

LAW ON MARKET INSPECTION  
(Official Gazette 35/97, 23/99)

Article 1

This Law regulates the competence, authority and organization of the State Market Inspectorate (hereinafter: Inspectorate).

Article 2

State market inspectors carry out the matters within the competence of the Inspectorate (hereinafter: Inspectors).

The inspectors directly supervise the enforcement of the Laws, regulations and other enactment by trade companies and other legal and natural entities that carry out activities and citizens (hereinafter: legal and natural entities), regarding the:

- commodity and service exchange
- prevention of the monopoly position and monopolist behavior, unfair competition and dumping prices and other activities for limitation of the free market and entrepreneurship
- commodity and service prices in production and in exchange
- commodity and service quality in production and in exchange, specified by standards and regulations;
- control over the usage of measurement units and measures, in commodity exchange and in service activities
- sale of objects made of precious metals;
- protection of the commodity and service seals, signs and codes
- quality signs and products' origin labels
- foreign commodity and service exchange and foreign commercial transactions and
- other things stipulated by Law.

Article 3

The Inspectorate prepares analyses, information and reports about the condition about spheres in its competence of supervision that shall be periodically published.

Article 4

The Inspectorate takes measures and is in charge for the technical ability and advanced training of the inspectors.

## Article 5

As market inspector can be the person who meets the following criteria:

- citizen of the Republic of Macedonia;
- high vocational training and at least three years experience and
- not to have criminal procedure against him and not to be convicted for criminal acts against the state, the official duty, against the public finance and economy, as well as for a criminal act committed with pre-meditation, for which he may be convicted to at least one year imprisonment.

## Article 6

The activities in the Inspectorate are in charge of a Chief State market inspector.

The Chief State market inspector has a deputy.

## Article 7

During the supervision, the market inspectors must have an identity card, issued by the Minister of Trade, by which they confirm their official duty and they are obliged to show it upon a request of the client.

The Minister of Trade passes regulations about the form and the design and content of the identity card, as well as about the method of issue and confiscation.

## Article 8

During the supervision the inspector, within its competence stipulated by this Law and other Laws, shall be independent in his work and authorized to examine the goods, premises and other facilities, equipment, business books, agreements, identifications and other documents that provide insight in the work of the legal and natural entities, regarding the observance of the regulations.

During the supervision the market inspector may take a statement from the persons responsible, the legal entity, the natural entity and from witnesses, to take samples, and if there is a need, to use services from the expert organizations and persons.

The legal and natural entities, which are under the supervision of the Market Inspection, have a duty to enable the Inspector unimpeded supervision and to submit the necessary documentation at his request.

After the supervision carried out, the inspector is obliged to make a report.

## Article 9

The inspector is obliged to take into procedure the applications by the legal and natural entities for violation of regulations in competence of the Market Inspection.

The inspector is obliged to notify the applicants of paragraph 1 of this Article for the condition stated and the measures taken.

## Article 10

If during the supervision the inspector states that the regulation has not been applied or has been inappropriately applied by the legal or natural entities, he is obliged to make a decision, by which he shall impose an administrative measure stipulated by Law or by other regulation.

## Article 11

If during the supervision the inspector states that the legal or the natural entity puts on sale goods without documents from the supplier, those goods shall be temporary seized.

## Article 12

An appeal may be lodged against the decision for an administrative measure, on the basis of this Law or other regulation passed by the inspector, to the second rate organ determined by Law within eight days from the day of its submission.

## Article 13

If the inspector states that there is a base for administrative and other measures to be taken and these to be in competence of another organ, he is obliged to notify that organ without delay.

## Article 14

If the inspector considers the regulation infringement caused a criminal act or offence, he is obliged to lodge an appeal for an infringement procedure, i.e. appeal for a criminal offence procedure.

## Article 15

If the Law provides a possibility to seize goods and objects of a criminal act or offence, the inspector may temporary seize the products or the objects and he is obliged to give certification with an accurate description and quantity of those products and objects.

In the appeal about criminal offence procedure, that is the appeal for infringement procedure, the Inspector is obliged to state the measure taken, in terms of paragraph 1 of this Article.

#### Article 16

The Ministry of Trade may sell the products taken away from unknown persons or may cede them without compensation to the Red Cross of the Republic of Macedonia and to other humanitarian organizations, as well to state organs and organizations.

The Minister of Trade stipulates the conditions and method of concession the products and sale of paragraph 1 of this Article.

The funds obtained from the sale of the products of paragraph 1 of this Article are revenues in the Budget of the Republic of Macedonia.

#### Article 17

The Inspectorate shall sell the products that may be damaged and after covering the expenses from the sale, shall be paid in the account of the Budget of the Republic of Macedonia.

#### Article 18

If during the supervision is necessary to do research (analyses and other expertise), the expenses of the research shall be paid by the client in the expert organization that has carried out the research.

#### Article 19

When stipulated by Law, the market inspector may collect a fine on the spot (mandate fine).

#### Article 20

The market inspector is obliged to keep the information gained during the supervision or submitted by the legal and natural entities as a business secret in terms of Provision of the Article 8 of this Law.

The market inspector must not give public statements about the measures taken by him, by which he may disrupt the reputation of the legal entity or the physical person, that is the raised procedures in his competence until their legal validity, unless the Inspectorate considers that it is necessary to give a

statement in order to protect the life or the health, that is the property of the citizens.

#### Article 21

During the supervision, the inspectors apply the provisions of the Law on Basic Administrative Procedure, except otherwise provided by Law.

#### Article 22

If the market inspector does not lodge an appeal, that is appeal for a procedure in terms of Article 14 of this Law, he shall be considered as he had committed violation of the official duty.

#### Article 23

A legal entity shall be punished with a monetary fine of 30.000 to 100.000 denars for and offence if:

- obstructs the market inspector in the supervision and does not submit the necessary documentation about it (Article 8, paragraph 3) and
- does not proceed with the executive decision of the inspector (Article 10).

A natural entity shall be punished with a monetary fine of 30.00 to 100.000 denars for an action committed from the Article 23 of this Law.

For the offence of paragraph 1 of this Article, besides monetary fine, a protective measure of prohibition to perform an activity for the period of three months to one year shall be imposed.

#### Article 25

The inspectors who do not fulfil the condition regarding the education, from the Article 5 item 2 of this Law after the day it enters into force, shall proceed as State market inspectors, if they complete an appropriate education two years more than the term prescribed for a regular completion of that education.

#### Article 26

The following Law shall cease to be valid by entering into force of this Law: the Law on Market Inspection ("Official Gazette of the SRM" number 40/73, 6/79, 34/84, 7/86, 23/90 and "Official Gazette of the RM" number 13/94) and the Law on Federal Market Inspection ("Official Gazette of the SFRJ" number 24/74, 23/80, 22/87, 71/87 and 35/91).

#### Article 27

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