of their children. Children are responsible for the care of their old and infirm parents.

The Republic provides specific protection for parentless children and children without parental care.

**Article 41**

It is a human right freely to decide on the procreation of children.

The Republic conducts a humane population policy in order to provide balanced economic and social development.

**Article 42**

The Republic particularly protects mothers, children and minors.  
A person under 15 years of age cannot be employed.  
Minors and mothers have the right to specific protection at work.  
Minors may not be employed in work which is detrimental to their health or morality.

**Article 43**

Everyone has the right to a healthy environment.  
Everyone is obliged to promote and protect the environment and nature.  
The Republic provides conditions for the exercise of the right of citizens to a healthy environment.

**Article 44**

Everyone has the right to education.  
Education is accessible to everyone under equal conditions.  
Primary education is compulsory and free of charge.

**Article 45**

Citizens have the right to establish private schools at all levels of education, with the exception of primary education, under conditions determined by law.

**Article 46**

The autonomy of universities is guaranteed.  
The conditions for the establishment, operation and termination of the activities of a university are regulated by law.

**Article 47**

The freedom of scientific, artistic and other forms of creative work is guaranteed.  
Rights deriving from scientific, artistic or other intellectual creative work are guaranteed.

The Republic stimulates, assists and protects the development of science, the arts and culture.

The Republic stimulates and assists scientific and technological development.

The Republic stimulates and assists technical education and sport.

#### **Article 48\*)**

Members of nationalities have the right freely to express, foster and develop their identity and national attributes.

The Republic guarantees the protection of the ethnic, cultural, linguistic and religious identity of the nationalities.

Members of the nationalities have the right to establish institutions for culture and art, as well as science and other associations for the expression, fostering and development of their identity.

Members of the nationalities have the right to instruction in their language in primary and secondary education, as determined by law. In schools where education is carried out in the language of a nationality, the Macedonian language is also studied.

*\*) This Article is replaced by item 1 of Amendment VIII.*

#### **AMENDMENT VIII <sup>11)</sup>**

**1. Members of communities have the right freely to express, foster and develop their identity and community attributes, and to use their community symbols.**

**The Republic guarantees the protection of the ethnic, cultural, linguistic and religious identity of all communities.**

**Members of communities have the right to establish institutions for culture, art, education, as well as science and other associations for the expression, fostering and development of their identity.**

**Members of communities have the right to instruction in their language in primary and secondary education, as determined by law. In schools where education is carried out in another language, the Macedonian language is also studied.**

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<sup>11)</sup> "Official Gazette of the Republic of Macedonia" No. 91/01.

**2. This Amendment replaces Article 48 of the Constitution of the Republic of Macedonia.**

**Article 49\*)**

The Republic has a concern for the status and rights of persons belonging to the Macedonian people in neighbouring countries, as well as Macedonian expatriates, assists in their cultural development and promotes links with them.

The Republic has a concern for the cultural, economic and social rights of the citizens of the Republic abroad.

*\*) Paragraph 1 of the Article 49 is supplemented by Item 1 of Amendment II.*

**AMENDMENT II <sup>12)</sup>**

**1. In the exercise of these concerns the Republic will not interfere in the sovereign rights of other states or in their internal affairs.**

**2. This Amendment is an Addendum to Paragraph 1 of Article 49 of the Constitution of the Republic of Macedonia.**

**3. Guarantees of fundamental freedoms and rights**

**Article 50**

Every citizen may invoke the protection of freedoms and rights determined by the Constitution before the regular courts, as well as before the Constitutional Court of Macedonia, through a procedure based upon the principles of priority and urgency.

Judicial protection of the legality of individual acts of state administration, as well as of other institutions carrying out public mandates, is guaranteed.

A citizen has the right to be informed about human rights and fundamental freedoms as well as actively to contribute, individually or jointly with others, to their promotion and protection.

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<sup>12)</sup> "Official Gazette of the Republic of Macedonia" No. 1/92.



**Article 51**

In the Republic of Macedonia laws shall be in accordance with the Constitution and all other regulations shall be in accordance with the Constitution and the laws.

Everyone is obliged to respect the Constitution and the laws.

**Article 52**

Laws and other regulations are published before they come into force.

Laws and other regulations are published in "The Official Gazette of the Republic of Macedonia" no more than seven days after the day of their adoption.

Laws come into force on the eighth day after the day of their publication at the earliest, or on the day of publication in exceptional cases determined by the Assembly.

Laws and other regulations may not have a retroactive effect, except in cases when this is more favourable for the citizens.

**Article 53**

Attorneyship is an autonomous and independent public service, providing legal assistance and carrying out public mandates in accordance with the law.

**Article 54**

The freedoms and rights of the individual and citizen can be restricted only in cases determined by the Constitution.

The freedoms and rights of the individual and citizen can be restricted during states of war or emergency, in accordance with the provisions of the Constitution.

The restriction of freedoms and rights cannot discriminate on grounds of gender, race, colour of skin, language, religion, national or social origin, property or social status.

The restriction of freedoms and rights cannot be applied to the right to life, the prohibition of torture, inhuman and humiliating treatment and punishment, the legal determination of punishable

offences and sentences, or to the freedom of personal conviction, conscience, thought, public expression of thought and religious confession.

#### **4. Foundations for economic relations**

##### **Article 55**

The freedom of the market and entrepreneurship is guaranteed.

The Republic ensures an equal legal position for all parties in the market.

The Republic takes measures against monopolistic positions and monopolistic conduct of the market.

The freedom of the market and entrepreneurship can be restricted by law only for reasons of the defence of the Republic, protection of nature and environment, or public health.

##### **Article 56\*)**

All the natural resources of the Republic of Macedonia, the flora and fauna, amenities in common use, as well as the objects and buildings of particular cultural and historical value determined by law, are goods of common interest for the Republic and enjoy specific protection.

The Republic guarantees the protection, promotion and enhancement of the historical and artistic heritage of the Macedonian people and of the nationalities and of the treasures of which it is composed, regardless of their legal status.

The law regulates the mode and conditions under which specific goods of general interest for the Republic can be ceded for use.

*\*) Paragraph 2 of Article 56 is replaced by Item 1 of Amendment IX.*

#### **AMENDMENT IX <sup>13)</sup>**

**1. The Republic guarantees the protection, promotion and enhancement of the historical and artistic heritage of Macedonia and all the communities in Macedonia as well as the treasures of which it is composed, regardless of their legal status.**

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<sup>13)</sup> “Official Gazette of the Republic of Macedonia” No. 91/01.

**2. Item 1 of this Amendment replaces Paragraph 2 Article 56 of the Constitution of the Republic of Macedonia.**

**Article 57**

The Republic stimulates economic progress and provides for a more balanced spatial and regional development, as well as for the more rapid development of economically underdeveloped regions.

**Article 58**

Ownership and labour form the basis for management and sharing in decision-making.

Participation in management and decision-making in public institutions and services is regulated by law, and on the principles of expertise and competence.

**Article 59**

Foreign investors are guaranteed the right to take out freely invested capital and profits.

The rights obtained on the basis of invested capital may not be reduced by law or other regulations.

**Article 60**

The National Bank of the Republic of Macedonia is a currency-issuing bank.

The National Bank is autonomous and is responsible for the stability of the currency, monetary policy and for the general liquidity of payments in the Republic and abroad.

The organisation and work of the National Bank are regulated by law.

**III. THE ORGANISATION OF STATE AUTHORITY**

**1. The Assembly of the Republic of Macedonia**

**Article 61**

The Assembly of the Republic of Macedonia is a representative body of the citizens in which the legislative power of the Republic is vested.

The organisation and functioning of the Assembly are regulated by the Constitution and by Rules of Procedure.

### **Article 62**

The Assembly of the Republic of Macedonia is composed of 120 to 140 Representatives.

The Representatives are elected at general, direct and free elections and by secret ballot.

The Representative represents the citizens and makes decisions in the Assembly in accordance with his/her personal convictions.

A Representative's mandate cannot be revoked.

The mode and conditions of election of Representatives are regulated by a law adopted by a majority vote of the total number of Representatives.

### **Article 63**

The Representatives in the Assembly are elected for a term of four years.

The mandate of Representatives is verified by the Assembly. The length of the mandate is reckoned from the constitutive sitting of the Assembly. Each newly elected Assembly must hold a constitutive sitting 20 days at the latest after the election was held. The constitutive sitting is called by the President of the Assembly of the previous term.

If a constitutive sitting is not called within the time laid down, the Representatives assemble and constitute the Assembly by themselves on the twenty-first day after the completion of the elections.

Elections for Representatives to the Assembly are held within the last 90 days of the term of the current Assembly, or within 60 days from the day of dissolution of the Assembly.

The term of office of the Representatives to the Assembly can be extended only during states of war or emergency.

The law shall establish who may not be elected a Representative and incompatibility of the office of Representative with other public offices and professions.

The Assembly is dissolved when a majority of the total number of Representatives votes for dissolution.

#### **Article 64**

Representatives enjoy immunity.

A Representative cannot be held criminally liable or be detained for an opinion expressed or vote cast in the Assembly.

A Representative cannot be detained without the approval of the Assembly unless apprehended committing a criminal offence for which a prison sentence of at least five years is prescribed.

The Assembly can decide to grant immunity to a Representative, who has not claimed such immunity, should it be necessary for the performance of the Representative's office.

Representatives may not be called up for duties in the Armed Forces during the course of their term of office.

A Representative is entitled to remuneration determined by law.

#### **Article 65**

A Representative may resign his/her mandate.

The Representative submits his/her resignation in person at a session of the Assembly.

The mandate of a Representative terminates if he/she is sentenced for a criminal offence for which a prison sentence of at least five years is prescribed.

The Representative can have his/her mandate revoked if he/she is sentenced for committing a criminal or other punishable offence making him unfit to perform the office of a Representative, as well as for absence from the Assembly for longer than 6 months for no justifiable reason. Revocation of the mandate is determined by the Assembly by a two-thirds majority vote of all Representatives.

#### **Article 66**

The Assembly is in permanent session.

The Assembly works at sittings.

The sittings of the Assembly are called by the President of the Assembly.

The Assembly adopts the Rules of Procedure by a majority vote of the total number of Representatives.

### **Article 67**

The Assembly elects a President and one or more Vice-Presidents from the ranks of the Representatives by a majority vote of the total number of Representatives.

The President of the Assembly represents the Assembly, ensures the application of the Rules of Procedure and carries out other responsibilities determined by the Constitution and the Rules of Procedure of the Assembly.

The office of the President of the Assembly is incompatible with the performance of other public offices, professions or a position in a political party.

The President of the Assembly calls the election of Representatives and of the President of the Republic.

### **Article 68\*)**

The Assembly of the Republic of Macedonia:

- adopts and changes the Constitution;
- adopts laws and gives the authentic interpretation of laws;
- determines public taxes and fees;
- adopts the Budget and the Budget's Final Account of the Republic;
- adopts the Spatial Plan of the Republic;
- ratifies international agreements;
- decides on war and peace;
- makes decisions concerning any changes in the borders of the Republic;
- makes decisions on association in and disassociation from any form of alliance or community with other states;
- issues notice of a referendum;
- makes decisions concerning the reserves of the Republic;
- sets up councils;
- appoints the Government of the Republic of Macedonia;
- appoints judges to the Constitutional Court of the Republic of Macedonia;
- appoints and discharges judges;
- elects, appoints and dismisses other holders of public and other offices determined by the Constitution and law;

- carries out political control and supervision of the Government and other holders of public office accountable to the Assembly;
- proclaims amnesties; and
- performs other activities determined by the Constitution.

In performing the duties within its sphere of competence, the Assembly adopts decisions, declarations, resolutions, recommendations and conclusions.

*\*) Line 15 of Paragraph 1 of this Article is deleted with the Amendment XXIX (The text of the Amendment XXIX is given after the Article 105).*

#### **Article 69\*)**

The Assembly may work if its sitting is attended by a majority of the total number of Representatives. The Assembly makes decisions by a majority of votes cast by those Representatives present, but no less than one-third of the total number of Representatives, save where a different type of majority is provided by the Constitution.

*\*) Article 69 is replaced by items 1 and 2 of Amendment X.*

#### **AMENDMENT X <sup>14)</sup>**

**1. The Assembly can take a decision if its sitting is attended by a majority of the total number of Representatives. The Assembly makes decisions by a majority vote of the Representatives attending, but no less than one-third of the total number of Representatives, save where a different type of majority is provided by the Constitution.**

**2. For laws that directly affect culture, use of language, education, personal documentation, and use of symbols, the Assembly makes decisions by a majority vote of the Representatives attending, within which there must be a majority of the votes of the Representatives attending who belong to communities not in the majority in the population of Macedonia. Any dispute regarding the application of this provision is resolved by the Committee on Inter-Community Relations.**

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<sup>14)</sup> “Official Gazette of the Republic of Macedonia” No. 91/01.

**3. This Amendment replaces Article 69 of the Constitution of the Republic of Macedonia.**

**Article 70**

The sittings of the Assembly are public.

The Assembly may decide to work without the presence of the public by a two-thirds majority vote of the total number of Representatives.

**Article 71**

The right to propose the adoption of a law is given to every Representative of the Assembly, to the Government of the Republic and to a group of at least 10,000 voters.

The initiative for adopting a law may be given to the authorised proposal makers by any citizen, group of citizens, institutions or associations.

**Article 72**

An interpellation may be made with respect to the work of any public office holder, the Government and any of its members individually, as well as on issues concerning the performance of state bodies.

Interpellation may be made by a minimum of five Representatives.

All Representatives have the right to ask a Parliamentary question.

The mode and procedure for submitting and debating an interpellation or Parliamentary question are regulated by the Rules of Procedure.

**Article 73**

The Assembly decides on calling a referendum concerning specific matters within its sphere of competence by a majority vote of the total number of Representatives.

The decision is passed in a referendum if a majority of those voting have cast in favour of the same, on condition that more than half of the total number of voters voted.



The Assembly is obliged to call a referendum if one is proposed by at least 150,000 voters.

The decision made in a referendum is binding.

#### **Article 74**

The Assembly makes decisions to change the borders of the Republic by a two-thirds majority vote of the total number of Representatives.

The decision to change the borders of the Republic is adopted by referendum, if it is accepted by the majority of the total number of voters.

#### **Article 75**

Laws are declared by promulgation.

The promulgation declaring a law is signed by the President of the Republic and the President of the Assembly.

The President of the Republic may decide not to sign the promulgation declaring a law. The Assembly reconsiders the law and the President of the Republic is then obliged to sign the promulgation if it is adopted by a majority vote of the total number of Representatives.

The President is obliged to sign a promulgation if, according to the Constitution, the law is adopted by a two-thirds majority vote of the total number of Representatives.

#### **Article 76**

The Assembly sets up permanent and temporary working bodies.

The Assembly may set up committees of inquiry for any domain or any matter of public interest.

A proposal to set up a committee of inquiry may be submitted by a minimum of 20 Representatives.

The Assembly sets up a permanent committee of inquiry for the protection of the freedoms and rights of citizens.

The findings of the committees of inquiry form the basis of the initiation of proceedings to ascertain the accountability of public office-holders.

**Article 77\*)**

The Assembly elects the Ombudsman.

The Ombudsman protects the constitutional and legal rights of citizens when violated by bodies of the state administration and by other bodies and organisations with public mandates.

The Ombudsman is elected for a term of eight years, with the right to one re-election.

The conditions for election and dismissal, the sphere of competence and the mode of work of the Ombudsman are regulated by law.

*\*) Paragraph 1 of Article 77 is replaced by Item 1 of Amendment XI, and Paragraph 2 of this Article is supplemented by the Item 2 of the same Amendment.*

**AMENDMENT XI <sup>15)</sup>**

**1. The Assembly elects the Ombudsman by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives who belong to communities not in the majority in the Republic of Macedonia.**

**2. The Ombudsman protects the constitutional and legal rights of citizens when these are violated by bodies of the state administration and by other bodies and organisations with public mandates. The Ombudsman gives particular attention to safeguarding the principles of non-discrimination and equitable representation of communities in state bodies, bodies of the units of local selfgovernment and public institutions and services.**

**3. Item 1 of this Amendment replaces Paragraph 1 of Article 77, and Item 2 is added to Paragraph 2 of Article 77 of the Constitution of the Republic of Macedonia.**

**Article 78\*)**

The Assembly establishes a Council for Inter-Ethnic Relations.

The Council consists of the President of the Assembly and two members each from the ranks of the Macedonians, Albanians, Turks,

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<sup>15)</sup> “Official Gazette of the Republic of Macedonia” No. 91/01.

Vlachs and Roma, as well as two members from the ranks of other nationalities in Macedonia.

The President of the Assembly is President of the Council.

The Assembly elects the members of the Council.

The Council considers issues of inter-ethnic relations in the Republic and makes appraisals and proposals for their solution.

The Assembly is obliged to take into consideration the appraisals and proposals of the Council and to make decisions regarding them.

*\*) This Article is replaced with Item 1 of Amendment XII.*

#### **AMENDMENT XII <sup>16)</sup>**

##### **1. The Assembly establishes a Committee for Inter-Community Relations.**

**The Committee consists of 19 members of whom 7 members each are from the ranks of the Representatives to the Assembly - Macedonians and Albanians, and one member each from among the Turks, Vlachs, Roma, Serbs and Bosniaks. If any of the communities does not have Representatives in the Assembly, the Ombudsman, after consultation with relevant representatives of those communities, shall propose the remaining members of the Committee.**

**The Assembly elects the members of the Committee.**

**The Committee considers issues of inter-community relations in the Republic and makes appraisals and proposals for their solution.**

**The Assembly is obliged to take into consideration the appraisals and proposals of the Committee and to make decisions regarding them.**

**In the event of a dispute regarding the application of the voting procedure specified in Article 69(2), the Committee shall decide by a majority vote of its members whether this procedure applies.**

**2. Item 1 of this Amendment replaces Article 78 of the Constitution of the Republic of Macedonia and line 7 of Article 84 is deleted.**

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<sup>16)</sup> "Official Gazette of the Republic of Macedonia" No. 91/01.

## **2. The President of the Republic of Macedonia**

### **Article 79**

The President of the Republic Macedonia represents the Republic. The President of the Republic is Commander-in-Chief of the Armed Forces of Macedonia.

The President of the Republic exercises his/her rights and duties on the basis and within the framework of the Constitution and the laws.

### **Article 80**

The President of the Republic is elected in general and direct elections, by secret ballot, for a term of five years.

A person may be elected President of the Republic two times at most.

The President of the Republic shall be a citizen of the Republic of Macedonia.

A person may be elected President of the Republic if over the age of 40 on the day of election.

A person may not be elected President of the Republic if, on the day of election, he/she has not been a resident of the Republic of Macedonia for at least ten years within the last fifteen years.

### **Article 81**

A candidate for President of the Republic can be nominated by a minimum of 10,000 voters or at least 30 Representatives.

A candidate who receives a majority of the votes of the total number of voters is elected President of the Republic.

If in the first round of voting no candidate wins the majority required, voting in the second round is restricted to the two candidates who have won most votes in the first round.

The second round takes place within 14 days of the termination of voting in the first round.

A candidate is elected President if he/she wins a majority of the votes of those who voted, provided more than half of the registered voters voted.

If in the second round of voting no candidate wins the required majority of votes, the whole electoral procedure is repeated.

If only one candidate is nominated for the post of President of the Republic and he/she does not obtain the required majority of votes in the first round, the whole electoral procedure is repeated.

The election of the President of the Republic takes place within the last 60 days of the term of the previous President. Should the term of office of the President of the Republic be terminated for any reason, the election of a new President takes place within 40 days from the day of termination.

Before taking office, the President of the Republic makes a solemn declaration before the Assembly of his/her commitment to respect the Constitution and the laws.

### **Article 82**

In case of death, resignation, permanent inability to perform his/her duties, or in case of termination of the mandate in accordance with the provisions of the Constitution, the office of the President of the Republic is carried out by the President of the Assembly until the election of the new President.

Fulfilment of the conditions for cessation of the office of the President of the Republic is *ex officio* determined by the Constitutional Court.

In the event of the impediment of the President of the Republic to perform his/her duties, the President of the Assembly deputises for him.

While the President of the Assembly is performing the office of President of the Republic, he/she takes part in the work of the Assembly without the right to vote.

### **Article 83**

The duty of the President of the Republic is incompatible with the performance of any other public office, profession or position in a political party.

The President of the Republic is granted immunity.

The Constitutional Court decides by a two-thirds majority vote of the total number of judges on any case for withholding immunity from the President of the Republic.

**Article 84 \*) \*)**

The President of the Republic of Macedonia

- nominates a mandatory to constitute the Government of the Republic of Macedonia;
- appoints and recalls by decree ambassadors and other envoys of the Republic of Macedonia abroad;
- accepts the credentials and letters of recall of foreign diplomatic representatives;
- proposes two judges of the Constitutional Court of the Republic of Macedonia;
- proposes two members of the Judicial Council of the Republic;
- appoints three members to the Security Council of the Republic of Macedonia;
- proposes the members of the Council for Inter-Ethnic Relations;
- appoints and dismisses other holders of state and public offices determined by the Constitution and the law;
- grants decorations and honours in accordance with the law;
- grants pardons in accordance with the law; and
- performs other duties determined by the Constitution.

*\*) Line 7 of Article 84 is erased by Item 1 of Amendment XII. (The text of the Amendment XII is given after the Article 78).*

*\*) Line 5 of the Article 84 is replaced by the Amendment XXII.*

**AMENDMENT XXII <sup>17)</sup>**

**1. Proposes two members of the Judicial Council of the Republic of Macedonia.**

**2. This amendment replaces line 5, Article 84 of the Constitution of the Republic of Macedonia.**

**Article 85**

The President of the Republic addresses the Assembly on issues within his/her sphere of competence at least once a year.

The Assembly may request the President of the Republic to state an opinion on issues within his/her sphere of competence.

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<sup>17)</sup> "Official Gazette of the Republic of Macedonia" No. 107/05.

**Article 86\*)**

The President of the Republic is President of the Security Council of the Republic of Macedonia.

The Security Council of the Republic is composed of the President of the Republic, the President of the Assembly, the Prime Minister, the Ministers heading the bodies of state administration in the fields of security, defence and foreign affairs and three members appointed by the President of the Republic.

The Council considers issues relating to the security and defence of the Republic and makes policy proposals to the Assembly and the Government.

*\*) Paragraph 2 of the Article 86 is supplemented by Item 1 of Amendment XIII.*

**AMENDMENT XIII <sup>18)</sup>**

**1. In appointing the three members, the President shall ensure that the Security Council as a whole equitably reflects the composition of the population of Macedonia.**

**2. Item 1 of this Amendment is added to Paragraph 2 of Article 86 of the Constitution of the Republic of Macedonia.**

**Article 87**

The President is accountable for any violation of the Constitution and laws in exercising his/her rights and duties.

The procedure of impeachment of the President of the Republic' is initiated by the Assembly with a two-thirds majority vote of all Representatives. The Constitutional Court decides on the accountability of the President by a two-thirds majority vote of all judges.

If the Constitutional Court considers the president accountable for a violation, his/her mandate shall terminate by the force of the Constitution.

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<sup>18)</sup> "Official Gazette of the Republic of Macedonia" No. 91/01.

### **3. The Government of the Republic of Macedonia**

#### **Article 88**

Executive power is vested in the Government of the Republic of Macedonia.

The Government exercises its rights and duties on the basis and within the framework of the Constitution and the laws.

#### **Article 89\*)**

The Government is composed of a Prime Minister and Ministers.

The Prime Minister and the Ministers cannot be Representatives in the Assembly.

The Prime Minister and the Ministers enjoy immunity. The Government decides on their immunity.

The Prime Minister and the Ministers cannot be called up for duties in the Armed Forces.

The office of the Prime Minister and that of a Minister is incompatible with performance of any other public office or profession.

The organisation and the mode of working of the Government are regulated by law.

*\*) Paragraph 3 of the Article 89 is replaced by the Amendment XXIII.*

#### **AMENDMENT XXIII <sup>19)</sup>**

**1. The Prime Minister enjoys immunity. The Assembly decides on his/her immunity.**

**2. This Amendment replaces paragraph 3 of Article 89 of the Constitution of the Republic of Macedonia.**

#### **Article 90**

Within 10 days of the establishment of the Assembly, the President of the Republic of Macedonia shall entrust the mandate for constituting the Government to a candidate belonging to the party or the parties which has/have a majority in the Assembly.

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<sup>19)</sup> "Official Gazette of the Republic of Macedonia" No. 107/05.



Within 20 days from the day of being entrusted with the mandate, the mandatary submits a programme and proposes the composition of the Government to the Assembly.

Upon the proposal of the mandatary and on the basis of the submitted programme the Government is appointed by the Assembly by a majority vote of the total number of Representatives.

#### **Article 91\*)**

The Government of the Republic of Macedonia:

- determines the policy of execution of the laws and of the other regulations of the Assembly and is accountable for their execution;
- proposes laws, the Budget of the Republic and other regulations to be adopted by the Assembly;
- proposes a Spatial Plan of the Republic;
- proposes decisions concerning the reserves of the Republic and takes care of their execution;
- adopts secondary legislation and other regulations for execution of the laws;
- determinates principles on the internal organisation and the mode of work of the Ministries and of the other administrative bodies, directs and supervises their work;
- provides for opinions on the draft - laws and on the other regulations submitted to the Assembly by other authorised proposal-makers;
- takes decisions on the recognition of states and governments;
- establishes diplomatic and consular relations with other states;
- decides on opening of diplomatic and consular missions abroad;
- proposes the appointment of Ambassadors and envoys of the Republic of Macedonia abroad and appoints chiefs of consular missions;
- proposes the Public Prosecutor;
- appoints and dismisses holders of public and other offices determined by the Constitution and the law; and
- performs other functions determined by the Constitution and the laws.

*\*) The Amendment XXIV replaces line 12 of the Article 91 of the Constitution of the Republic of Macedonia.*

**AMENDMENT XXIV <sup>20)</sup>**

**1. Proposes the Public Prosecutor of the Republic of Macedonia having previously obtained opinion by the Council of Public Prosecutors.**

**2. This amendment replaces line 12 of Article 91 of the Constitution of the Republic of Macedonia.**

**Article 92**

The Government and each of its members are accountable to the Assembly.

The Assembly may take a vote of no-confidence in the Government.

A motion of confidence in the Government may be initiated by at least 20 Representatives.

The vote of confidence in the Government is taken after the expiration of a three-day period starting from the day of the raising of the motion of confidence.

Another motion of confidence in the Government cannot be initiated before the expiration of a ninety-day period taking into consideration the last such vote, unless the new confidence issue is proposed by a majority of the total number of Representatives.

A vote of no-confidence in the Government is adopted by a majority vote of the total number of Representatives. If a vote of no-confidence in the Government is passed, the Government shall resign.

**Article 93**

The Government itself has the right to raise the issue of confidence before the Assembly.

The Government has the right to submit its resignation. The resignation of the Prime Minister, his/her death or permanent inability to perform his/her duties entails resignation of the Government.

The Government's term of office ceases when the Assembly is dissolved.

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<sup>20)</sup> "Official Gazette of the Republic of Macedonia" No. 107/05.

When a vote of no-confidence in the Government has been passed, when the Government has resigned or its term of office has ceased as a result of dissolution of the Assembly, the same Government continues to act until the appointment of a new Government.

#### **Article 94**

A member of the Government has the right to submit his/her resignation.

The Prime Minister may propose the dismissal of a member of the Government.

The Assembly decides on the proposal for the dismissal of a member of the Government at its next session.

If the Prime Minister proposes the dismissal of more than one-third of the initial composition of the Government the Assembly takes a decision on the appointment of a new Government.

#### **Article 95**

The state administration is comprised of Ministries and other administrative bodies and organisations determined by law.

Political organisation and activities within the bodies of the state administration are prohibited.

The organisation and work of the bodies of state administration are regulated by law adopted by a two-thirds majority vote of the total number of Representatives.

#### **Article 96**

The bodies of the state administration perform their duties within their sphere of competence autonomously and on the basis and within the framework of the Constitution and laws, being accountable for their work to the Government.

#### **Article 97**

The bodies of state administration in the fields of defence and police are headed by persons who have been civilians for at least three years before their appointment to these offices.

#### **4. The Judiciary**

##### **Article 98\*)**

Judicial power is exercised by the courts.

The courts are autonomous and independent. The courts judge on the basis of the Constitution, the laws and the international agreements ratified in accordance with the Constitution.

There is a single form of organisation for the judiciary.

Extraordinary courts are prohibited.

The types of courts, their jurisdiction, their establishment, abrogation, organisation and composition, as well as the procedures they follow, are regulated by law adopted by a majority vote of two-thirds of the total number of Representatives.

*\*) Clause 1 of the Amendment XXV replaces Article 98 of the Constitution of the Republic of Macedonia.*

##### **AMENDMENT XXV <sup>21)</sup>**

###### **1. Judiciary power is exercised by courts.**

**Courts are autonomous and independent. Courts judge on the basis of the Constitution and laws and international agreements ratified in accordance with the Constitution.**

**Emergency courts are prohibited.**

**The types of courts, their spheres of competence, their establishment, abrogation, organization and composition, as well as the procedure they follow are regulated by a law adopted by a of two-thirds majority vote of the total number of Representatives.**

**2. Clause 1 of this Amendment replaces Article 98 of the Constitution of the Republic of Macedonia.**

##### **Article 99\*)**

A judge is appointed without restriction on the duration of his/her term of office.

A judge cannot be transferred against his/her will.

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<sup>21)</sup> "Official Gazette of the Republic of Macedonia" No. 107/05.

A judge is discharged

- if he/she requests so;
- if he/she loses permanently the capability to carry out the judge's office upon determination by the Judicial Council of the Republic;
- if he/she fulfils the conditions for retirement;
- if he/she is sentenced for a criminal offence to a prison term of a minimum of six months;
- as a consequence of a serious disciplinary offence defined by law, making him unworthy to perform a judge's office upon a decision of the Judicial Council of the Republic; and
- as a consequence of unprofessional and unethical performance of the judge's office, upon a decision of the Judicial Council of the Republic in a procedure regulated by law.

*\*) Clause 1 of the Amendment XXVI replaces Paragraph 3 of the Article 99 of the Constitution of the Republic of Macedonia.*

### **AMENDMENT XXVI <sup>22)</sup>**

#### **1. The term of office of a judge ceases:**

- **if he/she so requests;**
- **if he/she permanently loses the capability of carrying out a judge 's office, which is determined by the Judicial Council of the Republic of Macedonia;**
- **if he/she fulfils the conditions for retirement;**
- **if he/she with final court verdict is sentenced for a criminal offence to a prison term of a minimum of six months;**
- **if he/she is elected or appointed to another public office, except when his/her judicial function rests under conditions determined by law;**

#### **A judge is discharged:**

- **when he/she commits a serious disciplinary offence which makes him/her unsuitable to perform a judge 's office prescribed by law; and**
- **he/she performs her judicial duty unprofessionally and unethically under conditions stipulated by law.**

**2. Clause 1 of this Amendment replaces paragraph 3 of Article 99 of the Constitution of the Republic of Macedonia.**

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<sup>22)</sup> "Official Gazette of the Republic of Macedonia" No. 107/05.

**Article 100\*)**

Judges enjoy immunity.

The Assembly decides on the immunity of judges.

The judge's office is incompatible with other public office, profession or membership of a political party.

Political organisation and activity in the judiciary is prohibited.

*\*) Paragraph 2 of Article 100 of the Constitution of the Republic of Macedonia is replaced by the Clause 1 of Amendment XXVII, and paragraph 3 of Article 100 of the Constitution of the Republic of Macedonia is replaced by clause 2 of Amendment XXVII.*

**AMENDMENT XXVII <sup>23)</sup>**

**1. A judge cannot be held criminally liable for an opinion and deciding in the process of rendering a court decision.**

**A judge shall not be detained without the consent of the Judicial Council, except when caught in committing a criminal act for which a prison sentence of at least five years is prescribed.**

**2. The judicial function is incompatible with membership in a political party or with another public function or profession determined by law.**

**3. Clause 1 of this Amendment replaces paragraph 2 of Article 100 of the Constitution of the Republic of Macedonia, and clause 2 of this amendment replaces paragraph 3 of Article 100 of the Constitution of the Republic of Macedonia.**

**Article 101**

The Supreme Court of the Republic of Macedonia is the highest court in the Republic providing uniformity in the implementation of the laws by the courts.

**Article 102**

Court hearings and delivery of the court decisions are public.

The public can be excluded in cases determined by law.

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<sup>23)</sup> "Official Gazette of the Republic of Macedonia" No. 107/05.

**Article 103**

The court holds trials in a chamber.  
The law determines cases in which a judge can sit alone.  
Lay-judges take part in a trial in cases determined by law.  
Lay-judges cannot be held accountable for the opinions and decisions expressed in the process of reaching the court's decisions.

**Article 104\*) \*)**

The Judicial Council of the Republic is composed of seven members.

The Assembly elects the members of the Council.

The members of the Council shall be elected from the ranks of the outstanding members of the legal profession for a term of six years with the right to one re-election.

Members of the Judicial Council of the Republic enjoy immunity. The Assembly decides on their immunity.

The office of a member of the Judicial Council of the Republic is incompatible with the performance of other public offices, professions or membership of political parties.

*\*) Item 1 of Amendment XIV is an Addendum to Paragraph 2 of Article 104 of the Constitution of the Republic of Macedonia.*

*\*) Article 104 of the Constitution of the Republic of Macedonia is replaced by the Amendment XXVIII.*

**AMENDMENT XIV <sup>24)</sup>**

**1. Three of the members shall be elected by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives who belong to the communities not in the majority in the Republic of Macedonia.**

**2. This Amendment is added to Paragraph 2 of Article 104 of the Constitution of the Republic of Macedonia.**

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<sup>24)</sup> "Official Gazette of the Republic of Macedonia" No. 91/01.

**AMENDMENT XXVIII <sup>25)</sup>**

**1. The Judicial Council of the Republic of Macedonia is an independent and autonomous institution of the judiciary. The Council shall ensure and guarantee the independence and the autonomy of the judiciary.**

**The Judicial Council is composed of fifteen members.**

**The President of the Supreme Court of the Republic of Macedonia and the Minister of Justice are ex officio members of the Judicial Council.**

**Eight members of the Council are elected by the judges from their own ranks. Three of them shall belong to the communities that are not majority in the Republic of Macedonia, insuring that equitable representation of citizens belonging to all communities shall be observed.**

**Three members of the Council are elected by the Assembly of the Republic of Macedonia with majority votes of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives who belong to the communities not in the majority in the Republic of Macedonia.**

**Two members of the Council are proposed by the President of the Republic of Macedonia and are elected by the Assembly of the Republic of Macedonia, from which one shall belong to the communities that are not majority in the Republic of Macedonia.**

**The members of the Council elected by the Assembly of the Republic of Macedonia, and the members proposed by the President of the Republic of Macedonia shall be from among University law professors, lawyers and other prominent jurists.**

**The members of the Council are elected for a term of six years, with the right to one reelection.**

**The conditions and procedure for election, as well as the basis and the procedure for termination of the mandate and dismissal of a member of the Council shall be determined by law.**

**The office of a member of the Council is incompatible with membership in political parties and with performance of other public offices and professions determined by law.**

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<sup>25)</sup> “Official Gazette of the Republic of Macedonia” No. 107/05.



**2. This Amendment replaces Article 104 of the Constitution of the Republic of Macedonia.**

**Article 105\*)**

The Judicial Council of the Republic:

- proposes to the Assembly the election and discharge of judges and determines proposals for discharge from a judge's office in cases determined by the Constitution;
- decides on the disciplinary accountability of the judges;
- evaluates the competence and consciousness of the judges in the performance of their office; and
- proposes two judges of the Constitutional Court of the Republic of Macedonia.

*\*) The Article 105 is replaced by the Amendment XXIX.*

**AMENDMENT XXIX <sup>26)</sup>**

**1. The Judicial Council of the Republic of Macedonia**

- **elects and dismisses judges and lay judges;**
- **determines the termination of a judge's office;**
- **elects and dismisses Presidents of Courts;**
- **monitors and assesses the work of the judges**
- **decides on the disciplinary accountability of judges;**
- **decides on revoking the immunity of judges;**
- **proposes two judges for the Constitutional Court of the Republic of Macedonia from among the judges; and**
- **performs other duties stipulated by law.**

**On the election of judges, lay judges and court presidents, equitable representation of citizens belonging to all communities shall be observed.**

**The Council shall submit an annual report for its work to the Assembly of the Republic of Macedonia in form, content and manner determined by law.**

**2. This Amendment replaces Article 105 of the Constitution of the Republic of Macedonia and deletes line 15 of paragraph 1, Article 68 of the Constitution of the Republic of Macedonia.**

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<sup>26)</sup> "Official Gazette of the Republic of Macedonia" No. 107/05.

## **5. The Public Prosecutor's Office**

### **Article 106\*)**

The Public Prosecutor's Office is a single and autonomous state body prosecuting crimes and other offences determined by law and performing other functions determined by law.

The Public Prosecutor's Office performs its functions on the basis of, and within the framework of, the Constitution and the law.

The Public Prosecutor is appointed by the Assembly for a six-year term and is discharged by the Assembly.

*\*) Paragraphs 2 and 3 from Article 106 are replaced by the Amendment XXX.*

### **AMENDMENT XXX <sup>27)</sup>**

**1. The Public Prosecutor 's Office performs its duties on the basis of the Constitution and law and the international agreements ratified in accordance with the Constitution.**

**The function of the Public Prosecutor's Office is performed by the Public Prosecutor of the Republic of Macedonia and by the public prosecutors.**

**The competences, establishment, termination, organization and functioning of the Public Prosecutor's Office is stipulated by law adopted by a two-thirds majority vote of the total number of MP's.**

**The Public Prosecutor of the Republic of Macedonia is appointed and dismissed by the Assembly of the Republic of Macedonia for a term of six years with the right to reappointment.**

**The public prosecutors are elected by the Council of Public Prosecutors and their term of office shall have no restrictions.**

**In the election of public prosecutors, equitable representation of citizens belonging to all communities shall be observed.**

**The Council decides on dismissal of public prosecutors.**

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<sup>27)</sup> "Official Gazette of the Republic of Macedonia" No. 107/05.

**The competences, composition and structure of the Council, the term of office of its members, as well as the basis and the procedure for termination of the mandate and for the dismissal of a member of the Council is stipulated by law.**

**The basis and the procedure for termination of the mandate and dismissal of the Public Prosecutor of the Republic of Macedonia and of the public prosecutors are determined by law.**

**The function of the Public Prosecutor of the Republic of Macedonia and of a public prosecutor is incompatible with membership in a political party or with performance of any other public functions and professions stipulated by law.**

**Political organization and activity in the public prosecution is prohibited.**

**2. This Amendment replaces paragraphs 2 and 3 of Article 106 of the Constitution of the Republic of Macedonia and deletes Article 107 of the Constitution of the Republic of Macedonia.**

#### **Article 107\*)**

The Public Prosecutor enjoys immunity.

The Assembly decides on his/her immunity.

The office of the Public Prosecutor is incompatible with performance of any other public office, profession or membership of a political party.

*\*) Article 107 of the Constitution of the Republic of Macedonia is deleted by the Amendment XXX. (The Text of the Amendment XXX is given after the Article 106)*

### **IV. THE CONSTITUTIONAL COURT OF THE REPUBLIC OF MACEDONIA**

#### **Article 108**

The Constitutional Court of the Republic of Macedonia is a body of the Republic protecting constitutionality and legality.

**Article 109\*)**

The Constitutional Court of the Republic of Macedonia is composed of nine judges.

The Assembly elects the judges of the Constitutional Court by a majority vote of the total number of Representatives. The term of office of the judges is nine years without a right to re-election.

The Constitutional Court elects a President from its own ranks for a threeyear term without a right to re-election.

Judges of the Constitutional Court are appointed from the ranks of outstanding members of the legal profession.

*\*) Paragraph 2 of Article 109 is replaced by Item 1 of Amendment XV.*

**AMENDMENT XV <sup>28)</sup>**

**1. The Assembly appoints the judges of the Constitutional Court. The Assembly appoints six of the judges of the Constitutional Court by a majority vote of the total number of Representatives. The Assembly appoints three of the judges by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives who belong to the communities not in the majority in the Republic of Macedonia. The term of office of the judges is nine years without a right to re-election.**

**2. This Amendment replaces Paragraph 2 of Article 109 of the Constitution of the Republic of Macedonia.**

**Article 110**

The Constitutional Court of the Republic of Macedonia

- decides on the conformity of the laws with the Constitution;
- decides on the conformity of the other regulations and of the collective agreements with the Constitution and the laws;
- protects the freedoms and rights of the individual and the citizen relating to the freedom of conviction, conscience, thought and public expression of thought, political association and activity as well as to the prohibition of discrimination on the ground of gender, race, religion, national, social and political affiliation;

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<sup>28)</sup> "Official Gazette of the Republic of Macedonia" No. 91/01.

- decides on competency conflicts between the holders of legislative, executive and judicial powers;
- decides on competency conflicts between the bodies of the Republic and the local self-government units;
- decides on the accountability of the President of the Republic;
- decides on the conformity of the programmes and statutes of the political parties and the associations of the citizens with the Constitution; and
- decides on other issues determined by the Constitution.

### **Article 111**

The office of a judge of the Constitutional Court is incompatible with the performance of other public office, profession or membership of a political party.

Judges of the Constitutional Court enjoy immunity. The Constitutional Court decides on their immunity.

Judges of the Constitutional Court cannot be called up for duties in the Armed Forces.

The office of a judge of the Constitutional Court ceases upon his/her resignation. A judge of the Constitutional Court shall be discharged from office if sentenced for a criminal offence to unconditional imprisonment of a minimum of six months or if he/she loses permanently the capability to perform his/her office as determined by the Constitutional Court.

### **Article 112**

The Constitutional Court shall annul or abrogate a law if it determines that it is not in conformity with the Constitution.

The Constitutional Court shall annul or abrogate another regulation or official document, collective agreement, statute or programme of a political party or an association if it determines that the same does not conform to the Constitution or law.

The decisions of the Constitutional Court are final and executive.

### **Article 113**

The mode of work and the procedure of the Constitutional Court are regulated by an enactment of the Court.

## V. LOCAL SELF-GOVERNMENT

### Article 114\*)

The right of citizens to local self-government is guaranteed.  
Municipalities are units of local self-government.  
Within municipalities forms of neighbourhood self-government may be established.  
Municipalities are financed from their own sources of income determined by law as well as from funds belonging to the Republic.  
Local self-government is regulated by law adopted by a two-thirds majority vote of the total number of Representatives.

*\*) Paragraph 5 of Article 114 is replaced by item 1 of Amendment XVI.*

### AMENDMENT XVI <sup>29)</sup>

**1. Local self-government is regulated by a law adopted by a two-thirds majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives belong to the communities not in the majority in the Republic of Macedonia.**

**The laws on local finances, local elections, boundaries of municipalities and the city of Skopje shall be adopted by a majority vote of the Representatives attending, within which there must be a majority of the votes of the Representatives attending who belong to the communities not in the majority in the Republic of Macedonia.**

**2. This Amendment replaces Paragraph 5 of Article 114 of the Constitution of the Republic of Macedonia.**

### Article 115\*)

In units of local self-government, citizens, directly and through representatives, participate in decision-making on issues of local relevance particularly in the fields of urban planning, communal activities, culture, sport, social security and child care, pre-school education, primary education, basic health care and other fields determined by law.

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<sup>29)</sup> "Official Gazette of the Republic of Macedonia" No. 91/01.

The municipality is autonomous in the performance of its constitutionally and legally determined spheres of competence; supervision of the legality of its work is carried out by the Republic.

The Republic may by law entrust performance of certain matters to the municipality.

*\*) Paragraph 1 of Article 115 is replaced by Item 1 of Amendment XVII.*

#### **AMENDMENT XVII <sup>30)</sup>**

**1. In units of local self-government, citizens, directly and through representatives, participate in decision-making on issues of local relevance particularly in the fields of public services, urban and rural planning, environmental protection, local economic development, local finances, communal activities, culture, sport, social security and childcare, education, health care and other fields determined by law.**

**2. In the City of Skopje the citizens, directly and through representatives, participate in decision-making on issues of relevance to the City of Skopje, particularly in the fields of public services, urban and rural planning, environmental protection, local economic development, local finances, communal activities, culture, sport, social security and child care, education, health care and other fields determined by law.**

**3. Item 1 of this Amendment replaces Paragraph 1 of Article 115 of the Constitution of the Republic of Macedonia, and Item 2 replaces Paragraph 2 of Article 117 of the Constitution of the Republic of Macedonia.**

#### **Article 116**

The territorial division of the Republic and the area administered by each municipality are defined by law.

#### **Article 117\*)**

The City of Skopje is a particular unit of local self-government the organisation of which is regulated by law.

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<sup>30)</sup> "Official Gazette of the Republic of Macedonia" No. 91/01.

In the City of Skopje, citizens, directly and through representatives, participate in decision-making on issues of relevance for the City of Skopje particularly in the field of urban planning, communal activities, culture, sport, social security and child care, pre-school education, primary education, basic health care and other fields determined by law.

The City of Skopje is financed from its own sources of income determined by law, as well as by funds from the Republic.

The City of Skopje is autonomous in the performance of its constitutionally and legally determined spheres of competence; supervision of the legality of its work is carried out by the Republic.

The Republic may by law entrust performance of certain matters to the City.

*\*) Paragraph 2 of Article 117 is replaced by Item 2 of Amendment XVII (The text of the Amendment XVII is given after the Article 115)*

## **VI. INTERNATIONAL RELATIONS**

### **Article 118**

International agreements ratified in accordance with the Constitution are part of the internal legal order and cannot be changed by law.

### **Article 119**

International agreements are concluded by the President of the Republic of Macedonia on behalf of the Republic of Macedonia.

International agreements may also be concluded by the Government of the Republic of Macedonia, when it is so determined by law.

### **Article 120**

A proposal for entering/joining a union or community with other states, or for dissociation from a union or community with other states, may be submitted by the President of the Republic, the Government or by at least 40 Representatives.



A proposal for association with, or dissociation from, a union or community with other states is accepted by the Assembly by a two-thirds majority vote of the total number of Representatives.

A decision of association with, or dissociation from, a union or community is adopted if it is upheld in a referendum by the majority of the total number of voters in the Republic.

#### **Article 121**

A decision of association or dissociation concerning membership in international organisations is proposed by the President of the Republic, the Government or at least 40 Representatives of the Assembly and is adopted by the Assembly by a majority vote of the total number of Representatives of the Assembly.

### **VII. THE DEFENCE OF THE REPUBLIC AND STATES OF WAR AND EMERGENCY**

#### **Article 122**

The Armed Forces of the Republic of Macedonia protect the territorial integrity and independence of the Republic.

The defence of the Republic is regulated by law adopted by a two-thirds majority vote of the total number of Representatives.

#### **Article 123**

Nobody is entitled to recognise an occupation of the Republic of Macedonia or of part thereof.

#### **Article 124**

A state of war exists when direct danger of military attack on the Republic is impending, or when the Republic is attacked, or when war is declared upon the Republic.

A state of war is declared by the Assembly by a two-thirds majority vote of the total number of Representatives of the Assembly, upon the proposal of the President of the Republic, the Government or at least 30 Representatives.

If the Assembly cannot meet, the decision on the declaration of a state of war is made by the President of the Republic who submits it to the Assembly for confirmation as soon as it can meet.

#### **Article 125**

A state of emergency exists when major natural disasters or epidemics take place.

A state of emergency on the territory of the Republic of Macedonia or on part thereof is determined by the Assembly upon a proposal by the President of the Republic, the Government or by at least 30 Representatives.

The decision to establish the existence of a state of emergency is made by a two-thirds majority vote of the total number of Representatives and can remain in force for a maximum of 30 days.

If the Assembly cannot meet the decision to establish the existence of a state of emergency is made by the President of the Republic who submits it to the Assembly for confirmation as soon as it can meet.

#### **Article 126**

During a state of war or emergency, the Government, in accordance with the Constitution and law, issues decrees with the force of law.

The authorisation of the Government to issue decrees with the force of law lasts until the termination of the state of war or emergency, on which the Assembly decides.

#### **Article 127**

During the state of war, if the Assembly cannot meet, the President of the Republic may appoint and discharge the Government, as well as appoint or dismiss officials whose election/appointment is within the sphere of competence of the Assembly.

#### **Article 128**

The mandate of the President of the Republic, of the Prime Minister, of the judges of the Constitutional Court and the members of the Judicial Council of the Republic continues in the course of the state of war or emergency.

## VIII. CHANGES IN THE CONSTITUTION

### Article 129

The Constitution of the Republic of Macedonia can be changed or supplemented by constitutional Amendments.

### Article 130

A proposal to initiate a change in the Constitution of the Republic of Macedonia may be made by the President of the Republic, by the Government, by at least 30 Representatives, or by 150,000 citizens.

### Article 131\*)

A decision to initiate a change in the Constitution is made by the Assembly by a two-thirds majority vote of the total number of Representatives.

A draft-amendment to the Constitution is confirmed by the Assembly by a majority vote of the total number of Representatives and then submitted to public debate.

A decision to change the Constitution is made by the Assembly by a two-thirds majority vote of the total number of Representatives.

A change in the Constitution is declared by the Assembly.

*\*) New Paragraph 4 is added to Article 131 by Item 1 of Amendment XVIII.*

### AMENDMENT XVIII <sup>31)</sup>

**1. A decision to amend the Preamble, the articles on local selfgovernment, Article 131, any provision relating to the rights of members of communities, including in particular Articles 7, 8, 9, 19, 48, 56, 69, 77, 78, 86, 104 and 109, as well as a decision to add any new provision relating to the subject-matter of such provisions and articles, shall require a two-thirds majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives belong to the communities not in the majority in the Republic of Macedonia.**

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<sup>31)</sup> "Official Gazette of the Republic of Macedonia" No. 91/01.

**2. With this Amendment a new paragraph is added to Paragraph 4 of Article 131 of the Constitution of the Republic of Macedonia.**

## **IX. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 132**

Time of residence in other republics in the Socialist Federal Republic of Yugoslavia is also included in the time span specified in Article 80, Paragraph 5.

### **Article 133**

A Constitutional Law for implementation of the Constitution shall be adopted.

The Constitutional Law is adopted by a two-thirds majority vote of the total number of Representatives.

The Constitutional Law is promulgated by the Assembly and enters into force simultaneously with the promulgation of the Constitution.

### **Article 134**

This Constitution enters into force on the day of its promulgation by the Assembly of the Republic of Macedonia.

**CONSTITUTIONAL LAW  
ON IMPLEMENTATION OF THE CONSTITUTION OF THE  
REPUBLIC OF MACEDONIA \***

**Article 1**

The Constitution of the Republic of Macedonia shall be implemented from the day of its promulgation by the Assembly of the Republic of Macedonia, unless for the implementation of distinctive constitutional provisions, this Constitutional Law provides differently.

**Article 2**

The state border of the Republic of Macedonia is its existing border with the Republic of Albania, the Republic of Bulgaria, the Republic of Greece and the Republic of Serbia.

**Article 3**

The Republic of Macedonia, as a sovereign and an independent state, realizes its international status and relations with the other states, international organizations and communities in accordance with the generally accepted principles of International Law.

**Article 4**

The Republic of Macedonia, as an equal legal successor to the Socialist Federal Republic of Yugoslavia, together with the other republics, undertakes the rights and the duties arising from the establishment of the Socialist Federal Republic of Yugoslavia, on the basis of an agreement on the legacy of the Socialist Federal Republic of Yugoslavia and on mutual relations, concluded with the other republics.

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\* "Official Gazette of the Republic of Macedonia" No. 52/91.

In case an agreement on the legacy of the Socialist Federal Republic of Yugoslavia and on mutual relations is not concluded, the legacy of the Socialist Federal Republic of Yugoslavia and the mutual relations of the Republic of Macedonia with the other sovereign states of the Socialist Federal Republic of Yugoslavia shall be determined in conformity with the general rules of International Law, as well as in conformity with the 1978 Vienna Convention on State Succession in Respect of Treaties and the 1983 Vienna Convention on State Succession in Respect of State Property, Archives and Debts.

#### **Article 5**

The existing federal legal acts documents shall be taken over as legal acts official documents of the Republic with the competencies of the bodies determined by the Constitution of the Republic of Macedonia.

Pending the conclusion of an agreement among the sovereign states of the Socialist Federal Republic of Yugoslavia, the Republic of Macedonia may entrust the implementation of specific legal acts to the federal bodies.

If the bodies envisaged in Paragraph 2 of this Article do not implement the legal acts in conformity with the sovereignty and the interests of the Republic of Macedonia they shall be implemented by the bodies of the Republic of Macedonia.

The federal legal acts which regulate the organization and the competencies of the bodies of the Federation shall not be implemented in the Republic of Macedonia.

#### **Article 6**

The laws which are not in conformity with the provisions of the Constitution of the Republic of Macedonia shall be harmonized within one year from the day of the promulgation of the Constitution.

#### **Article 7**

The following laws shall be enacted within six months from the day of the promulgation of the Constitution:

- Law on the Judicial Council of the Republic;

- Law on the Courts;
- Law on the Public Prosecutor's Office;
- Law on the Ombudsman;
- Law on the Mode of Transformation of the Socially-Owned Property;
- Law on Citizenship of the Republic of Macedonia;
- Law on the Personal Identification Document;
- Law on Crossing of the State Border and Movement in the Border Zone;
- Law on Movement and Residence of Aliens;
- Law on the Travel Documents of the Citizens of the Republic of Macedonia;
- Law on Defense of the Republic of Macedonia;
- Law on Local Self-Government; and
- Law on Territorial Division of the Republic of Macedonia.

### **Article 8**

The Law on the coat of arms, the flag and the anthem of the Republic of Macedonia shall be enacted within six months from the day of the promulgation of the Constitution.

Pending the enactment of the Law of Paragraph 1 of this Article, the existing symbols and the anthem determined by the former Constitution of The Republic of Macedonia shall be implemented.

### **Article 9**

The citizens of the other republics in the Socialist Federal Republic of Yugoslavia who, on the day of entering into force of this Constitutional Law had reported residence in the territory of the Republic of Macedonia, but do not have citizenship of the Republic of Macedonia, will be eligible to acquire citizenship of the Republic of Macedonia in accordance with the Law on Citizenship of the Republic of Macedonia.

### **Article 10**

The Assembly of the Republic of Macedonia in its current composition of Representatives, the President of the Republic of Macedonia and the Government of the Republic of Macedonia

continue to perform their competencies, with rights and duties determined by the Constitution until the new elections.

The provision of Article 82 of the Constitution shall be applied after the new elections, but no later than the expiration of the mandate for which the Vice-President of the President of the Republic of Macedonia is elected.

The Vice-President of the President of the Republic of Macedonia continues to perform the competencies with rights and duties determined by the Amendment LXXV of the Constitution of the Republic of Macedonia, until the new elections, until the expiration of the mandate for which he/she is elected.

The Law on the elections of the Representatives in the Assembly of the Republic of Macedonia, the Law on the election of the President of the Republic of Macedonia and the Law on political parties shall be adopted no more than three months before the day of new elections.

#### **Article 11**

Until the agreement between the sovereign states of SFRY is reached, the delegates of the Republic of Macedonia in the Assembly of SFRY shall perform their duties in accordance with the directions from the Assembly of the Republic of Macedonia.

#### **Article 12**

Until the agreement between sovereign states of SFRY is reached, the member of the Presidency of the SFRY from the Republic of Macedonia shall perform all his/her duties in accordance with the directions from the Assembly of the Republic of Macedonia.

#### **Article 13**

Until the Law on defence is adopted, the armed forces of the Republic of Macedonia consist of units, commanding authorities and the headquarters of the Territorial Defence of the Republic of Macedonia.

The military service of the recruits and the military service of the reserve military forces shall be performed in the armed forces of Macedonia defined in Pparagraph 1 of this Article.



#### **Article 14**

The diplomatic and consular missions and cultural-information centres of SFRY shall represent interests of the Republic of Macedonia as a sovereign and independent state until the agreement between sovereign states of SFRY is reached, and until the establishment of its own diplomatic and consular missions and cultural-information centres.

#### **Article 15**

All judges in the courts and the Public Prosecutor according to the provisions of this Constitution shall be appointed within six months of the constitution of the Judicial Council of the Republic.

The Judicial Council of the Republic shall be constituted within two months of the adoption of the Law on the Judicial Council of the Republic.

Until the constitution of the Judicial Council of the Republic there shall be no appointments of judges and of Public Prosecutors, whose mandates have expired. They shall continue to perform their duty until the election, according to the Constitution of the Republic of Macedonia.

#### **Article 16**

The judges of the Constitutional Court of the Republic of Macedonia shall be elected within three months of the constitution of the Judicial Council of the Republic.

The mandate of the current judges of the Constitutional Court shall terminate on the day of the election of the judges of the Constitutional Court of the Republic of Macedonia defined in Paragraph 1 of this Article.

#### **Article 17**

This Constitutional law is promulgated by the Assembly and enters into force simultaneously with the promulgation of the Constitution.



**THE CONSTITUTIONAL LAW  
FOR CHANGING AND SUPPLEMENTING OF THE  
CONSTITUTIONAL LAW FOR IMPLEMENTATION OF THE  
CONSTITUTION OF THE REPUBLIC OF MACEDONIA\***

**Article 1**

In the Constitutional law for implementation of the Constitution of the Republic of Macedonia (Official Gazette of the Republic of Macedonia" No. 52/91), after the Article 10, new Article 10-a is added, with following text:

**"Article 10-a**

The Republic of Macedonia shall not participate in the work of the Assembly of SFRY and in the work of the Presidency of SFRY, and the mandate of the delegates in the Assembly of SFRY from the Republic of Macedonia and the mandate of the member of the Presidency of SFRY from the Republic of Macedonia shall terminate."

**Article 2**

The Articles 11 and 12 are deleted.

**Article 3**

This Constitutional law comes into force with the day of its promulgation.

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\* "Official Gazette of the Republic of Macedonia" No. 4/92.



**CONSTITUTIONAL LAW  
ON IMPLEMENTATION OF THE AMENDMENTS FROM XX TO  
XXX TO THE CONSTITUTION OF THE REPUBLIC OF  
MACEDONIA \***

**Article 1**

The Amendments from XX to XXX of the Constitution of the Republic of Macedonia will be applied from the day of their promulgation in the Assembly of the Republic of Macedonia, if with this Constitutional law is not provided something else for application of some provisions of the Amendments.

**Article 2**

Till 30 June at last, will be adopted:

- The Law on Judicial council of the Republic of Macedonia
- The Law on Courts and
- The Law on offences.

**Article 3**

At last in the period of nine months from the day of the promulgation of the Amendments form XX till XXX of the Constitution of the Republic of Macedonia, will be adopted:

- The Law for changing and supplementing the Law on Public prosecution
- The Law for changing and supplementing the Law on Government of the Republic of Macedonia.

At last in the period of 18 months from the day of the promulgation of the Amendments form XX till XXX of the Constitution of the Republic of Macedonia, the laws on which the state administration bodies or organization or other body, which performs public mandates can impose sanctions for offences, will be harmonised.

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\* "Official Gazette of the Republic of Macedonia" No. 107/05.

**Article 4**

Until the entering into force the Law on courts and Law on Judicial council of the Republic of Macedonia, the election and dismissal of the judges will be made according to the Law on courts ("Official gazette of the Republic of Macedonia", No. 36/95, 45/95 and 64/2003) and Law on Republican Judicial council ("Official gazette of the Republic of Macedonia", No. 80/92, 50/99 and 43/2003).

**Article 5**

Until the harmonization of the Law on Public prosecution with the Amendments form XXIV till XXX, the public prosecutors will be elected according to the Law on Public prosecution ("Official gazette of the Republic of Macedonia", No. 38/2004).

**Article 6**

Until the harmonization of the Law on Government of the Republic of Macedonia with the Amendment XXIII, for the immunity of the President and the ministries will be decided according to the Law on Government of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia", no. 59/2000, 12/2003 and 55/2005).

**Article 7**

This Constitutional law form implementation of the Amendments form XX till XXX of the Constitution of the Republic of Macedonia is promulgated by the Assembly of the Republic of Macedonia and enters into force at the same time with the promulgation of the Constitutional Amendments.