

LAW ON PERFORMING AGRICULTURAL ACTIVITIES
(Official Gazette of the Republic of Macedonia 11/02)

I. GENERAL PROVISIONS

Article 1

This Law shall regulate the conditions and manner of performing an agricultural activity.

Article 2

The term “agricultural activity” as referred to in this Law means production, finishing, processing and selling of own agricultural products.

The term “agricultural activity” also encompasses breeding of cattle and other useful animals, as well as sale of their products.

Article 3

Agricultural activity shall also include the activity of different organizational forms (cooperatives) aimed at enabling, facilitating and improving certain phases of agricultural production, organized by the agricultural producers (supply of products to agricultural producers necessary for their primary production, construction of facilities for processing and finishing of their own agricultural products and sale of agricultural products produced by individual farmers).

Article 4

Depending on crops being cultivated, i.e. animals being bred, agricultural activities shall be performed in several separate sub-sectors.

Article 5

The activity of agricultural producers organized in separate cooperatives providing extension services, without their own participation in the activity concerned, shall not be deemed an agricultural activity, pursuant to this Law.

Article 6

The agricultural activity, which according to a separate law is considered as trading, or other activity as well, shall not lose its basic character of an agricultural activity.

Article 7

A natural person, whose operation does not exceed the agricultural activity of lesser volume and who has been registered in the Registry of Individual Farmers may perform an agricultural activity (hereinafter: individual farmer).

Agricultural activity may be performed by a natural person as a sole proprietor or by a legal entity: a trade company as a joint stock company or a limited liability company (hereinafter: trader) which have been entered into the Trade Registry.

Agricultural activity may also be performed by an agricultural cooperative, entered into the relevant Registry.

Persons, who perform agricultural activity, shall not be considered as performers of agricultural activity in the sense of this Law, if they produce agricultural products only for satisfying their own personal needs and the needs of the members of their families with whom they live.

The Ministry of Agriculture, Forestry and Water Supply shall make evidence of the persons pertaining to paragraph 4.

Employed persons or retired persons, who perform agricultural activity and are owners of land, or use the same as relatives of first degree, shall not be considered as performers of agricultural activity in the sense of this Law and shall pay taxes in compliance with regulations on taxation.

The Ministry of Agriculture, Forestry and Water Supply shall make evidence of the persons pertaining to paragraph 6 of this Article.

Article 8

As an agricultural activity of a lesser volume pursuant to this Law shall be considered the agricultural activity performed personally by an individual farmer and up to ten other employees, including the members of the family, as well as up to five other seasonal workers.

An individual farmer whose activity exceeds the agricultural activity of lesser volume shall be obligated to register himself as a trader.

Article 9

Agricultural activities may be performed on the entire territory of the Republic of Macedonia.

Article 10

The performer of agricultural activity may sell own products at the place of production, in his place of living and at certain places determined for selling agricultural products (markets), if he fulfills the requirements prescribed by this or other law.

Article 11

For performing agricultural activity, the performer needs to fulfill the following general condition:

- To perform agricultural activity on agricultural land on which he has ownership rights or has legally acquired such ownership rights by its owner (concession, lease, usufruct, etc.) or to have a capacity for the relevant agricultural activity.

Article 12

The residence of the performer of agricultural activity shall be the place where he lives, i.e. the place of his registered main office.

Article 13

The performer of agricultural activity must have a company.

Article 14

With respect to the performance of agricultural activity, the performer of agricultural activity shall be obligated:

1. To perform the activity in compliance with the provisions of this Law, i.e. the Law on Trade Companies and the Law on Agricultural Land, as well as with the provisions of other by-laws.
2. To display a price list of his agricultural products in an obvious place if intended for retail sale.
3. To refrain from production, i.e. from selling own agricultural products that may be harmful for human, plant and animal health.

Article 15

The performer of agricultural activity shall be obligated to register himself in compliance with the provisions of this Law, i.e. the Law on Trade Companies.

The performer of agricultural activity may not start performing agricultural activities without being entered into the relevant registry.

The performer of agricultural activity may register only under one of the types of performers of agricultural activity prescribed by Article 7 of this Law.

Article 16

The performer of agricultural activity may perform only the agricultural activity, i.e. activities, which have been stated in the decision for registration in the relevant registry.

Article 17

The Government and other authorized institutions shall, in relation to the performers of agricultural activities, undertake relevant financial and other activities for the purpose of development of the agriculture.

II. PERFORMERS OF AGRICULTURAL ACTIVITY

Chapter one
Individual Farmer as Performer of Agricultural Activity

**Conditions and Manner of Performing Agricultural
Activity by Individual Farmer**

Article 18

The individual farmer may perform agricultural activity if he, beside the main condition anticipated in Article 11 of this Law, fulfills the following requirements:

1. To be of legal age;
2. To be in a generally good health condition;
3. Not to be employed or retired;
4. A final decision containing a safety measure – suspension to perform the registered activity not to have been pronounced against him;
5. To have settled due tax levies and other public charges;
6. Not to have been registered in the Trade Registry.

Article 19

A natural person, who is employed, i.e. who is retired, may be allowed to perform a registered agricultural activity of a smaller scale, if he, within a period of one month from the date of registration in the Registry of Individual Farmers, submits evidence to the Regional Office of the Ministry of Agriculture, Forestry and Water Supply that his employment has terminated, i.e. has waived the right to retirement.

If the evidence pertaining to paragraph 1 of this Article within the set time period, the Regional Office of the Ministry, shall ex officio determine that there was no legal basis for registration in the Registry of Individual Farmers, i.e. that the negative response to the registration is legally founded.

1. Registration in the Registry of Individual Farmers

Article 20

In order to perform an agricultural activity pursuant to Article 7, paragraph 1 of this Law, the individual farmer shall submit a request to the Regional Office of the Ministry for registration in the Registry of the place where the agricultural land on which the activity is to be performed, is located.

With the request, the individual farmer shall also enclose the evidence from Article 18 items 1 through 6 of this Law.

The Regional Office of the Ministry shall, within 15 days from the receipt of the request for registration, make a decision for registration for performing an agricultural activity.

An appeal may be filed within 15 days from the receipt against the decision from paragraph 3 of this Article, which states that the registration is rejected, to the committee

for administrative matters of second instance from the field of agriculture with the Government of the Republic of Macedonia.

Article 21

The decision for registration for performing an agricultural activity, in the Registry administered by the Regional Office of the Ministry shall contain the following:

- 1) name, father's name, surname and address of residence of the individual farmer;
- 2) personal identification number of the citizen;
- 3) main activity and code of the activity;
- 4) trade name and seat;
- 5) abbreviated trade name, if any;

The Regional Office of the Ministry of Agriculture, Forestry and Water Supply in the place of residence of the individual farmer shall submit one sample of the decision pertaining to paragraph 1 of this Article to the Ministry of Agriculture, Forestry and Water Supply, to the Administrative Body in charge of public revenue in the place where the agricultural activity has been registered, to the Pension Fund, Health Fund and the Bureau in charge of mediation for employment in the place of living of the individual farmer.

With the registration of the agricultural activity in the Registry, the farmer shall obtain the status of an individual farmer.

The Minister of Agriculture, Forestry and Water Supply shall bring more detailed regulation on the form and content of the Registry of Individual Farmers.

2. Trade Name of the Individual Farmer

Article 22

The individual farmer must have a trade name:

The company shall contain:

- name which refers to the main activity;
- name and surname of the individual farmer;
- main activity
- seat of the individual farmer.

Article 23

The trade name under which the individual farmer performs agricultural activity shall be written in Macedonian language, with the Cyrillic alphabet, and beside this, it may also be translated in other languages and alphabets, provided that the content is the same.

If the trade name under which the individual farmer performs agricultural activity, is written in other languages and alphabets, beside the Macedonian, they shall be entered into the Registry of Individual Farmers in the other languages and alphabets, as well.

A same or similar activity performed by other person may not be entered in the Registry of Individual Farmers administered by Regional Units of the Ministry under the same trade name.

Article 24

The individual farmer shall be obligated, in his operations, to use a trade name under which he performs agricultural activity, in a form as it has been entered into the Registry of Individual Farmers.

The individual farmer may use an abbreviation of the trade name under which he performs agricultural activity that distinguishes the farmer from other individual farmers.

The abbreviated trade name shall be entered into the Registry of Individual Farmers.

3. Seat

Article 25

The seat of the individual farmer shall be the place of his residence.

4. Evidence of Sold Products

Article 26

The individual farmer shall not keep business books, while his tax obligations shall be determined on a lump basis, with a special regulation by the Public Revenue Office.

5. Liabilities

Article 27

The individual farmer shall be liable for his obligations towards third parties with his entire property.

6. Temporary Cancellation of Agricultural Activity

Article 28

The individual farmer may temporary cancel his operations in cases of:

1. Disease – while not capable to work;
2. Serving or finishing his military obligation;
3. Detention or imprisonment up to six months, i.e. in case when a safety measure has been pronounced which prohibits performing the activity for a period from six months to one year.

In cases pertaining to paragraph 1, items 1, 2 and 3 of this Article, the individual farmer, for the purpose of performing agricultural activity, may temporarily employ a

person who will manage the agricultural activity, if such person meets the requirements under Article 18 of this Law, for which shall be obligated to inform the Regional Unit of the Ministry within three days from the date of evidence of the employment contract in the service in charge of employment mediation.

The cancellation of the activity for a period not exceeding 30 days shall not be deemed as temporary cancellation.

The individual farmer shall be obligated within seven days to report the temporary cancellation of the activity to the Regional Unit of the Ministry.

Article 29

The Regional unit of the Ministry where the entry into the Registry for Individual Farmers has been made, shall, upon request by the individual farmer, issue a decision for temporary cancellation of the agricultural activity.

The decision pertaining to paragraph 1 of this Article shall be delivered to the state authorities from Article 21 paragraph 2 of this Law.

Article 30

In case when the individual farmer starts to perform the activity prior to the time set forth in the decision for temporary cancellation, he shall be obligated to report the continuation of the agricultural activity to the Regional Unit of the Ministry within three days from the day when the reason for temporary cancellation of the agricultural activity has ceased to exist.

The Regional Unit of the Ministry shall inform the state authorities pertaining to Article 21 paragraph 2 of this Law about the continuation of the agricultural activity under paragraph 1 of this Article.

The individual farmer, when reporting the continuation of the activity in cases pertaining to Article 28 paragraph 2 of this Law, shall be obligated to submit evidence that the employment contract is terminated if it exceeds the number of employees referred to in Article 8 of this Law.

Article 31

The individual farmer shall terminate his activity and shall be deleted from the Registry of Individual Farmers by:

1. Deleting and
2. By force of Law.

Article 32

In case of termination of the activity of the private farmer by deleting from the Registry, the Regional Unit of the Ministry shall make a decision based on a written request by the individual farmer.

If the notice for deletion does not contain the date of termination of the activity of the individual farmer, the date of submission of the request shall be considered as the date when the activity of the individual farmer is terminated.

The decision pertaining to paragraph 1 of this Article shall be entered into the Registry of Individual Farmers and be submitted to the responsible authorities pertaining to Article 21 paragraph 2 of this Law.

The individual farmer shall be obligated to announce the termination in public media, at least 30 days prior the termination of the activity.

Article 33

The Regional Unit of the Ministry shall delete the decision for entry into the Registry of Individual Farmers and shall pronounce the termination of the agricultural activity should it conclude that the farmer has received the decision for entry on the basis of false evidence.

7. Termination of performing agricultural activity

Article 34

The individual farmer shall stop performing agricultural activity by force of law in cases of:

1. Losing capabilities to work, or in case of death, except in cases when a member of the family may continue the commenced duties, but for a period not exceeding one year;
2. Conviction to imprisonment for a period exceeding 6 months;
3. Prohibition to perform agricultural activity by an effective decision or a court measure;
4. Employment, i.e. acquiring the right to pension, or in case of starting other business activity and
5. Exceeding the performance of agricultural activity of lesser volume.

Chapter II

Trader as a Performer of Agricultural Activity

Article 35

A trader (a sole proprietor and a trade company) may perform agricultural activity if, besides the main condition for performing agricultural activity prescribed in Article 11 of this Law, he has a vocational education, i.e. professional qualification for performing such an activity.

Article 36

A trader shall have vocational education pursuant to Article 35 of this Law provided that he has acquired at least a diploma for completing a relevant secondary school of agriculture.

The professional qualification of the trader pursuant to Article 35 of this Law shall be examined by a Committee established by the Minister of Agriculture, Forestry and Water Economy.

If the trader does not fulfill one of the requirements prescribed by Article 35, he may perform the agricultural activity provided that he employs a person meeting these requirements.

Application of the Provisions of the Law on Trade Companies

Article 37

Provisions of the Law on Trade Companies regarding the conditions, manner of performing agricultural activity, supervisions and penalty provisions shall refer to the trader as a performer of agricultural activity, unless otherwise provided by this Law.

Chapter III

Agricultural Cooperative as a Performer of Agricultural Activity

Article 38

Agricultural cooperative shall be a form of voluntary pool of material assets and labor of natural persons for the purpose of providing better conditions for performing agricultural activity, by providing various services by the cooperative and its members, if entered into the relevant Registry.

Types of Agricultural Cooperatives

Article 39

As an agricultural cooperative pursuant to Article 38 of this Law shall also be considered the pooling for the purpose of ensuring the complete process or certain phases of the production process of a certain type or several types of agricultural products (specialized and multi-functional cooperative).

Article 40

As an agricultural cooperative pursuant to Article 38 of this Law shall also be considered the pooling of agricultural land on which the members of the cooperative have ownership rights, or the cooperative has a right to lease, for the purpose of efficient production of a certain type or types of agricultural products (production and operational agricultural cooperative).

Application of Provisions of Other Law

Article 41

Special regulations shall apply to agricultural cooperatives regarding the terms, manner of performing the activity and organization.

III. Supervision

Article 42

The Ministry of Agriculture, Forestry and Water Economy shall carry out supervision over the legitimacy of the operation of performers of agricultural activity.

The inspection over the implementation of provisions of this Law regarding the fulfillment of requirements for performing agricultural activity shall be performed by the State Inspectorate of Agriculture, as well as other authorities in charge of inspection regarding the separate issues determined by this Law.

Article 43

In case of performing agricultural activity or activities without being registered in the relevant Registry, the inspector in charge shall make a decision, which will prohibit the performance of the activity or activities.

Article 44

In case the individual farmer exceeds the requirements for performing agricultural activity of lesser volume during his operations determined in Article 8 of this Law, the inspector in charge shall make a decision for prohibiting the performance of the activity as an individual farmer and shall inform the Ministry of Agriculture, Forestry and Water Economy, which made the entry into the Registry of Individual Farmers.

An appeal against the decision pertaining to paragraph 1 of this Article may be filed to the Ministry of Agriculture, Forestry and Water Economy, within 15 days from the receipt of the decision.

The appeal against the decision pertaining to paragraph 1 of this Article shall not postpone the execution of the decision.

Article 45

If the agricultural activity or activities are performed by a person who does not fulfill the requirements under Article 11 (for an individual farmer), i.e. one of the requirements under Articles 11 and 35 (for a trade), the inspector in charge of agriculture shall make a decision for prohibiting the performance of the activity or activities.

Article 46

Should the performer of agricultural activity produce or sell own agricultural products harmful for the human, plant and animal health, the market inspector shall make a decision for prohibiting such products to be released on the market.

Article 47

Should the performer of agricultural activity produce or sell own agricultural products that do not meet ecological requirements pursuant to environmental regulations, the inspector in charge shall make a decision for prohibiting further production or release of such products on the market.

IV. Penalty Provisions

Article 48

A fine from 15.000 to 150.000 denars shall be levied upon a trader performing agricultural activity if:

1. The activity is performed by a person, who does not meet the requirements pertaining to Articles 11, 35 and 36, paragraph 3 of this Law;
2. He does not perform the activity in compliance with the provisions of this Law, the Law on Trade Companies and the Law on Agricultural Land and the relevant regulations (Article 14, paragraph 1, item 1);
3. He does not display a price list of his products in a visible place if sold on retail sale (Article 14, paragraph 1, item 2);
4. He produces or sells a product harmful for the health of people, plants and livestock (Article 14, paragraph 1, item 3);
5. He performs, or starts to perform agricultural activity without being registered, i.e. without being entered into the Trade Registry (Article 15, paragraphs 1 and 2);
6. He is entered into the Trade Registry under more than one type of performers of agricultural activity, prescribed in Article 7 of this Law (Article 15, paragraph 3) and
7. He performs agricultural activity or activities not listed in the decision for entry into the Trade Registry (Article 16).

For activities pertaining to paragraph 1 of this Article, the responsible person working for the trader performing agricultural activity shall also be fined from 3.000 to 10.000 denars.

Article 49

An individual farmer shall be fined in the amount from 8.000 to 30.000 denars if:

1. He is not registered pursuant to Article 8, paragraph 2 of this Law;
2. He does not fulfill one of the requirements from Article 11 and one of the requirements from Article 18 of this Law while performing agricultural activity;
3. He does not perform the activity in compliance with the provisions of this Law, the Law on Agricultural Land and the relevant regulations (Article 14, paragraph 1, item 1);
4. He does not display a price list of his products in a visible place, when sold for retail sale (Article 14, paragraph 1 item 2);
5. He has produced or released for sale a product harmful for the human, plant and livestock health (Article 14, paragraph 1 item 3);
6. He performs or starts to perform agricultural activity without being entered into the Registry of Individual Farmers (Article 15, paragraphs 1 and 2);

7. He is entered into the Registry under more than one type of performers of agricultural activity, prescribed in Article 7 of this Law (Article 15, paragraph 3 and Article 18, paragraph 1, item 6);
8. He performs agricultural activity or activities not indicated in the decision for entry into the Registry (Article 16);
9. He does not use the company under which he performs the agricultural activity as entered into the Registry of Individual Farmers (Article 24);
10. He does not notify within seven days the temporary termination of the activity to the Regional Unit of the Ministry of Agriculture, Forestry and Water Economy (Article 28, paragraph 4);
11. He starts performing the activity before the expiration of the time defined in the decision for temporary termination, without notifying the continuation of performing the agricultural activity to the Regional Unit of the Ministry, within three days from the date the reason resulting in temporary termination of the agricultural activity has ceased to exist, and if he does not submit evidence that the employment contract with the worker has been terminated in case the number of workers exceeds the number determined in Article 8 of this Law (Article 28, paragraph 2) and
12. He does not announce in public media the termination of performing such activity with 30 days before the date of termination (Article 32, paragraph 4).

For activities pertaining to paragraph 1, item 5 of this Article, beside the monetary fine, a safety measure shall be pronounced as well – prohibition to perform the activity for a period from three months to one year.

For activities pertaining to paragraph 1, items 9 and 10 of this Article, beside the monetary fine, a safety measure shall be pronounced as well – prohibition to perform agricultural activity for a period from three months to one year, in case the offence is repeated.

Article 50

A fine from 8.000 to 30.000 denars shall be levied upon natural person who is engaged in agriculture activity contrary to Article 7, paragraph 4 of this Law.

V. FINAL PROVISIONS

Article 51

The necessary reconciliation in the Law on Trade Companies shall be made within three months from the date of enforcement of this Law.

Article 52

This Law shall enter into force on the eighth day after its publication in the Official Gazette of the Republic of Macedonia.