

FREE MOVEMENT OF PERSONS

I. MUTUAL RECOGNITION OF PROFESSIONAL QUALIFICATIONS.....	2
A. TRAINING.....	2
B. PRACTICE OF THE PROFESSION/PROFESSIONAL ACTIVITY	14
C. ADMINISTRATIVE STRUCTURES.....	17
II. CITIZEN'S RIGHTS	18
III. FREE MOVEMENT OF WORKERS.....	21
D. ARTICLES 39, 43 AND 49 EC TREATY	21
E. ABOLITION OF RESTRICTIONS ON MOVEMENT AND RESIDENCE WITHIN THE COMMUNITY FOR EU CITIZENS EXERCISING AN ECONOMIC ACTIVITY EITHER AS SALARIED WORKERS, SELF-EMPLOYED OR PROVIDERS OF SERVICES AND THEIR FAMILIES (DIRECTIVES 68/360/EEC AND 73/148/EEC).....	22
F. FREEDOM OF MOVEMENT FOR WORKERS WITHIN THE COMMUNITY (REGULATION (EEC) 1612/68).....	24
G. RIGHT TO REMAIN IN THE TERRITORY OF THE MEMBER STATE AFTER HAVING BEEN EMPLOYED THERE (REGULATION (EEC) 1251/70) OR HAVING PURSUED AN ACTIVITY IN A SELF-EMPLOYED CAPACITY (DIRECTIVE 75/34/CEE)	27
H. SAFEGUARDING THE SUPPLEMENTARY PENSION RIGHTS OF EMPLOYED AND SELF-EMPLOYED PERSONS MOVING WITHIN THE COMMUNITY (DIRECTIVE 98/49/EC).....	28
IV. CO-ORDINATION OF SOCIAL SECURITY SYSTEMS.....	29
A. SCOPE OF CO-ORDINATION(REF. COUNCIL REGULATION 1408/71 AND 574/72):	29
B. THE MAIN PRINCIPLES OF CO-ORDINATION:	32
C. CO-ORDINATION OF DIFFERENT CATEGORIES OF BENEFITS:.....	33
D. ADMINISTRATIVE CAPACITY:	33

I. MUTUAL RECOGNITION OF PROFESSIONAL QUALIFICATIONS

A. Training

1. What is the duration and the content (curricula) of the training leading to access to the profession and/or the professional activities of doctor, nurse responsible for general care, dentist, midwife, veterinary surgeon, pharmacist and architect, given the requirements set out for the mentioned professions in the medical field and the criteria of articles 3 and 4 of the Architects Directive (Directive 85/384/EEC)?

1. The studies at the Faculty of Medicine in Skopje last six years. After finishing the studies, the graduated students acquire the professional title Doctor of medical sciences. There are two study departments at this Faculty: Studies for General Medicine and Studies for Radiological Technologists.

At the end of the studies at the Faculty of Medicine in Skopje, the students take a vocational exam before the Examination Commission within the Scientific Teaching Council, which examines the student's capabilities to recognize the main diseases and to direct the patients towards the most appropriate way of treatment and rehabilitation.

An on-the-job training period, after finishing the studies, supervised by a health worker in the primary health care last one year, with a possible employment during the course of this training period as a general practitioner, who, according to this condition, acquires the rights for independent work within the primary health care.

Having passed the state exam, the individuals acquire a license for independent work as general practitioners.

The general acts in this Faculty, passed by the Scientific Teaching Council of the Faculty anticipate the conditions and procedures regarding organisation of postgraduate vocational studies, specialised and sub-specialised studies.

The postgraduate vocational studies (specialised studies) last 9 months and finish with the completion of a specialisation paper.

The specialisation lasts from 3 to 6 years after completion of the specialisation paper. Sub-specialisation lasts 2 years at least. After their completion, the person acquires the professional degree Specialist, or Sub-specialist in the specialised area.

Having completed the postgraduate studies (2-year period duration) and Master paper defence, the person acquires the scientific degree Master of Medical Sciences.

Having completed PhD studies and PhD dissertation defence, the person acquires the scientific degree Doctor of Medical Sciences.

2. Higher professional personnel in the field of medicine such as nurses and midwives are vocationally advanced at the Post Secondary Medical School in Bitola as well as at the Faculty of Medicine in Skopje.

Education of the profession – nurse, and the profession - midwives starts at the Secondary Medical School having a 4-year period duration.

At the Post Secondary Medical School in Bitola are anticipated: a three-year study programme, a general course, for the nurse profiles as well as a study programme for medical laboratory technicians and analyst profiles. After completion of the three-year studies, the students acquire a diploma for higher vocational education and the title in the relevant area.

The Faculty of Medicine in Skopje organizes teaching in the area of higher vocational training within a period of 5 semesters of studies for professional medical technicians:

- Anaesthesiologist
- Transfusion technicians
- Respiratory therapist

As well as studies aimed for professional nurses:

- Intensive care
- Pediatrics
- midwives
- Instrument technicians.

3. The studies, or the courses of the vocational training, regarding profession or professional work of the doctors of dental medicine take place at the Faculty of Dental medicine in Skopje. There is an innovation within the dental medicine studies including the school year 2004/2005 regarding a five-year duration period (according to the old programme they were organized in 12 semesters).

The professional title that the student acquires after completing his/her studies is Graduated doctor of dental medicine. The graduated dental medicine students undertake a 6-month training period, after which a vocational exam is taken (theoretical and practical) before the Examination Commission. In order to acquire the License for independent performance of their practice, the individuals who fulfil the above-mentioned criteria are obliged to register within the dental medicine Chamber.

The vocational dental technician studies last for 6-semester.

The specialization in the area of Dental medicine lasts for a 3-4 year period and is completed with a specialization paper worked out. Sub-specialization lasts for a 2-year period at least. After completion of those studies, the individuals acquire the professional degree Specialist, or Sub-specialist in a particular area of Dental medicine.

The student, after completing his/her postgraduate studies (2-year period duration) and after the defence of the Master paper, acquires the science degree Master of dental medicine Sciences, and after the completion of PhD studies and the defence of PhD Dissertation, the person acquires the scientific degree PhD of Dental Medicine Sciences.

4. The Studies at the Faculty of Veterinary Medicine in Skopje last five years. The professional title acquired after completion of the studies is Doctor of Veterinary Medicine.

The final exam at the end of the studies is a condition to acquire the professional title Doctor of Veterinary Medicine.

After finishing a one-year practice at the veterinary clinic, the persons are obliged to take the compulsory professional (state) exam. Thus the persons fulfil the condition and acquire the opportunity to be employed in the veterinary station as well as in the veterinary inspection.

All persons who have passed the professional exam and are employed in a veterinary station may be employed as a veterinary surgeons.

All persons, who have finished specialisation studies and have acquired the professional title Specialist in Veterinary Surgery, have the right to be professionally engaged.

The Faculty organizes scientific postgraduate studies (Master Studies) within a 4-semester period for acquiring the scientific degree Master (Master paper included), as well as postgraduate professional studies (specialization studies) within a three-semester period duration for acquiring the professional degree Specialist (specialist paper included).

PhD studies organised by the Faculty last for two years at least and the doctoral dissertation is the final phase after which the person acquires the scientific degree PhD of Science in the relevant area.

The persons who have rounded their professional training in this area are entitled to, upon their admission in the registers of the Veterinary Chamber acquire a license for independent performance of their practice.

5. The study programme at the Faculty of Pharmacy has been reorganized in semester subject teaching and has introduced the credit – system ECTS. After the successful defence of the graduation exam, the graduate students acquire the title Master of Pharmacy. The studies at the Faculty of Pharmacy last for 10-semesters and are organized on the base of the credit transfer system.

Elective subjects

Group A

1. Pharmacoeconomy
2. Pharmacoepidemiology
3. Public Health

Group B

1. Clinic Pharmacology
2. Phytotherapy
3. Biotechnology
4. Pharmacogenetics
5. Knowledge of the foodstuffs
6. Ecology
7. Cosmetology

The student may defend his/her graduation paper after achieving 290 CP in total. Thus, the student acquires diploma for completion of the Faculty of Pharmacy achieving the professional title Master of Pharmacy after 5-year studies. The curriculum and the teaching programmes enable the application of educational experiences in a range of areas, knowledge of the curative substances of natural or synthetic origin, knowledge of the mechanisms of action and formulation in doses, introduction to the forms of application, biotransformation of the drugs, adverse effects and toxicological aspects of drug intakes. The content of the curriculum is diverse and enables creation of staff for the needs of the pharmacological activity, pharmacological industry, and health services in the area of therapeutics, supply and distribution of drugs, laboratory activity as well as participation in the scientific work.

The Faculty of Pharmacy also organizes postgraduate upgrading, which enables creation of high level staff who can take part in scientific projects. In accordance with the Law on Health Care, the Faculty carries out specialization education and training of the health staff to work in particular areas within the health system.

Institutes

- Institute of Pharmacological Chemistry
- Institute of Pharmacological Technology
- Institute of Pharmacogenosy
- Institute of Chemistry
- Institute of Applied Biochemistry

Other departments

- National Centre for Providing Information on Drugs
- Centre for Research and Control of Drugs

There is a compulsory 6-month internship in this area after the completion of the studies. In accordance with the Law on Health Care ("Official Gazette of RM" No 38/91, 46/93, 55/95, 41/2002 and 10/2004) after the expiration of the internship, the persons take a Vocational Exam before the Pharmacy Chamber thus acquiring the condition to obtain a license for independent work, or performance of their practice as well as registration in the Pharmacy Chamber.

Pursuant to Article 21, paragraph 2 referred to in the Law on Amending the Law on Health Care ("Official Gazette of RM" No 10/2004), the health workers having higher education in the area of medicine and dental medicine may offer health care under supervision of a health worker having a job license, after having completed the on-the-job training period, having passed the vocational exam and having acquired a general license.

Paragraph 3 of the same Article provides that they may independently offer health care after having completed their internship, having passed the vocational exam, completed the specialisation, or sub-specialization and obtained the relevant job license.

The health workers who have completed higher education in the area of pharmacology may independently perform pharmacological practice after having completed their internship, having passed their vocational exam and having acquired a job license.

The curriculum and the programme are established by the Rulebook of the Plan and the Programme for the Health Workers' Internship who have completed higher education as well as the form and manner of training book processing ("Official Gazette of RM" No 65/2004).

For the health workers, who have graduated from the Faculty of Medicine, their internship is anticipated to comprise: general medicine, internal medicine group, surgery group, care for women, children and youth group, preventive medicine and judicial medicine group.

For the health workers, who have graduated from the Faculty of Dental Medicine, it is anticipated their internship to comprise general dental medicine, dental and endodont diseases, oral and parodont diseases, children's and preventive dental medicine, oral surgery, maxillofacial surgery, jaw orthopaedics, dental medicine prosthetics, social medicine with organization of the health practice. For the health workers, who have graduated from the Faculty of Pharmacy it is anticipated their internship to include: pharmacy, institutes or laboratories for pharmacological technology, research and control of drugs, medical biochemistry, sanitary chemistry, toxicological chemistry, medical herbs, pharmacological chemistry, pharmacology (pharmacology and pharmacodynamics), as well as social medicine and organization of health practice.

The above-mentioned refers to the health workers who have graduated from the Faculty of Medicine in line with the 5-year study programme.

For the health workers who have graduated from the Faculty in line with the 6-year study programme, it is anticipated that the internship last for 6 months and include:

- for the physicians: primary health care, internal medical surgery, paediatrics, gynaecology and obstetrics
- for the doctors of dental medicine: children's and preventive dental medicine, fixed dental medicine, prosthetics, mobile dental medicine prosthetics, oral surgery, mouth and parodont diseases, dental and edodont diseases.
- for the graduated pharmacologists: pharmacy with galenic laboratory, hospital pharmacology; pharmaco-informatics and clinical pharmacology.

Pursuant to the Rulebook on internship and vocational exam of the health workers who have completed secondary and post secondary education ("Official Gazette of RM" No 65/2004), the internship for the health workers who have completed secondary vocational training lasts 6 months, and for the health workers who have completed post secondary education, it lasts 9 months.

The curriculum and the programme for the internship are established on the base of educational profile: (secondary education: nurse-technician, dental medicine nurse-technician, gynecology-obstetric nurse-technician, medical laboratory technician, pharmacological laboratory technician, physiotherapeutic technician, dental technician and post secondary education – educational profiles: higher qualified nurse, higher qualified gynaecology-obstetric nurse-technician, higher qualified sanitary technician, higher qualified biochemical health laboratory technician, higher qualified pharmacology technician, higher qualified radiology technician, higher qualified dental medicine-prosthetic technician, higher qualified physiotherapeutic technician)

The job license for health workers who have completed higher education is issued by the Physician, Pharmacological and dental medicine Chamber for a 7-year period duration.

A health worker, who has completed higher education, can renew their job license if in the course of the validity of his/her license they have gained a particular number of points, and if at least 60% of the time of the job license validation he/she has performed the practice he/she has had a license for by continuing professional upgrading through following the innovations in medicine, dental medicine and pharmacology, and through upgrading his/her knowledge.

The Law on Health Care regulates the temporary or permanent suspension of the job license.

The job license may be temporarily suspended up to seven years, if the higher educated health worker:

1. has not extended his/her job license within the time limit provided for in this Law;
2. has not completed the additional training within the time limit;
3. has not successfully completed the additional verification of the professional knowledge and skills;
4. by a judicial order in effect, has been temporarily banned to perform his/her practice or profession;
5. is determined, after being assigned the job license, to have obtained the approval for conditions in opposition to the Law;
6. works out of the job license he/she possesses, or works in conditions he/she does not have permission for pursuant to this Law;
7. is found guilty by the Court of Honour within a relevant Chamber of violating the Code of Medical Ethics.

The job license may be permanently suspended if the judicial order in effect determines that the higher educated health worker has done a professional omission or a mistake in the course of his/her practice, thus causing permanent health disturbance or death of the patient.

The health workers who have completed secondary or post secondary education are not subjected to the license system.

6. According to Articles 3 and 4 referred to in the Directive 85/384 EEC, vocational education of undergraduate study programme in the area of architecture lasts five (5) semesters at the Faculty of Architecture in Skopje and thus the person acquires the title engineer-architect. Achieving a balance between the theory and practice in this professional training throughout rounding the following courses, an affirmative enrichment of the subjects is achieved, such as:

1. Elements of Design
2. Architectural Constructions I
3. Art expression
4. Bases of Computer Technique
5. Mathematics
6. Descriptive Geometry
7. Philosophy of Technique
8. Defendology
9. Bases of Design

10. Bases of Urban Planning
11. Architectural Constructions II
12. Plastic Shaping
13. Perspective
14. Architecture and Art of the Ancient Ages
15. Architecture and Art of the Middle Ages
16. Mechanics
17. Hardness of Materials
18. Architectural Physics
19. Organisation and Management
20. Architectural Design
21. Urban Design
22. Detail in Architecture
23. Technology of Construction with Terrain Teaching
24. Architectural-Urban Planning Regulation
25. Concrete and Reinforced Concrete
26. Applied Geodesy
27. Application of Computers – facultative course

Pursuant to Articles 3 and 4 referred to in the Directive 85/384 EEC Vocational education of undergraduate study programme in the area of architecture lasts ten (10) semesters at the Faculty of Architecture in Skopje and thus the person acquires the professional title graduated engineer-architect, Achieving a balance between the theory and practice in this professional training throughout rounding the following courses, an affirmative enrichment is achieved of the subjects such as:

1. Elements of Design
2. Architectural Constructions I
3. Art Expression
4. Bases of the Computer Technique
5. Mathematics
6. Descriptive Geometry
7. Philosophy of Technique
8. Defendology
9. Bases of Design
10. Bases of Urban Planning
11. Architectural Constructions II
12. Plastic Shaping
13. Perspective
14. Architecture and Art of the Ancient Ages
15. Architecture and Art of the Middle Ages
16. Mechanics
17. Hardness of Materials
18. Architectural Physics
19. Organisation and Management
20. Design of Residence Buildings
21. Urban Analyses, Planning, and Programming of City Functions
22. Structural Systems and Technologies
23. Architecture and Art of the New Age
24. Contemporary Architecture and Art
25. Architecture and Art in Macedonia
26. Statistics and Architectural Constructions
27. Wood Constructions
28. Steel Constructions
29. Design of Catering and Collective Accommodation Constructions
30. Design of Social Buildings I

31. Design of Economic Buildings
32. Methodology of Urban Planning
33. Urban Design and Reconstruction
34. Installations
35. Theory and Architectural Research
36. Concrete and Reinforced Concrete
37. Design of Social Building II
38. Design of Industrial Buildings
39. Interior Architecture
40. Optional Programme
41. Final Paper
42. Foreign Language
43. Sports Education
44. Computer Application
45. Modelling
46. Sketching
47. Art Photography

Internal scientific-teaching organisational units of the Faculty are as follows:

1. Institute for Architectural Planning;
2. Institute for Physical Planning of the Environment;
3. Institute for History of Architecture and Art;
4. Institute for Graphic Communication and Mathematics;
5. Building Construction Institute.

Postgraduate studies at the Faculty are organized as science postgraduate studies (the students acquire the scientific degree Master of Technical Science in the field of Architecture, or Master of Technical Science in the field of Urban Planning); as well as Art Studies (Master Studies) – 3 semesters (acquiring scientific degree Master of Art in the field of Architecture), and postgraduate professional studies (specialization) of 9-month period duration and thus the student who has completed these studies acquires the professional title Specialist in Architecture, or Specialist in Urban Planning.

The scientific degree PhD is acquired by: PhD studies completed, PhD dissertation worked out and defended; as well as a PhD dissertation signed up and worked out. The PhD studies last two years at least. The person who has completed his/her PhD studies and defended his/her PhD dissertation acquires the scientific degree PhD of Technical Sciences in the field of Architecture, and PhD of Technical Sciences in the field of Urban Planning.

To upgrade and deepen his/her completed undergraduate and postgraduate studies, the graduate may, within a specialized study programme, increase his/her qualification and acquire a new professional and scientific title of education, or new specialization, for which a diploma or associate document is issued. The Faculty may also establish other forms of knowledge deepening such as organization of an architecture summer school, summer camps and workshops as well as other activities. The Faculty may establish forms of continuous education through training, courses, seminars and other forms of continuous education.

Having passed the vocational-state exam, all persons who have completed higher education of this profile, acquire License for performing general and detailed urban planning. Having passed a 3-year working period in an institution for urban planning, they acquire the right to perform and design urban projects.

2. Are the dental profession and the medical profession two legally distinct professions?

The Dental profession and the Medical profession are two different professions from the following aspect:

The Dental Medicine as a profession covers practices in the area of dental sciences and associated fundamental areas, as well as other areas connected with the main practice of Dental medicine. Education regarding this profession is focused on the following profiles: oral and paradent diseases, oral surgery, dental and endodontic diseases, mobile dental medicine prosthetics, children and preventive dental medicine, orthodontia, and maxillofacial surgery.

The Medical profession is a highly professional health applicable practice covering medical sciences and associated fundamental areas; it performs fundamental medical practices; development and application activities and research; pre-clinical, clinical, social medical and preventive practices; practices in the area of pathological conditions and therapeutic protocols; organises forms and types of protection and improvement of the health, environment and working environment applying professional medical measures, activities and procedures.

Education regarding this profession is focused on the following areas: anatomy, medical physiology and anthropology, microbiology and parasitology, medical and experimental biochemistry, medical histology and embryology, pathologic anatomy, epidemiology and biostatistics with medical informatics, forensic medicine with criminology, pathological physiology and nuclear medicine, pre-clinical and clinical pharmacology with toxicology, immunobiology and human genetics, social medicine, labour medicine, radiology, radiotherapy and oncology, clinical biochemistry, heart diseases, nephrology, gastroenterohepatology, pulmonology and allergology, endocrinology and diseases of metabolism, rheumatology, haematology, toxicology and urgent internal medicine, children diseases, infectious diseases and febrile conditions, dermal and venereal diseases, neurology, psychiatry, digestive surgery, thoracic and vascular surgery, urology, neurosurgery, traumatology, children surgery, plastic and reconstructive surgery, anesthesiology, reanimation, intensive treatment, orthopedic diseases, gynaecology and obstetrics, otorhinolaryngology, ocular diseases, primary health care and public health.

3. Does the profession of midwife exist as a specific profession, legally distinct from nurses and doctors?

Midwife is a special profession different from the profession of the nurse and doctor.

The midwife performs: normal spontaneous deliveries and is responsible for the care after the delivery.

The work of the doctor-midwife is similar, however, the doctor: diagnoses pregnancy, performs ultrasound-checks, induces delivery, and performs surgical deliveries and pelvis deliveries.

In respect of the education of the nurse/midwife profile, there are certain specifics: education of the nurses develops into two levels.

The first level is the education at the secondary medical school, which follows the primary education (at the age of 14-15). This education lasts four years (IV degree of vocational training). The educational process is performed in line with the existing curriculum and syllabuses (this profile has not undergone reforms). The coverage of vocational subjects (9) and the educational-working practice, in which the individuals achieve knowledge and skills that are necessary for the performance of the working tasks provided for in this vocation, are the main condition for the individual to acquire the title nurse or nurse/midwife after completing the fourth degree of education.

The acquired educational profile is part of the health vocation, and this secondary vocational education includes:

- Educational profile: gynaecology – obstetric nurse – technician;
- Vocation: gynaecology – obstetric nurse.

Such schools are located in Skopje, Tetovo, Bitola, Shtip, Prilep, and for midwives in Skopje, Bitola, Shtip and Tetovo.

The second level includes education at the post secondary medical school, which lasts 2 years, or 4 semesters. However, with the Law on Higher Education these schools were closed and at the moment they operate as Faculties for nurses and midwives and last 3 years or 6 semesters. These higher educational institutions offer only specialised education, as follows: professional nurse, instrument technician, nurse paediatrician, reanimation nurse, anaesthetist and midwives.

There are two such higher educational institutions in Macedonia: the one is situated at the University of Bitola, and the other within the Faculty of Medicine in Skopje.

The Faculty of Medicine in Skopje offers study programmes of higher education for professional nurses, which are in line with study regulations of the European Credit Transfer System (ECTS), and the teaching is organized in modules (6 modules) and semester subjects. The studies last 6 semesters. After the completion of the studies, the individual acquires a diploma for higher education of professional nurse, and the title is determined by the module.

In the scope of Module B2, for instance, the following title is acquired:

Graduated Professional Medical Midwife

The curriculum of this module covers 29 compulsory subjects and 2 elective subjects (from 4)

These schools do not include general education for nurses.

These schools, also, do not offer continuity in the education, thus the higher nurses, who have completed their education before this Law, cannot complete their education, because their previously passed exams are not acknowledged, whereas the new curricula are strictly vocational-medical, and there is no 'health care' as a subject, which, in fact, is the main working area of the nurses.

The characteristic of this profile is the obligation to take a vocational exam.

After the completion of their education there is a compulsory 6-month internship followed by a vocational exam before a Commission. This Commission is established within the Faculty of Medicine, but so far nurses has not been its members. According to the amendments to the Rulebook on internship and vocational exam of the health workers with secondary and post secondary education ("Official Gazette of RM" No. 65/2004), it is anticipated that the vocational exam be taken within the health institutions and a nurse or midwife be compulsorily included as a member. The internship as a precondition is still in force.

Health workers who have completed secondary or post secondary education are not subject to the license system.

There is an Association of Nurses and Midwives in RM with the following competences:

- drafting regulations and standards;
- a group for developing a syllabus for higher education for nurses and midwives has been established in partnership with Slovenia (in line with EU criteria);
- operate in line with the Code of Nurses and Midwives;
- translate literature;
- organize various workshops and prepares nurse education;
- a national group operates within the Association, proposed by the Ministry of Health, aimed to draft a National Strategy

A person may acquire the title Doctor-midwife after the completion of the studies at the Faculty of Medicine in Skopje (six-year period duration). After the completion of the studies, the graduated students acquire the professional title Graduated Doctor of Medicine. The specialization lasts 3-6 years and is carried out under the supervision of a mentor, eminent gynaecologist- midwife. It is completed by writing a specialization paper in the scope of that area. The sub-specialization lasts 2 years at least.

After their completion, the individual acquires the professional degree Specialist in Gynaecology and Obstetrics, or Sub-specialist in that area. The job license for higher educated health workers is issued by the Medical Association of Macedonia, thus being trusted to perform their gynecologist-midwife practice independently.

4. As regards other professions and/or professional activities, what are the requirements, if any, for access to and practice thereof, especially those concerning the duration and content (theoretical and practical) of training?

With regard to other professions, the duration and content of the training (theoretical and practical) is regulated by the Labour Relations Laws, "Official Gazette of RM" No. 80/2003-consolidated text, and the Law on Civil servants, "Official Gazette of RM" No 59/2000, 112/2000, 34/2001, 103/2001, 43/2002, 17/2003, 40/2003, 85/2003, and 17/2004

The Labour Relations Laws ("Official Gazette of RM" No. 80/2003-consolidated text):

Any person, who fulfils the general conditions laid down in this Law and other law, and special conditions provided for in law, collective agreement and the employer's act, may establish a labour relation.

A person over 15 years of age may establish a labour relation, but for underground work such as mining, the person must be over 18 years of age and in a good health condition. A disabled person who is qualified to perform particular work is considered to be in a good health condition for that work. A foreign national and an apatride may establish a labour relation under the conditions laid down in this Law, and other law.

The decision for the vacancy is brought by the employer, or the body assigned by him.

The employer is obliged to advertise the vacancy, the conditions to be fulfilled and the deadline of the selection.

Prior to the publication of the advertisement, the employer shall deliver to the competent employment service a registration for the vacancy.

The Law on Civil servants ("Official Gazette of RM" No 59/2000, 112/2000, 34/2001, 103/2001, 43/2002, 17/2003, 40/2003, 85/2003, and 17/2004):

Modality regarding the employment procedure through a public advertisement and vocational exam applies to the employees who have a status of probationer. Entrance in the public service as a probationer is provided for the employees with the lowest title from the second and third group (junior associate and junior officer). The vocational exam which is compulsory for other civil servants upon employment is not a condition when employing a probationer. These categories of employee-probationers verify their status of civil servants by taking the probationary exam.

The selection procedure of the successful candidates to take the jobs in the civil service is of crucial importance for the functioning of the public service system.

In the Republic of Macedonia, the selection of the candidates in the civil service, is carried out pursuant to the Law on Civil servants in line with the merit system, thus preserving regular and efficient performance of the duties of the public bodies.

After the publication of the advertisement for the vacancy in the public service by the Civil Servants Agency, the general or state secretary, or the official of the body covered by the Law where general or state secretary is not appointed, shall establish an internal Commission to carry out the employment procedure.

The Commission comprises five members: the highest managerial civil servant – state/general secretary, two managerial civil servants, one expert civil servant from the body, and one representative from the Civil Servants Agency. By way of exception, an expert may be appointed as an external member of the Commission in line with the conditions necessary for the relevant position.

The candidates, who have applied for the advertisement and who fulfil the conditions (general and special, if anticipated for the relevant position), shall take the vocational exam in the Agency. Successful candidates for the positions of junior associate and junior officer who have the status of civil servants-probationers shall not take the exam.

On the basis of the results of the exam, the Agency shall prepare a list of five successful candidates who have passed the exam, which shall be communicated to the Commission.

In the case when fewer than five candidates have passed the exam, the Agency re-publishes the advertisement and re-administers the exam. If, after the repeated procedure, the Agency cannot compose a list of at least five successful candidates who have passed the exam, it can prepare a list of fewer than five candidates.

On the basis of the five-candidate list communicated by the Agency, the Commission prepares a shortlist of 3 candidates for each position. On the basis of this list, the general or state secretary, or the official of the body covered by the Law where the general, or state secretary is not appointed, shall select the successful person to be employed for the relevant position.

The unsuccessful candidate is entitled to appeal the decision to the Agency within 8 days from the day of the written selection announcement. The Agency must make a decision within 15 days from the day of the acceptance of the appeal. The appeal defers the execution of the selection decision of the candidate for a civil servant, or the successful candidate shall not be considered employed until it is settled.

The possibility to appeal, as well as the application of the two-level principle of the procedure guaranteed in our Constitution and in the civil servants employment procedure, is of great importance for the protection of the rights of unsuccessful candidates as well as for the functioning of the principle of equal access to public service positions.

Upon the end of the selection procedure, the general or state secretary shall make the decision to employ the civil servant.

In case of probationers employed as junior associates, and junior officers, who do not take the vocational exam, the Agency shall communicate to the Commission a list of the applicants. The general or state secretary shall decide on the selection of the successful candidate. Unsuccessful candidates are also entitled to appeal to the Agency.

After the selection, the employee has only a status of a civil servant-probationer. The training period regarding junior associate-probationers, who will have completed higher education, lasts one year, whereas the probationary period for the junior officers, who have completed post secondary or secondary education, lasts six months.

Civil servant-probationers shall be monitored and evaluated in the course of their training period in a manner established by the Civil Servants Agency. After the expiry of the trainee period, the probationer shall take the probationary exam before the Commission he/she was selected by. If the probationer passes the exam, he/she shall be employed on the vacant position. Conversely, he/she shall be dismissed.

The Agency is drafting a Programme both for probationer and vocational civil servants exam. It is obliged to organise and administer the vocational and probationary exam, and it establishes the criteria, standards and procedures on employment and selection of public servants referred to in the Rulebook.

One of the innovations within the employment procedure is taking and signing an oath.

There are particular specifics regarding the lawyer / public notary profession. After the completion of the 4-year studies at the Faculty of Law in Skopje, the students acquire the professional title Graduated lawyer.

In order to be registered in the BAR Association of the Republic of Macedonia and be entitled to undertake those professions, he/she has to fulfil the following conditions regarding his/her education, that is, to be a law graduate and to have passed the BAR exam. as a public service is achieved by free and independent legal practice, free choice of the lawyer, organisation of the lawyers within the BAR Association and its funding, autonomous acts adopted regarding the operation of the BAR Association of the Republic of Macedonia and its bodies, as well as registration in and deletion from the Directory of Lawyers, the Directory of Lawyer Associates, the Directory of Lawyer-probationers and adopting a Code of Ethics.

Thus in order to practice law after completing the law studies and acquiring a degree from the Faculty of Law, it is necessary to complete a two-year probationary period. This refers to a practical work in a lawyer's office, where in the course of this two-year period the probationer achieves experience in legal presentation of parties before judicial and other state bodies. During that period, the probationers are registered in the Directory of Lawyer-probationers and the BAR Association regulates their probationary period issues certificates allowing them to take the BAR exam.

The BAR exam is taken before Commission established by the Ministry of Justice of the Republic of Macedonia. The exam criteria, method, and material are within the competence of the Ministry of Justice. In addition to the two-year probationary period certificated by the BAR Association, the Ministry of Justice accepts a two-year trainee period served in companies, but only if the candidate has been involved in legal matter.

The successfully completed BAR exam is one of the criteria to work as a lawyer, as well as other professions such as judge or prosecutor.

Therefore, for a person to become a lawyer it is necessary that they graduate from a Faculty of Law, serve two-year practical work and pass the BAR exam.

The BAR Association of the Republic of Macedonia takes into consideration and makes efforts to establish a special 'BAR EXAMINATION', which shall be taken before the bodies of the BAR Association, in particular, because previous practice pointed to the need for further more precise education of the students who have undertaken law. The reason, of course, is the wide range of legal areas they are involved in as well as their constitutional setting as a public service.

Consequently, a notary public must serve a 5-year internship to perform his/her profession after the completion of law studies and acquiring a diploma from the Faculty of Law. This refers to internship/practical work in the legal service.

The Ministry of Justice, if necessary, shall announce an advertisement for issuing a Certificate in a particular area within the Court of First Instance, where there is a need for a notary office and service. Selected persons, who have applied to the advertisement, shall take the Notary exam before the Commission established by the Ministry of Justice. After processing the documents and the results of the exam, the 7-member Commission within the Notary Association communicates its opinion to the Ministry of Justice. Upon its decision, the Ministry shall issue a license to the successful candidate and shall adopt a Charter upon the decision. The person shall perform his/her notary practice within 1 month after the adoption of the decision and of the. At the beginning of the notary practice, the President of the Court of first instance is entitled to perform an inspection in order to determine if the practice conditions are fulfilled.

B. Practice of the profession/professional activity

1. Which professions/professional activities (see article 1 (d) of Directive 89/48/EEC) are regulated by your legislation? What is the scope of the professional field of activities?

The Republic of Macedonia adopted the National classification of occupations published in the "Official Gazette of RM" No 16/2002 on the basis of ISCO/88 - the International Standard Classification of Occupations. Pursuant to the Macedonian legislation the following occupations stipulated in law are:

NOTARY PUBLIC

In accordance with the Notary Public Law published in the "Official Gazette of RM" No 59/1996, the notary is an autonomous, independent public service, whose scope of work comprises activities of public competence on the basis of law and on requests by citizens, state bodies, legal entities and other interested institutions. The scope of work that may be performed by a notary public includes: birth certificates issuance, certificates, copies and extracts, confirmation of identification documents, taking identification documents, money and securities due to keeping and hand in, keeping of identification documents.

ADVOCACY

Pursuant to the Advocacy Law published in the "Official Gazette of RM" No 59/2002, advocacy is an autonomous and independent legal service, which solely provides legal assistance. Legal assistance includes providing of legal advice, representing in negotiations and provision of services in the area of business protocol, making up documents concerning legal deeds, writing writs regarding court and other procedures, representing parties before courts, state bodies and other legal entities, defending suspected persons and performing other practice with regard to legal advice.

VETERINARY PROFESSION

Pursuant to the Law on Veterinary Health published in the "Official Gazette of RM" No 28/1998, the scope of the veterinary profession includes, as follows: animal health protection from diseases, protection from infectious diseases carried from animals to people, veterinary and sanitary check and control, veterinary protection and improvement of the environment and nature.

MEDICAL PROFESSION

The purpose of the medical profession is health protection of individuals, families and people, as well as undertaking measures, activities and procedures for protection and improvement of health and the environment. The medical profession is regulated by the Law on Health Protection published in the "Official Gazette of RM" No 38/91. The medical profession covers the following professional practices: doctor of medicine profession, dental medicine profession, pharmaceutical profession and biochemical profession.

Performance of each of these professions is regulated by special secondary legislation – rulebooks developed thereof. In addition, the performance of this activity is regulated by relevant chamber statutes established within each profession.

SOCIAL WORKER

Pursuant to the Law on Social Protection published in the "Official Gazette of RM" No 50/1997, as professional activities performed by social workers employed in the Social Work Centre are considered the following: uncovering, following and studying social occurrences and matters; he/she applies and carries out suitable models of social protection and directly gives aid to citizens, families or a group of the population; facilitates and undertakes preventive activities to deter and eradicate the causes of the occurrences of the social risk state; develops and carries out extra-institutional social protection activities; facilitates, organises and coordinates voluntary activities of citizens, their associations, humanitarian organisations, organisations regarding implementation of social protection programmes in the municipality area; drafts social care plans and programmes; and performs other work stipulated in law.

STOCKBROKERS

Stockbrokers are authorised persons who work in brokerage firms, and have passed a special vocational exam to perform work connected with securities. Their scope of work includes securities trade in accordance with the Law on Securities, published in the “Official Gazette of RM” No 63/2000. Apart from this, there are insurance brokers, who perform insurance brokerage work, and who have to obtain a license by the Minister of finance for this activity.. The license may be obtained upon taking a special exam for insurance brokers.

ACTUARY

An authorised actuary is a person holding a license for work as an authorised actuary issued by the Minister of finance. The Minister may authorise a body or legal entity as an authorised actuary. An authorised actuary controls the reconciliation of the data in annual accounts with the insurance accounting standards and the regularity of the yearly statements of account with regard to the building of technical reserves and other reserves within insurance companies in order to check whether premiums and technical reserves are accounted in line with the provisions of the Law on Insurance Supervision (“Official Gazette of RM” No 27/2002), which regulates this matter, and to find out whether they are calculated and separated in a way to enable long-term realisation of the liabilities arising from the claims agreed within the insurance contracts concluded in the insurance company.

ATHLETES

Athletes, pursuant to the Law on Sports published in the “Official Gazette of RM” No 29/2002, are considered athletes of all ages taking part in sports activities and all participants in sports recreational activities. Professional athletes exercise all their rights and duties emerging from the labour relation within the sports club in a manner provided for in law and collective agreement.

CRAFTSMEN

Pursuant to the Law on Craft Activity published in the “Official Gazette of RM” No 37/1998, craft activity means craft production, carrying out craft services, artistic craft and home handicraft. Craft activity may be also performed by a natural person whose work exceeds the volume of a small craft and who is registered in the craftsman registry.

ARTISTS

Pursuant to the Law on Culture published in the “Official Gazette of RM” No 66/2003, an artist is any person who creates author’s work in the field of artistic creation or creates author’s work or popular art, regardless of his/her education, legal status, registration, citizenship or other affiliation. If the artist professionally performs his/her activity and if he/she is registered for performing art business, he/she acquires the status of independent artist.

AUTHORISED AUDITORS

Only an authorised auditor, who is employed in an audit company, may carry out audit. Pursuant to the Law on Audit published in the “Official Gazette of RM” No 65/97, 27/2000, 31/2001, and 61/2002. Authorised auditors carry out the following work: inspection and evaluation of financial statements and accounting statements, as well as the date and methods applied in their realisation and provision of an independent and professional opinion whether those statements show the state of assets, capital, accounts receivable and accounts payable and the results of the entity operation being audited. In addition, the authorised auditor carries out inspection and evaluation of the operation, organisation of the business functioning, the manner of business decision making, the functioning of the information system within the entities being audited, as well as other issues of importance for their operation.

2. How are these professions regulated: monopoly of activity? Protection of title? Affiliation to the social security system? Incompatibilities?

Procedure for regulation of professions:

Macedonian legislation recognises professions regulated by relevant law, as follows: notary public, lawyer, veterinarian, doctor of medicine, doctor of dental medicine, pharmacist, nurse, biochemical profession, social worker, stockbroker, insurance agent, actuary, athlete, craftsman, artist and authorised auditor. Relevant laws also regulate “professional recognition” as recognition of higher education qualification for the purpose of performing professional activity in the Republic of Macedonia. The medical profession is also regulated by secondary legislation adopted on the basis of relevant laws as well as by the status of the relevant chambers.

Monopoly of activity

Monopoly of activity exists in performing the notary public profession. Namely, pursuant to the Notary Public Law (“Official Gazette of RM” No 59/96), the notary is organised on the basis of the territorial principle in the seats of the courts of first instance. The number of notaries public is limited, and it is determined by the Minister of justice upon opinion obtained from the local chamber. If in the area of the court of first instance reside over 20,000 inhabitants according to the latest official census, as a rule, this court shall have at least one notary public per 20,000 inhabitants.

There is no monopoly of activity regarding all other professions, except for medical professions (such as doctors, doctor of dental medicine and pharmacologists) and the veterinary profession, regarding possible self-employment, particular conditions provided by applicable regulations have to be fulfilled as well as a license obtained from the relevant Ministry.

Protection of title

In the scope of the separate laws, which regulate the aforementioned professions and their operation, punitive provisions are provided for protection against illegal deployment of a particular profession. Regarding professions where a natural person may perform the activities, the liability is on the natural person, whereas in cases of a profession performed by a legal person, the liability is on the legal person. The relevant chamber shall undertake measures for protection of titles.

Affiliation to the social security system

All professions regulated by law are affiliated to the social security system such as all other professions. This can be discussed from two aspects: the first aspect refers to the performance of public service by a legal person, and the second is the performance of public service by a natural person. In both cases the persons that perform their professions enjoy their rights arising from the labour relation i.e. they have the right to health, pension and disability security. In both cases the persons also have the right to social care in case of unemployment or withdrawal from the function.

Totally supported by the public interest, the state provides allowance for health security, pension and disability security for categorised athletes (having a status of leading athletes, unless secured on other basis), pursuant to the Law on Sport (“Official Gazette of RM” No 29/2002), which also refers to unaffiliated artists, who have obtained their status on the basis of criteria in relevant procedure and a relevant act by the Minister of culture (pursuant to the Law on Culture, “Official Gazette of RM” No 66/2003).

Incompatibility

Pursuant to the applicable legislation, in the Republic of Macedonia the persons who perform notary public activity, in accordance with law, must not perform other professional activities or public functions. Lawyers shall also forfeit the right to practice law if they establish a labour relation within another profession. Regarding all other professions provided in law, the persons, who are elected or nominated for a public function, must place his/her profession in a state of rest until discontinuation of the function.

3. Which are the bodies overseeing the profession: professional orders, Ministries (which), other?

Supervision over specific profession is initially done by the competent ministries, relevant chambers and inspectorates. For instance, supervision over health practice is initially done by the Ministry of Health through the Medical Association.

Supervision in the area of education is done by the Ministry of Education as well as by the Inspectorate of Education as a central educational institution in charge of observing the law in the area of education as well as of performing systematic control of the quality of the educational process.

C. Administrative structures

1. Please describe the administrative structures and related procedures for granting recognition of foreign professional qualifications in your country.

This issue is regulated by the Law on Higher Education ("Official Gazette of RM" No 64/2000, Articles 169-177) and the Law Amending the Law on Higher Education ("Official Gazette of RM" No 49/2003)- Articles 35 and 36.

Acknowledgment of foreign higher education qualifications is done by an Expert Commission for Acknowledgment, established by the scientific teaching council of a higher educational institution relevant for the scientific teaching area to be acknowledged.

After processing the documentation delivered to the Information Centre, the Expert Commission for Acknowledgment prepares an acknowledgment decision.

Implementation of the ratified bilateral agreements for mutual recognition of diplomas is done by the Ministry of Education and Science, under the conditions established in the bilateral agreement.

The Expert Commission for Verification is established upon the decision of the Minister of Education and Science, and includes professors from higher educational institutions in the Republic of Macedonia relevant for the scientific teaching area for recognition of foreign higher education qualifications, as well as experts from the ministry of Education and Science.

There is an Information Centre within the Ministry of Education and Science (Article 180 referred to in the Law on Higher Education), which is part of the European Network of Information Centres established by the Council of Europe and UNESCO. The Information Centre communicates to the expert commissions opinion on all aspects necessary to make a decision on recognition (Article 180-a referred to in the Law on Higher Education).

II. CITIZEN'S RIGHTS

1. Do EU citizens receive a different treatment than Macedonian citizens concerning access to education, including tuition fees?

On the basis of Article 44 referred to in the Constitution of the Republic of Macedonia, education is accessible to anyone under equal conditions. The primary education is mandatory and free of charge.

Pursuant to Article 9 referred to in the Law on Primary Education of RM (consolidated text "Official Gazette of RM" No. 52/2002), primary education in the Republic of Macedonia may be acquired by foreign nationals and apatrides under the conditions laid down in this Law (the same regulation is valid for foreign nationals as for the domestic citizens).

Pursuant to Article 5 referred to in the Law on Secondary Education (Official Gazette of RM No. 52/2002, 40/2003, 42/2003, and 67/2004), foreign nationals and apatrides may acquire secondary education under the terms and conditions laid down in this Law (the same regulation is valid for foreign nationals as for the domestic citizens).

Article 6, paragraph 2 referred to in the Law on Higher Education ("Official Gazette of RM" No. 64/2000 and 49/2003) stipulates that all foreign nationals may, by application of the principle of reciprocity, be educated at the higher education institutions of the Republic of Macedonia under the same conditions as the citizens of the Republic of Macedonia.

Paragraph 3 stipulates that foreign nationals, with the exception of the persons referred to in paragraph 2 of this Article, may be educated at the higher education institutions.

Pursuant to paragraph 4, apatrides also have the right to higher education under the conditions laid down by law and under ratified international documents. Paragraph 5 is focused on the conditions from paragraphs 2, 3 referred to in this Article which are closely regulated by the university, or a higher educational institution, which is not included within the university.

There are two options for accommodation of foreigners as well as for domestic students: dormitory accommodation or private accommodation. According to the Law on Movement and Residence of Foreigners ("Official Gazette of RM" No 36/92, 66/92, 26/93, 45/2002, and 49/2003) Article 20, paragraph 2, a foreigner who moves to RM for education or specialization, may submit a request before the expiry of the time for the permitted residence on the basis of the passport. The permit is issued for up to one year or until the expiry date of the passport. The possible extension is up to one year.

2. Which legal procedures would be necessary to allow EU citizens to vote for and/or stand for the European Parliament or local elections in your country, or to benefit from other electoral rights?

The Constitution of the Republic of Macedonia (Article 22) stipulates that every citizen who has reached the age of 18 acquires the right to vote.

This constitutional provision is implemented in:

- The Law on Voters' List ("Official Gazette of RM" No 42/02 and 35/04), Article 1 which regulates the method and procedure of voting right registration:
- The Law on Election of the Members of the Assembly of the Republic of Macedonia ("Official Gazette of RM" No 42/02 and 46/04): Articles 4 and 5 determine that every national of the Republic of Macedonia who has reached the age of 18 and has contractual capacity, has the

right to elect, and the right to be elected member of the Parliament if he/she is 18 years of age, has contractual capacity, and is not serving a prison sentence for committing a crime:

- Law on Local Elections (“Official Gazette of RM” No 45/04, consolidated text 52/04 and 60/04), Article 3 determines that every national of the Republic of Macedonia who has reached the age of 18 has the right to elect and be elected.

According to the above-mentioned, the legislation in the Republic of Macedonia does not allow for the persons who are not nationals of the Republic of Macedonia to take part in the voting; accordingly, the nationals of the member states of the European Union, do not have the right to vote in the Republic of Macedonia.

In order for individuals who are not nationals of the Republic of Macedonia to take part in the voting, the Constitution needs to be modified (for which a two third majority of the total number of MPs is required) followed by modification of the above-mentioned Laws.

3. What documents must EU citizens not exercising an economic activity produce and what fee are they charged for a residence permit?

Pursuant to the Law on Movement and Residence of Foreigners (“Official Gazette of RM” No. 36/92, 66/92, 26/93, and 45/2002) all foreigners, including the nationals of the member states of the EU, who are not involved in economic activity, and are willing to reside in Macedonia for a longer period of time (over three months, or if otherwise regulated by international agreement) are obliged to submit an application for a formal temporary residence permit.

The temporary residence may be approved only on the basis of the reasons for which the visa was previously issued by the Diplomatic Consular Offices of the Republic of Macedonia abroad. The following documents are to be enclosed in the application for residence: a valid passport and a copy of the visa issued with noted activity, evidence on justified residence, evidence on provided supporting assets, and evidence on provided accommodation (written agreement for a flat, house, etc.).

Temporary residence is included in the foreigner’s passport in the form of a stamp and is issued for up to one year, or up to the expiry date of the passport if that period is shorter than one year. The residence may be extended if the application is submitted prior to the expiry of the temporary residence permit and if the reasons are still justified.

The Law on Administrative Fees regulates the costs for acquiring a residence permit which are identical to the costs described in the following question number 4 included in this Chapter ([02 II 4](#)).

4. What documents must EU citizens who move to your country in order to study produce and what fee are they charged for a residence permit?

All foreigners, as well as the nationals of the Member States of the European Union, prior to coming to the Republic of Macedonia for education, have to provide an appropriate visa in the Diplomatic Consular Offices of the Republic of Macedonia abroad. They have to submit an appropriate application form for an education-study visa written in Macedonian and English, or written in the official language of the state where the application is submitted. In this regard, the Diplomatic Consular Office requests approval from the Ministry of Interior and afterwards the Diplomatic Consular Office issues an entry-exit visa with noted activity.

After acquiring the visa and entering the Republic of Macedonia, the foreigner is obliged to submit to the competent organisational department of the Ministry of Interior of the Republic of Macedonia a request for permanent residence approval, which has to be submitted on a special application form written in Macedonian, English and French. Apart from the application form, the following documents must be enclosed:

- Foreigner’s valid travel document
- Confirmation that the foreigner is a pupil/full-time student on the appropriate school or faculty
- Accommodation evidence

- Provided supporting assets evidence

The Law on Administrative Fees (“Official Gazette of RM” No. 17/93, 20/96, 7/98, 13/2001, 24/2003, and 19/2004) determines the amount of the taxes which foreigners shall pay to obtain a visa and a temporary residence permit. The applicant is also obliged to pay minimum tax for the request and to compensate the real costs of his/her request (forms, and etc.).

The new draft Law on Movement and Residence of Foreigners provides obtaining a permit for foreigner's temporary residence in case of schooling- studying, if the foreigner encloses to the application the following documents: confirmation of his/her status as a secondary school student, or full-time student at an educational institution in the Republic of Macedonia where the foreigner is enrolled at and evidence that the foreigner is fluent in the language of the syllabus of the educational institution.

It is also provided that a foreigner who is moving to the Republic of Macedonia for cooperation, or participation in international exchange programmes of pupils and students, may be issued a permit if the foreigner submits a confirmation from a state body or an institution competent to carry out international or bilateral agreements on international exchange of pupils and students, where the time period of the cooperation or participation in the international exchange programme shall be determined.

In order to study in the Republic of Macedonia, a foreigner, younger than 18, in addition to the above-mentioned evidence, shall have to submit a verified approval from his/her parents or guardian.

5. What are the reasons to refuse entry or residence to EU citizens?

Pursuant to the Law on Movement and Residence of Foreigners (Official Gazette of RM No. 36/92, 66/92, 26/93, and 45/2002), the Republic of Macedonia makes no distinction between the foreigner from the EU member states or other states which are not EU members. A foreigner is a person who is not a national of the Republic of Macedonia.

The reasons for which the entry and residence shall be refused to a person – foreigner in the Republic of Macedonia are laid down in Article 17 referred to in the Law on Movement and Residence of Foreigners (“Official Gazette of RM” No 36/92, 66/92, 26/93, and 45/2002), as follows:

- To whom a expulsion from the Republic of Macedonia as security measure is pronounced or residence in the Republic of Macedonia is denied for the period for which the measure is adopted;
- Who is registered in the records of the competent body as an international offender or for whom there is grounded suspicion that they enter RM in order to commit terrorist or other crime;
- Whose residence in RM would present a financial burden for the state;
- who does not possess the required entry visa for the state he/she travels to after the exit from the territory of the Republic of Macedonia;
- who, in his/her request for issuing an entry visa for the territory of RM, has provided false data about himself/herself or about the purpose of the trip and residence, or has provided false identification papers;
- Who does not possess documents to verify his/her identity;
- Who comes from a region where infectious diseases are spread, and he/she does not possess vaccination proof.

III. FREE MOVEMENT OF WORKERS

D. Articles 39, 43 and 49 EC Treaty

1. What are the work permit requirements for EU migrant workers?

The conditions for migrant workers from EU to acquire a work permit are laid down in the Law on Conditions for Employment of Foreign Nationals ("Official Gazette of RM" No. 12/93), and they are identical to those for emigrants from other foreign countries.

The work permit of the migrant workers is issued by the Employment Agency only if the migrant worker holds a temporary or permanent residence permit for the Republic of Macedonia.

The migrant worker who has obtained a permanent residence permit for the Republic of Macedonia is issued a work permit for the valid period of the permanent residence permit. The migrant worker who has a temporary residence permit is issued a work permit for a period no longer than the valid period of the temporary residence permit. Regarding competences of the Ministry of Interior, one of the conditions migrant workers from EU to be provided a work permit, pursuant to the Law on Movement and Residence of Foreigners ("Official Gazette of RM" No 36/92, 66/92, 26/93, 45/2002, and 49/2003) is previously, after the completion of the procedure, provision-acquisition of an employment visa by the migrant worker from the Diplomatic Consular Offices of the Republic of Macedonia abroad.

The regulations do not make a distinction in the treatment of migrant workers whether they come from the EU member states or from other states.

2. What provisions exist on non-discrimination on grounds of nationality (direct or indirect) against migrant workers in employment, pay and working conditions?

The bases concerning ban on discrimination including ban on discrimination on the grounds of nationality are included in and guaranteed by the Constitution of the Republic of Macedonia. Pursuant to Article 32 referred to in the Constitution of the Republic of Macedonia, every person has the right to employment, free choice of employment, protection at work and allowance in the course of the temporary unemployment.

The Labour Relations Law ("Official Gazette of RM" No 80/2003) lays down the provisions regarding non-discrimination on different bases, including nationality covering emigrant workers in respect of employment, salaries and working conditions.

In this view, Article 9 referred to in the Labour Relations Law regulates the ban on direct or indirect discrimination regarding conditions of employment, promotion, insurance at work, working hours and termination of employment agreements due to the race, skin colour, gender, age, health condition, i.e. disability, religious, political or other affiliations, trade union membership, national or social background, family status, property condition, or other personal conditions.

Men and women also must be provided equal opportunities and equal treatment regarding employment, promotion, work insurance, working conditions, working hours and termination of the employment agreements.

Pursuant to Article 77 referred to in the same Law, the employer is obliged to pay out equal salaries to the employees for equal work done and equal effort on the job regardless of the gender.

3. What nationality conditions (if any) apply to employment in the public sector?

The general legislation for labour relations concerning public sectors, does not determine special conditions from the aspect of employment of foreign nationals, if not otherwise regulated by separate special regulations.

Pursuant to Article 9 referred to in the Law on Civil servants (“Official Gazette of RM” No. 59/2000, 112/2000, 34/2001, 103/2001, 43/2002, 98/2002, 17/2003, 40/2003, 85/2003, 17/2004, and 69/2004), one of the conditions for a person to be employed as a civil servant is to be a national of the Republic of Macedonia.

E. Abolition of restrictions on movement and residence within the Community for EU citizens exercising an economic activity either as salaried workers, self-employed or providers of services and their families (Directives 68/360/EEC and 73/148/EEC)

1. What is the visa regime for EU migrant workers and their family members (including family members who are not EU nationals) entering the country?

In the Articles 7 and 8 referred to in the Law on Movement and Residence of Foreigners (“Official Gazette of RM” No 36/92, 66/92, 26/93, and 45/02) it is provided that a foreigner is issued a visa for entrance, exit or transit through the territory of the Republic of Macedonia. The visa is issued for one, more or an unlimited number of journeys. The visa is issued for up to a one-year validation period or up to the expiry date of the travel document if that period is shorter than one year. For the nationals of the EU member states a visa is not required to enter the Republic of Macedonia, if, however, the purpose is to perform some economic or other activities, the visa is compulsory. The visa is issued on the request of the foreigner by the Diplomatic Consular Offices of the Republic of Macedonia abroad.

Thus, in Article 12 referred to in the same Law it is provided that for issuing a visa in the case of employment, specialisation, scientific research or performance of specific professional activity, the Diplomatic Consular Offices of the Republic of Macedonia requests approval from the Ministry of Interior. The Ministry of Interior, prior to providing the approval shall obtain an opinion from the body competent for the relevant business visa (for instance, in the case of employment, it shall obtain an opinion from the Ministry of Labour and Social Policy or the Employment Agency). Following the positive opinion (approval) from the Ministry of Interior, the Diplomatic Consular Office shall issue a visa with a 30 day validation period, and the purpose, or the type of activity is noted on the visa form, (label), for instance ‘employment’, ‘professional activity’, and etc. After entering in the Republic of Macedonia with that visa, the foreigner informs the Employment Agency which issues work permits. Then he/she submits an application to the Ministry of Interior whereby he/she is issued a temporary residence permit. The permit is issued in the form of a seal stamped in the foreigner’s travel document indicating the purpose or the type of business activity: ‘employment’, ‘professional activity’, etc.

Article 13 referred to in the Law on Movement and Residence of Foreigners provides for issuing a business visa. A business visa may be issued to a foreigner for carrying out business provided for in the regulations of the Republic of Macedonia, referring to foreign investments and performance of foreign trade, and may be also issued to a foreigner who is performing expertise laid down in the Agreement on business-technical cooperation, long-term production cooperation, transfer of technology and foreign investments. The business visa may be also issued for intracorporative transfers, foreigner’s temporary transfers for commercial services in the Republic of Macedonia, who are leading managers or executives, or who have higher or deficit qualifications or education necessary for the functioning of the company in the Republic of Macedonia.

The business visa is issued for the validation period necessary to perform the work (from 90 days to 3 years with a possibility of extension), however, not longer than the expiry date of the travel document. In the course of the business visa validity period, the foreigner may enter and exit the Republic of Macedonia freely and an unlimited number of times.

The business visa may be issued by the Diplomatic Consular Offices of the Republic of Macedonia situated abroad and the Ministry of Interior according to the foreigner's residence. However, due to practical reasons (the need for collection and inspection of the evidence), the business visa is issued by a local organisational department of the Ministry of Interior in the form of a seal, stamped in the foreigner's travel document, and not as a label.

The business visa issued to a foreigner is considered as an approved temporary residence.

The members of a foreigner's family from the EU member states do not need an entrance visa, but if the members of the family are not nationals of the EU member states, they need a common entry-exit visa if there is a visa regime with that country. After entering the Republic of Macedonia, on their request, they are approved a temporary residence on the basis of the temporary residence permit or the business visa of the foreigner-worker from the EU member states.

2. What documents must EU citizens exercising an economic activity produce and what fee are they charged for a residence permit?

Pursuant to the provisions referred to in the Law on Movement and Residence of Foreigners ("Official Gazette of RM" No 36/92, 66/92, 26/93, and 45/02), nationals of the EU member states who are willing to perform a business in the Republic of Macedonia, are obliged to regulate their temporary residence on job base, or to obtain a business visa.

A foreigner, who is willing to regulate his/her temporary residence on the basis of a job, must be previously provided with an entry visa by the Diplomatic Consular Offices of the Republic of Macedonia for the purpose of working engagement (that is employment, professional business, specialisation, etc.). After entering the Republic of Macedonia, the foreigner is obliged to regulate his/her temporary job residence, in the competent local organisational department of the Ministry of Interior according to the place of residence.

The application to regulate the above-mentioned temporary residence should include:

- Valid travel document;
- Copy of the travel document with the entry visa;
- Confirmation that the foreigner is a pupil/full-time student at the appropriate school or faculty;
- Approval for justification of the residence (previously obtained approval by the Employment Agency, working agreement or confirmation from a legal or physical person where he/she will attend his/her specialization or training);
- Accommodation proof (rent agreement);
- Supporting assets proof (bank account certificate in the Republic of Macedonia or a foreign bank, certificate from the enterprise, or other legal person or body on the amount of salary or scholarship, etc.).

Pursuant to the Law on Administrative Fees ("Official Gazette of RM" No 17/93, 20/96, 7/98, 13/2001, 24/2003, and 19/2004) it is determined that a 3-month temporary residence administrative tax is in line with Tariff No 5.2 is 5 EUR, whereas over 3-month temporary residence is in line with Tariff No 5.3 is 10 EUR.

The foreigner having a temporary residence on job basis may be issued a foreigner ID-card as an identification document.

Pursuant to Article 13 referred to in the Law on Movement and Residence of Foreigners, a foreigner may be also issued a business visa under conditions and terms discussed in the question no 75.

The Foreigner must enclose in his/her request:

- Valid travel document;
- Company registration proof, or service agreement (services on behalf of a foreign employer may be provided by a foreigner who is employed there, provided that there is a concluded service agreement with a legal or physical person performing business in the Republic of Macedonia);
- Accommodation proof (rent agreement, and etc.);
- Pursuant to the Law on Administrative Fees Tariff No 7, paragraph 2 item E, it is determined that the administrative tax for a business visa is 30 EUR.

3. Are third country family members granted a residence permit of the same length of validity as the EU citizen?

Pursuant to the Law on Movement and Residence of Foreigners (“Official Gazette of RM” No 36/92, 66/92, 26/93, and 45/2002) there is no distinction between the nationals of the EU member states and those of the third countries. Foreigners are considered all persons who are not nationals of the Republic of Macedonia and accordingly all of them have equal rights.

Pursuant to Article 24 referred to in the Law on Movement and Residence of Foreigners, members of the family of a foreign national who has obtained a temporary residence permit (both from EU and third countries), has also right to be approved residence in the Republic of Macedonia within the same time period and validity as the foreign national – holder of the residence permit.

4. Can a migrant worker's residence permit be withdrawn solely on grounds of involuntary unemployment, illness or accident?

The EU migrant worker's residence permit shall be withdrawn in case of involuntary unemployment, if that was the reason for termination of employment. In cases of illness or accident at work, the EU migrant worker's resident permit shall not be withdrawn, thus the foreigner will continue his/her residence in the Republic of Macedonia having the same status until the expiry of the residence permit.

If, the foreigner, as a result of the above-mentioned reasons, according to the legislation, has obtained certain social benefits, his/her residence may be continued until the time period he/she enjoys them.

F. Freedom of movement for workers within the Community (Regulation (EEC) 1612/68)

1. Do EU migrant workers have equal access to available employment?

EU migrant workers have the same access to jobs on the labour market, i.e. they have the same opportunity for employment as the nationals of the Republic of Macedonia, under the conditions and terms laid down in the Law on Movement and Residence of Foreigners (“Official Gazette of RM” No 36/92, 66/92, 26/93, 45/2002, and 49/2003), and pursuant to the Labour Relations Law of Foreign Nationals. (“Official Gazette of SFRY” No 11/78 and 64/89, and “Official Gazette of RM” No.12/93).

2. Are there any language requirements for specific jobs and if yes which ones?

The Law on Protection of Children (Official Gazette of the Republic of Macedonia No. 98/2000, 17/2003, and 65/2004) determines that an employee in a public children institution may be a person who speaks fluent Macedonian and uses the Cyrillic alphabet. Pursuant to the Law on Primary Education (“Official Gazette of RM” No 44/95, 24/96, 34/96, 35/97, 82/99, 29/2002, 52/2002, 40/2003, 42/2003 and 63/2004) teachers, professionals and educators must be persons who, *inter alia*, speak Macedonian and use the Cyrillic alphabet.

The Law on Secondary Education ("Official Gazette of RM" 52/2002, 40/2003, 42/2003, and 67/2004) provides that teachers and educators should speak fluent Macedonian and use the alphabet in which the lecturing is delivered.

This Law provides that in private secondary schools where in some subject the teaching is delivered in a foreign language, teachers may also be foreign nationals who have completed a relevant type of education under the conditions laid down in the Law on Secondary Education.

3. Do EU migrant workers receive assistance from employment offices?

EU migrant workers exercise the right to mediate in employment, training, retraining, or post training due to employment, insurance in case of unemployment, through the Employment Agency, under the same conditions as the nationals of the Republic of Macedonia, if they have a permanent residence permit and a permit to employ foreign nationals, or permanent residence pursuant to the Law on Movement and Residence of Foreigners ("Official Gazette of RM" No 36/92, 66/92, 26/93, and 45/02), which entered into force on 16 June 1992.

4. What rights to "tax and social advantages" and vocational training do EU workers have?

With regard to the taxes and social advantages or the rights to undertake vocational training, EU workers have the same rights as the nationals of the Republic of Macedonia, if they have a legal residence permit in the Republic of Macedonia.

In this view, the provisions referred to in the Personal Income Tax Law ("Official Gazette of RM" No 80/93, 03/94, 70/94, 71/96, 28/97, 08/2001, 50/2001, 02/2002, and 44/2002), are equally applied for the EU workers, concerning salaries. Social advantages in terms of the rights to social insurance are calculated in the same way as for Macedonian nationals.

5. What trade union rights do EU workers have?

Freedom of association is guaranteed pursuant to Article 20 referred to in the Constitution of the Republic of Macedonia according to which the citizen is guaranteed a freedom of association in order to exercise and protect his/her political, economic, social, cultural and other rights and arrangements.

Accordingly, in order to exercise his/her economic and social rights regarding employment as laid down in the Collective Agreement, and Article 84 referred to in the Labor Relations Law (consolidated text, "Official Gazette of RM" No 80/2003) workers are entitled to establish trade unions. Membership and accession to the trade unions pursuant to the Law is free choice of workers.

6. What housing rights do EU workers have?

Foreign legal and natural persons, according to the existing legislation of the Republic of Macedonia, are entitled to rent and possess residential buildings.

Namely, pursuant to Article 8 referred to in the Law on Housing ("Official Gazette of RM" No 21/98) – 'A tenant may be a domestic or a foreign natural person as well as a domestic or a foreign legal person to house a natural person. (hereinafter: tenant)'

In line with the above-mentioned, the housing rights of all domestic and foreign natural and legal persons are equal regarding provision of rented flats.

Further on in the text of the Law on Housing, in Article 9 the procedure on provision of tenancy relation is clearly defined, i.e. 'provisions referred to in the Law on Obligations are applied to the tenancy relations laid down in this Law ("Official Gazette of RM" No 18/01).

The right to possess residential buildings is obtained pursuant to Article 244 paragraph 1 referred to in the Law on Ownership and Other Real Rights ("Official Gazette of RM" No.18/01) where 'A foreign

natural person may, UNDER RECIPROCITY CONDITIONS, obtain the right to ownership of a flat or a resident building in the Republic of Macedonia, as the nationals of the Republic of Macedonia’.

Thus the rights of foreign natural persons are equal (a foreign natural person, in line with this Law, is considered a natural person who does not have citizenship of the Republic of Macedonia, unless otherwise provided by the Law), with the rights of the nationals of the Republic of Macedonia regarding acquiring residential building ownership.

7. Do EU migrant workers have the right to bring their family members (defined as spouse, children under 21 or dependant, and dependant relatives in the ascending line, all regardless of nationality) with them?

Pursuant to the Law on Movement and Residence of Foreigners (“Official Gazette of RM” No 36/92, 66/92, 26/93, and 45/2002) no distinction is made between the EU Member States nationals and those of the third countries. Foreigners are considered all persons who are not nationals of the Republic of Macedonia and all of them enjoy the same rights.

Pursuant to Article 24 referred to in the Law on Movement and Residence of Foreigners, members of the foreign nationals’ family (migrant workers) both from the EU member states and third countries who have obtained a residence permit in the Republic of Macedonia, also have right to enter or right upon temporary residence approval, according to provided regulations regardless of their nationality.

Members of the immediate family in view of this Law are considered spouses and children up to the age of 18.

Having regard to residence approval of ‘dependants’, pursuant to the Law on Movement and Residence of Foreigners, there is a possibility of residence approval on the basis of ‘other justified reasons’, which is decided within a legal procedure for each single case on the request of the relevant person.

The length of the residence is determined accordingly to the length of the migrant worker’s residence permit or to the expiry date of the valid travel document if that period is shorter than the length of the migrant worker’s residence permit.

8. Do the spouse and children under 21 of an EU migrant worker will have the right to employment in your country without a work permit?

Pursuant to the Law on Movement and Residence of Foreigners (“Official Gazette of RM” No 36/92, 66/92, 26/93, and 45/2002), on the basis of reunion of a family, the spouse and the children under the age of 21 may obtain residence approval in the Republic of Macedonia.

With regard to the above-mentioned, the migrant worker’s spouse and children under the age of 21 from the EU Member State, may be employed in the Republic of Macedonia, if they have approval to establish a labour relation.

The migrant worker’s spouse and children under the age of 21 from the EU Member States may be employed in the Republic of Macedonia without the approval to establish a labour relation, pursuant to the Law on Conditions for Establishing Labour Relation with Foreigners (“Official Gazette of SFRY” No 11/78 and 64/89), if the labour relation is established to perform expertise laid down in the agreements on business-technical cooperation, technology and foreign investment transfer and pursuant to the provisions referred to in the Law on Movement and Residence of Foreigners, if he/she comes to the Republic of Macedonia to perform a business provided for in the regulations of the Republic of Macedonia referring to foreign investments and performance of foreign trade as well as in the cases laid down in Law.

9. What rights to education do the children of EU migrant workers have?

With regard to the exercising the right to primary, secondary, and higher education of the children of EU migrant workers, and pursuant to the Law on Primary Education (consolidated text “Official Gazette of the RM” No. 52/2002), the Law on Secondary Education (“Official Gazette of the RM” No 52/2002, 40/2003, 42/2003, and 67/2004), foreign nationals and apatrides may obtain primary, secondary, and higher education under the conditions and terms laid down in these Laws.

To continue their education in the Republic of Macedonia, the children of EU migrant workers–students may request the Ministry of Education and Science of the Republic of Macedonia for nostrification and recognition of their certificates acquired abroad.

Pursuant to the Law on Movement and Residence of Foreigners (“Official Gazette of the RM” No 36/92, 66/92, 26/93, 45/2002, and 49/2003), children up to the age of 18, whose parent-guardian is a holder of a permanent permit or a temporary residence permit in the Republic of Macedonia, may be issued a residence or temporary residence permit. The children whose parents have already regulated their residence in the Republic of Macedonia, regardless of the category, have same residence rights as all foreigners, as well as the nationals of the EU Member States.

The new Draft Law on Foreigners regulates the importance of this issue and is in compliance with the standards of the European Union. This Law provides that the members, such as minor children of the foreigner’s immediate family, who is holds a residence permit, have the right to education. Minor children are considered those children of the foreigner or his/her spouse; including guardians and his/her spouse’s adopted children as well as the children of whom the guardian or his/her spouse have custody and who are under the age of 18.

The temporary residence permit is issued for up to one year, with a possible extension for the period of the foreigner’s (parent-guardian) permit.

G. Right to remain in the territory of the Member State after having been employed there (Regulation (EEC) 1251/70) or having pursued an activity in a self-employed capacity (Directive 75/34/CEE)

1. What are the residence rights of the following categories of EU citizens:

- a) someone who has worked in your country for at least 12 months, and has lived there for at least 3 years, and then reaches retirement age;**
- b) someone who has worked in your country for at least 2 years and then becomes incapable of work;**
- c) someone who has worked in your country and then becomes incapable of work because of an accident at work or an occupational disease?**

a)

Pursuant to the Law on Movement and Residence of Foreigners (“Official Gazette of RM” No 36/92, 66/92, 26/93, and 45/2002), if the foreigner has had a temporary residence permit in the Republic of Macedonia and in the meantime has fulfilled pension conditions, he/she may continue his/her residence in the Republic of Macedonia if he/she submits a request for approval of his/her residence on another basis (retirement).

b)

In the view of residence, the foreigner may enjoy all his/her rights as the foreigner referred to in point a).

c)

In the view of residence, the foreigner may enjoy all his/her rights as the foreigner referred to in points a) and b).

2. What are the residence rights of the family members of EU citizens in the above categories?

Pursuant to Article 24 referred to in the Law on Movement and Residence of Foreigners (“Official Gazette of RM” No 36/92, 66/92, 26/93, and 45/2002) member of a foreign national’s family, who is a holder of a temporary residence permit, have also right to temporary residence (spouse and children under 18).

A foreigner, who has regulated such residence, has a right to reside in the Republic of Macedonia up to the expiry of the permit. Prior to the expiry of the valid permit, the foreigner is obliged to submit a request for extension to the competent body – local organisational department of the Ministry of Interior, which shall decide upon, depending on the status of the member of that foreigner’s family that he/she resides upon.

H. Safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community (Directive 98/49/EC)

1. Does your country have any supplementary (or private) pension schemes?

The multi-level pension system in the Republic of Macedonia also includes a supplementary capital funded pension system (third pillar). All individuals who are willing to obtain higher scope of material security than the compulsory insurance as well as all citizens who are not covered by the compulsory insurance, may involve in this type of insurance. Supplementary capital pension insurance will be closely regulated with a special law within the following years.

See more detailed information in Chapter II- Economic Criteria ([II.VI.E.4.](#))

2. What happens if a member of a supplementary pension scheme moves to an EU Member State?

The rights emerging from the supplementary pension scheme will be closely regulated in the following years by a special law.

3. Can payments from a supplementary pension scheme be made to a scheme member residing in an EU Member State?

The rights emerging from the supplementary pension scheme will be closely regulated in the following years by a special law.

4. Can workers who are temporarily posted from your country to an EU Member State continue to make contributions to their supplementary pension scheme?

The rights emerging from the supplementary pension scheme will be closely regulated in the following years by a special law.

5. Do supplementary pension schemes provide adequate information to members about their pension rights if they move to an EU Member State?

The rights emerging from the supplementary pension scheme will be closely regulated in the following years by a special law.

IV. CO-ORDINATION OF SOCIAL SECURITY SYSTEMS

A. Scope of co-ordination(Ref. Council Regulation 1408/71 and 574/72):

1. Personal scope:

a) Does your social security legislation clearly define employed persons/self-employed persons and members of the family?

Legislation of the Republic of Macedonia regarding individuals (personal scope) clearly defines the categories of employed/self-employed persons and members of their families.

This issue is completely regulated by the Labour Relations Law (Consolidated text, "Official Gazette of RM" No 80/2003).

In this respect we quote the definitions of employed persons and self-employed persons.

- Employed person

The Labour Relations Law lays down the definition on employment: employment means a contracted relation between the employee and the employer regarding performance of certain work and exercise of the rights and duties.

A special definition regarding employed person has not been determined.

- Self-employed person

This person performs some of the independent businesses, in accordance with other special regulations on independent businesses, such as private health practice, law practice, notary public, art activities, and craft. These businesses are covered by tax and social security regulations.

Macedonian social security legislation (health, pension and disability insurance, employment) clearly defines the workers, the self-employed and other groups of insured persons as well as the members of their families.

From the point of view of pension and disability insurance:

- Disability benefits: Law on Pension and Disability Insurance ("Official Gazette of the RM" No 80/93, 3/94, 14/95, 71/96, 32/97, 24/00, 96/00, 5/01, 50/01 , 85/03, and 50/04) and regulations for its application;
- Old age benefits: Law on Pension and Disability Insurance and regulations for its application;
- Benefits for the family members: Law on Pension and Disability Insurance and regulations for its application;
- Benefits in case of accidents at work and occupational disease: Law on Pension and Disability Insurance for regulating pension benefits as long-term benefits.

2. Material scope:

a) Regulation 1408/71 will apply to the social security branches mentioned in Article 4: are all these branches covered by your legislation?

b) As regards Article 5, can you list the legislation and social security schemes covered by the Regulation?

c) Is there a clear distinction between social security benefits and social assistance as provided for by the Regulation?

d) Are there special schemes for war victims?

e) Please provide a list of your bilateral social security conventions.

a)

Macedonian legislation on social insurance clearly defines the rights of workers, persons who perform independent business and other insured groups and members of their families.

b)

In line with Articles 4 and 5 referred to in the Regulation 1408/71, the following legislation on social insurance is covered by the Regulation:

- Sickness and maternity: Law on Health Insurance ("Official Gazette of RM" No 24/00, 34/00, 96/00, and 104/00);
- Disability benefits: Law on Pension and Disability Insurance ("Official Gazette of RM" No 80/93, 3/94, 14/95, 71/96, 32/97, 24/00, 96/00, 50/01, 85/03, and 50/04);
- Old age benefits: Law on Pension and Disability Insurance ("Official Gazette of RM" No 80/93, 3/94, 14/95, 71/96, 32/97, 24/00, 96/00, 50/01, 85/03, and 50/04) and the Law on Compulsory Capital Funded Pension Insurance ("Official Gazette of RM" No 29/2002, 85/2003, and 40/04);
- Benefits for the family members: Law on Pension and Disability Insurance Law on Pension and Disability Insurance ("Official Gazette of RM" No 80/93, 3/94, 14/95, 71/96, 32/97, 24/00, 96/00, 50/01, 85/03, and 50/04);
- Benefits in the event of accidents at work and occupational disease: Law on Health Insurance and the Law on Pension and Disability Insurance ;
- Benefits in the event of death: on the basis of agreements of pension user associations, on the basis of the self-financing principle of pension users;
- Benefits in the event of unemployment: Labour Relations Law and Insurance in Case of Unemployment ("Official Gazette of the RM" 37/97, 25/00, 101/00, 50/01, 25/03, and 37/04).

c)

Social security benefits in the Republic of Macedonia are regulated by the Law on Social Insurance and it includes persons who are not covered by the legislation quoted in b). In this respect, we consider that there is a clear distinction between the Social Security Programme and the Social Assistance Programme.

d)

The benefits of the members of the security forces of the Republic of Macedonia and of disabled persons are regulated by the following Laws:

- The Law on Exclusive Rights of the Members of the Security Forces of the Republic of Macedonia and the Members of their Families ("Official Gazette of the RM" No 2/2002, and 17/2003); and
- Law on the Rights of the Disabled Veterans, Members of their Families and Members of the Fallen Warriors' Families ("Official Gazette of the RM" No 13/96)

The Law on Exclusive Rights of the Members of the Security Forces of the Republic of Macedonia and the Members of their Families regulates the exclusive rights of the members of the security forces who were organised to take part in the defence of the independence, integrity and sovereignty of the territory of the Republic of Macedonia from January 1, 2000 as well as the members of their families.

The rights of the families of security forces members

Members of a family of security forces member are considered: spouse, children and parents. The members of the families of a killed or dead member of the security forces have the right to employment, housing (rented flat), a one-off financial compensation, rights in the area of education, preference when enrolling at state secondary schools and higher learning institutions without payment of the tuition fee, right to scholarship, free textbooks for the needs of the regular schooling in the primary and secondary state schools, participation in the pre-school institutions, scholarship and the right to family pension.

The right to a family pension is obtained in line with the regulations regarding pension and disability insurance, in the part concerning the fulfilment of the special conditions, and the amount of the family pension is established as favourable percentage amounting to 80% of the average salary in the Republic of Macedonia, on monthly basis.

The members of the families of the security forces, within the Ministry of Defence, victims in the wars of the former SFRY and disabled veterans benefit from these rights.

The rights of the members of the security forces:

A member of the security forces who was wounded or injured while defending the sovereignty of the Republic of Macedonia is exempt from personal payment when using health services. An unemployed member of the security forces has preference in employment in the state bodies, public enterprises and public institutions.

100% - 50% disabled veterans who do not possess their own flat or house, and do not use a rented flat in the ownership of the Republic of Macedonia, have the right to housing (rented flat).

e)

The Republic of Macedonia has concluded and applies the bilateral social security conventions as follows:

1. Social Security Convention between the Republic of Macedonia and the Republic of Croatia, entered into force on 01.11.1997 ("Official Gazette of the RM" No 34/94);
2. Social Security Convention between the Republic of Macedonia and the Republic of Austria, entered into force on 01.04.1998 ("Official Gazette of the RM" No 28/92);
3. Social Security Convention between the Republic of Macedonia and Turkey, entered into force on 01.07.2000 ("Official Gazette of RM" No 07/99);
4. Social Security Convention between the Republic of Macedonia and the Republic of Slovenia, entered into force on 01.04.2001 ("Official Gazette of the RM" No 13/99);
5. Social Security Convention between the Republic of Macedonia and the Swiss Federation, entered into force on 01.01.2002 ("Official Gazette of the RM" No 44/00);
6. Social Security Convention between the Republic of Macedonia and the Federal Republic of Yugoslavia, entered into force on 01.04. 2002 ("Official Gazette of the RM" No 13/2002);
7. Social Security Convention between the Republic of Macedonia and the Republic of Bulgaria, entered into force on 01.08.2003 ("Official Gazette of the RM" No 31/2003);
8. The Social Security Convention between the Republic of Macedonia and Federal Republic of Germany ("Official Gazette of the RM" No 70/30) shall enter into force 01.01. 2005.

Provided for by the Constitutional Law enforcing the Constitution, the Republic of Macedonia has undertaken and applied all international agreements concluded by former Yugoslavia in the field of social insurance. Agreements concluded between Former Yugoslavia: Belgium, former Czechoslovakia, Denmark, England and Northern Ireland, France, the Netherlands, Italy, Luxembourg, Hungary, Germany, Norway, Poland and Sweden.

B. The main principles of co-ordination:

1. Equal treatment:

a) Are there any examples in your social security legislation where non-nationals are treated less favourable than nationals?

Regarding Macedonian legislation in the field of social security there are no examples of non-equal treatment of persons who are not Macedonian nationals.

2. Determination of the applicable legislation:

a) Are your social security schemes based on the principle of *lex loci laboris* or are they based on residence?

b) Do you have rules and administrative structures applicable in the case of posting of workers?

a)

The social insurance schemes of the Republic of Macedonia are based on compulsory pension and disability insurance for the employed and the natural persons performing business, on the basis of the latest insurance.

b)

There is legislation in the Republic of Macedonia, which is applied in case of posting workers abroad. Pursuant to the Labour Relations Law and Insurance in Case of Unemployment ("Official Gazette of RM" No 37/97, 25/00, 101/00, 50/01, 25/03 и 37/04), posting workers abroad is carried out by the Employment Agency of the Republic of Macedonia and private employment mediation Agencies.

This Law specifically regulates the terms of posting of workers. In addition to this, posting workers abroad, according to the Law, may be done on the basis of bilateral agreement, or conventions, which regulates the terms and conditions of posting abroad.

So far, the Republic of Macedonia has concluded such agreement only with the Federal Republic of Germany, concluded in 1995, for posting workers employed in Macedonian construction firms to carry out construction agreements in FRG. This Treaty regulates posting terms and conditions.

Posting is carried out in the scope of the previously established annual quotas for detachment by the German party.

3. Aggregation of periods:

a) Do you have any experience with applying the principle of aggregation of periods in your relations with other countries? Which administrative structures are responsible for this?

b) What are the waiting periods for entitlement to benefits equivalent to those covered by the scope of the EC Regulation?

a)

All agreements on social insurance concluded or undertaken between the foreign countries and the Republic of Macedonia anticipate aggregation of periods completed in the Republic of Macedonia and a foreign country.

The Pension and Disability Insurance Fund of the Republic of Macedonia is the carrier of the insurance and is liable and competent to carry out international agreements on social insurance.

Both the Health Insurance Fund of the Republic of Macedonia and the Employment Agency of the Republic of Macedonia are competent to apply these agreements.

b)

All insured parties cannot exercise their rights to the equal amount regarding pension and disability insurance. The amount depends on the length of the service and salaries realised. These rights can be exercised, i.e. acquired from the day the conditions are fulfilled.

4. Export of benefits:

a) Do you have any experience in applying the principle of export of benefits in your relations with other countries? Which administrative structures are responsible for this? Does your legislation include residence clauses?

According to the Macedonian legislation regarding pension user, who is a foreign citizen moving to a permanent residence in the country whose national he/she is, his/her pension is paid out abroad if an international agreement has been concluded with the relevant country, or if there is reciprocity.

For the pension user – citizen of the Republic of Macedonia who is moving abroad, his/her pension and other money allowances are paid out if such obligation is provided for in the international agreements.

The Pension and Disability Insurance Fund of the Republic of Macedonia is responsible for the payment of the pensions abroad, which are paid out through the authorised banks.

In the Macedonian legislation there is Law on Movement and Residence of Foreigners (“Official Gazette of RM” No 36/92, 66/92, 26/93, 45/2002), which regulates the questions regarding entrance, exit and residence of foreigners. There is a new draft Law on Movement and Residence of Foreigners. Apart from that, in the Macedonian legislation there is Labour Relations Law of Foreigners that shall also be amended with the new Labour Relations Law of Foreigners

C. Co-ordination of different categories of benefits:

1. Do you expect to encounter any difficulties in applying the provisions of the various chapters of the Regulation (sickness and maternity, invalidity, old age and death, unemployment, family benefits, etc.)?

No particular difficulties regarding the application of Regulation 1408/71 are expected in the field of pension and disability insurance. An increased number of cases for exercising the rights to pension are expected as a result of concluding new agreements on social insurance with countries that the Republic of Macedonia has not concluded agreements with yet.

On the other hand, a complete security in achieving the rights of pension users may be expected as a result of the multilateral application of the principle of aggregation of insurance periods.

D. Administrative capacity:

1. Which administrative structures will be responsible for applying the co-ordination rules for the various chapters of the Regulation (sickness and maternity, invalidity, old-age and death, unemployment, family benefits, etc.)?

The Pension and Disability Insurance Fund of the Republic of Macedonia, the Health Insurance Fund of the Republic of Macedonia and the Employment Agency of the Republic of Macedonia, shall be the competent Authorities to apply the principle of coordination of the Regulation 1408/71.