

# LAW ON POLITICAL PARTIES

CONSOLIDATED TEXT 1

## I. GENERAL PROVISIONS

### Article 1

This Law shall regulate the manner, the conditions and the procedure for establishment, registration and dissolution of political parties.

### Article 2

(1) The political party shall be a voluntary organization of citizens, formed for the purpose of exercising and protecting the political, economic, social, cultural and other rights and convictions and for the purpose of participating in the process of adoption political decisions when participating in the authority.

(2) The political parties shall achieve their aims by democratic forming and expressing the political will and participating in elections, as well as in other democratic manner.

### Article 3

The program, statute and activity of the political parties can not be aimed at:

- forcible destruction of the constitutional order of the Republic of Macedonia;
- stimulating and calling on war aggression and
- fanning national, racial or religious hatred or intolerance.

### Article 4

Within their activity, the political parties shall consider the adherence to the principle of gender equality in the availability of the functions in the political party.

### Article 5

Any discrimination on the basis of being or not being a member of a political party shall be forbidden.

### Article 6

(1) The political parties shall be equal before the Constitution and the law.

(2) The political parties shall be guaranteed liberty and independence in the activity and in determining their internal structure, aims and selection of democratic forms and methods of acting.

(3) The political parties must not form war or semi-war structures in their internal organization.

### **Article 7**

(1) The political parties shall be organized and act in accordance with the territorial principle.

(2) The political parties must not be established and act within the state authority bodies (legislative, executive and judicial), as well as within the public enterprises, public institutions and other organizations founded by the Republic of Macedonia, the municipalities and the City of Skopje.

### **Article 8**

(1) The political parties may be members in international organizations and cooperate with foreign political parties.

(2) Political parties registered in other states can not act on the territory of the Republic of Macedonia.

### **Article 9**

(1) The political parties shall be non-profit organizations.

(2) The political parties shall acquire the funds for their activity and shall have them at their disposal in the manner determined by law.

### **Article 10**

The establishment, operation and financial and material operation of the political parties shall be public.

## **II. ESTABLISHMENT AND REGISTRATION OF POLITICAL PARTIES**

### **Article 11**

(1) A political party may be established by at least 1.000 citizens of the Republic of Macedonia who have voting right and who have given their signatures for establishment of only one political party.

(2) Any adult or legally capable citizen of the Republic of Macedonia who shall give a signature for voluntary membership in a political party may be a member of that political party.

(3) The political party shall be obliged, before the period of every four years from the day of registration expires, to submit individually given signatures, notary verified, with number of signatures necessary for establishment of the political party to the basic court referred to in Article 17 paragraph (2) of this Law.

(4) Gathering signatures referred to in paragraph (3) of this Article shall start 90 days before the day of the expiry of the time limit from the last registration of the political party.

(5) Upon the expiry of the time limit referred to in paragraph (3) of this Article, the basic court, within eight days, shall be obliged to notify the political party to act in accordance with the time limit determined in paragraph (3) of this Article.

(6) The political party shall be obliged, within eight days from the day when the notification of the basic court is received, to act in accordance with paragraph (3) of this Article.

(7) Unless the political party acts within the time limit determined in paragraph (6) of this Article, the basic court, ex officio, shall adopt a determination on deletion of the political party from the court register and after the legal validity of the determination it shall notify the Basic Court Skopje II – Skopje for the purpose of deleting the political party from the Unified Court Register of Political Parties.

(8) The deletion of the political party from the court register and the Unified Court Register of Political Parties shall be published in the "Official Gazette of the Republic of Macedonia" (and in at least two public media, one of which shall be in the official language different from the Macedonian, spoken by at least 20% of the citizens of the Republic of Macedonia), within 15 days from the day the political party is deleted from the court register.

## **Article 12**

(1) Being a member of the political party shall be voluntary.

(2) Any member may freely resign from the political party.

## **Article 13**

(1) The signatures for establishment of the political party shall be given in a form which consists of:

- personal name of the founder;
- personal number of the founder;
- address of the founder;
- name and shortened name of the political party and
- signature of the founder.

(2) The signatures for establishment of a political party shall be given together with a statement in the presence of a notary public.

## **Article 14**

(1) The political party shall be established on founders' assembly where a decision on establishment, program, statute shall be adopted and its bodies elected.

(2) The decision on establishment of the political party shall consist of:

- name and a shortened name of the political party;
- headquarters of the political party;
- personal name of the authorized person who shall perform the works connected with registration in the Court Register and
- personal names of the founders, personal number and address of permanent residence in the Republic of Macedonia.

## **Article 15**

The program of the political party shall include provisions for the aims and selection of the form and method of acting of the political party.

## **Article 16**

(1) The statute of the political party shall include provisions for:

- the name and the shortened name of the political party;
- the headquarters of the political party;
- the political aims of acting, achievement of publicity in the work and manner of acting;
- the conditions and manner of becoming a member and termination of the membership and the rights, obligations and responsibilities of the members;
- the representation of the political party;

- the bodies of the political party, manner of their election and revocation, duration of the mandate and manner of decision-making;
- the acquisition and disposal with the funds;
- the dissolution of the political party;
- dealing with the assets in case of dissolution of the political party and
- symbols of the political party (flag, symbol, emblem etc.).

(2) The name and the symbols of the political party shall differ from the name and the symbols of the registered political parties in the Republic of Macedonia.

(3) The name and the symbols of the political party can not include the name, i.e. the symbols of the Republic of Macedonia, of the state bodies, of the municipalities and the City of Skopje, as well as of other state and international organizations.

### **Article 17**

(1) The political parties shall be inscribed in a register according to their headquarters kept by the competent basic court (hereinafter: court register).

(2) Court Register of Political Parties shall be kept by the basic courts determined by the Law on Courts.

(3) The data recorded in the Court Register shall be public.

(4) The Minister of Justice shall prescribe the form and the content of the form for inscribing in the Court Register and the manner of its keeping which shall be published in the "Official Gazette of the Republic of Macedonia" and on the web site of the Ministry of Justice.

### **Article 17-a**

(1) On the basis of the data obtained by the courts referred to in Article 17 paragraph (1) of this Law, the Basic Court Skopje II – Skopje shall keep a Unified Court Register of Political Parties.

(2) The same data inscribed in the court register shall be inscribed in the Unified Court Register of Political Parties.

### **Article 18**

(1) The political party shall be obliged, within 30 days from the day the foundation assembly is held, to submit a request for inscribing in the Court Register.

(2) The following shall be enclosed with the request for inscribing in the Court Register:

- minutes for the work of the foundation assembly which includes the date and the place of holding the foundation assembly;
- decision on establishment;
- statement for establishment;
- program;
- statute;
- decision on election of the political party bodies where the personal name of the president of the political party, i.e. of the person who shall represent the political party and the name of the person, i.e. persons liable for the material and financial operation shall be stated;
- originals or copies of the citizenship certificate of the founders verified by a notary public and
- photo in color of the art and graphical design of the symbol of the political party.

### **Article 19**

(1) The court shall record the date and hour of submission of the request for inscribing the political party in the Court Register.

(2) If the request referred to in paragraph (1) of this Article is sent by mail, the day and the hour of its submission in the post office shall be considered as a date and hour of submission of the request.

### **Article 20**

(1) If the court determines that the request for inscribing the political party in the Court Register is incomplete, i.e. the program and the statute do not contain the issues determined by Articles 15 and 16 of this Law, it shall invite the submitter of the requestor to supplement the request for inscribing in the Court Register within 30 days.

(2) Unless the submitter of the request for inscribing in the Court Register acts in accordance with paragraph (1) of this Article, the Court shall adopt a decision by which it shall reject the request for inscribing in the Court Register.

### **Article 21**

(1) If the court determines that the request for inscribing in the Court Register is complete, i.e. that it includes the issues determined by the provisions of this Law, it shall be obliged within 15 days from the day the request is submitted, to adopt a determination on inscribing the political party in the Court Register.

(2) The determination on inscribing the political party in the Court register shall include:

- the name and the headquarters of the political party;
- the shortened name of the political party;
- the name of the president of the political party, i.e. of the person who shall represent the political party and
- the name of the person, i.e. the persons liable for the material and financial operation of the party.

### **Article 22**

(1) If the Court determines that the program and the statute of the political party are contrary to this Law, it shall invite, within 30 days, the submitter of the request for inscribing in the Court Register to harmonize the acts of the party with provisions of this Law.

(2) Unless the submitter of the request for inscribing in the Court Register acts in accordance with paragraph (1) of this Article, the Court shall reject the request for inscribing in the Court Register by a determination.

### **Article 23**

(1) If the name or the symbols of the political party are contrary to the provisions of this Law, the Court shall invite, within 30 days, the submitter of the request for inscribing in the Court Register to submit a request with a new name or symbols of the political party.

(2) Unless the submitter of the request for inscribing in the Court Register acts in accordance with paragraph (1) of this Article, the Court shall reject the request for inscribing in the Court Register by a determination.

### **Article 24**

(1) If two or more requests for inscribing political parties with same name or symbol are submitted, the political party which has first submitted the request to

the Court shall have the right to be registered under that name, i.e. to use that symbol.

(2) If the requests referred to in paragraph (1) of this Article are submitted simultaneously, then the political party which has first held the foundation assembly shall have the right to be registered under that name, i.e. to use that symbol.

### **Article 25**

(1) The determination referred to in Article 11 paragraph (7) and the determination by which the request for inscribing in the Court Register is rejected shall include an explanation for the reasons for its rejection.

(2) An appeal against the determination referred to in Article 11 paragraph (7) and the determination by which the request for inscribing in the Court Register is rejected may be filed with the Court of Appeals in Skopje within 15 days from the day the determination is received.

### **Article 26**

(1) The political party shall have the capacity of a legal entity.

(2) The political party shall commence working and acquire the capacity of a legal entity as of the day of the registration in the Court Register.

(3) The political party shall be obliged to open a gyro account within 15 days from the day of registration in the Court register.

### **Article 27**

(1) The political party shall be obliged to notify the Court of the changes of the program and the statute within 30 days from the day the changes are made and to submit them together with the minutes from the session at which they have been adopted.

(2) The political party shall be obliged to notify the Court of the election of a new president, i.e. of a person who shall represent the political party, as well as of the election of a new person, i.e. persons liable for the material and financial operation of the party and to submit the decision on election of these persons and the minutes from the session at which the election has been made.

(3) If the political party makes changes to the program and the statute, as well as to the data recorded in the Court Register, it shall be obliged to notify the Court within 30 days from the day the changes have been made.

(4) The Court shall be obliged to adopt a determination on inscribing the changes in the Court register within 15 days from the day of submission of the notification.

### **Article 28**

(1) The documents submitted for the purpose of registration of the political party shall be kept in the Court.

(2) Anyone shall have the right to insight and to obtain a copy of the documents for registration, except of the decision and the statements for establishment of the political party and citizenship certificates of the founders.

## **III. DISSOLUTION OF POLITICAL PARTIES**

### **Article 29**

The political party shall be dissolved by deleting from the Court Register:

- when the political party submits a request for deletion from the Court register;
- on the basis of legally valid determination on deletion of the political party from the Court Register, adopted by the Court on the basis of this Law;
- when the political party is forbidden to act by a legally valid determination, in accordance with the provisions of this Law;
- when the body determined by the statute of the political party adopts a decision on merging with another political party;
- when the number of the members of the political party determined by Article 11 of this Law is decreased and
- when the Constitutional Court of the Republic of Macedonia determines that the program or the statute of the political party are not in compliance with the Constitution.

### **Article 30**

(1) A request for deletion from the Court Register may be submitted by the political party when:

- the body determined by the statute of the political party adopts a decision on dissolution.

(2) The person who represents the political party shall be obliged, within 15 days from the occurrence of the basis referred to in paragraph (1) of this Article for dissolution of the political party, to notify the Court for the purpose of deletion of the political party from the Court Register.

(3) The Court, by a determination, shall determine the dissolution of the political party and shall delete the party from the Court Register on the basis of the determination.

### **Article 31**

(1) If the political party is inscribed in the Court Register on the basis of false data, the competent public prosecutor shall file a motion with the Court for initiation of a procedure for deleting the political party from the Court Register.

(2) The proceedings upon the proposal shall be held within eight days from the receipt of the motion referred to in paragraph (1) of this Article.

(3) The competent public prosecutor and the person authorized for representation of the political party shall be invited at the proceedings as parties.

(4) The procedure in the Court shall be conducted in accordance with the rules of litigation procedure, unless otherwise determined by the provisions of this Law.

(5) The Court shall adopt a determination rejecting the motion of the public prosecutor or a determination on deletion of the political party from the Court register.

(6) The determination on deletion of the political party from the Court Register must be explained.

(7) An appeal against the determination on deletion from the Court Register may be filed with the Court of Appeals in Skopje within 15 days from the day of the receipt of the determination.

### **Article 32**

(1) Unless the name and the symbols of the political party are in accordance with Article 16 paragraphs (2) and (3) of this Law, the competent public prosecutor shall file a motion for initiation of a procedure for prohibition on using the name and the symbols of the political party with the Court.

(2) Any political party may file a motion for initiation of a procedure for prohibition on using the name or the symbols of a certain political party with the Court, if it considers that the name or the symbols of the political party, which is later inscribed in the Court Register, are the same as its own.

(3) The hearing upon the motion for initiation of a procedure referred to in paragraphs (1) and (2) of this Article shall be held within eight days from the day of the receipt of the motion.

(4) The moving party for initiation of a procedure and the person authorized for representation of the political party shall be invited at the hearing as parties.

(5) If the Court determines infringement of the provisions referred to in Article 16 paragraphs (2) and (3) of this Law, it shall adopt a determination obliging the political party to harmonize the statute with the provisions of this Law and to submit it to the Court within 30 days.

(6) An appeal against the determination of the Court may be filed with the Court of Appeals in Skopje.

(7) Unless the political party within 30 days from the legal validity of the determination makes the necessary changes, the Court shall adopt a determination on dissolution of the political party and on its deletion from the Court register.

(8) An appeal against the determination on dissolution of the political party and on its deletion from the Court register may be filed with the Court of Appeals in Skopje.

### **Article 33**

(1) If the activity of the political party is contrary to Article 3 and Article 6 paragraph (3) of this Law, the competent public prosecutor shall file a motion for prohibition on the activity of the political party.

(2) The procedure shall be conducted in the basic court competent according to the headquarters of the political party.

(3) The procedure in the basic court referred to in paragraph (1) of this Article shall be conducted in accordance with the litigation procedure rules, unless otherwise determined by the provisions of this Law.

(4) The hearing upon the motion shall be held within eight days from the day of receipt of the motion.

(5) The competent public prosecutor and the person authorized for representation of the political party shall be invited at the hearing as parties.

(6) The basic court may hold the hearing without the parties being present provided they have been duly summoned and that has been clearly stated in the hearing summons.

### **Article 34**

Upon the held hearing, the basic court may adopt a determination by which:

- the motion of the competent public prosecutor is rejected;
- reprimand prior to prohibition on action of the political party is imposed or
- the activity of the political party is forbidden.

### **Article 35**

The basic court shall be obliged to adopt a determination prohibiting the activity

of the political party if determines that the activity of the political party is not in accordance with Article 3 and Article 6 paragraph (3) of this Law, and that the political party has already been pronounced a reprimand prior to the prohibition on activity during the passed three calendar years.

### **Article 36**

(1) The basic court shall state the basis for the reason of prohibiting the activity and shall explain it in the determination by which the activity of the political party is prohibited.

(2) The basic court shall adopt the determination upon the held hearing, and the president of the council shall immediately, upon completion of the hearing, publish the determination.

(3) The determination shall be prepared in a written form, and a verified transcription shall be submitted to the parties within three days of its publication.

(4) An appeal against the determination may be filed with the Court of Appeals competent for the region of the basic court by the political party and the competent public prosecutor within eight days from the day of receipt of the determination.

(5) The Court of Appeals shall decide on the appeal within eight days from the day of receipt of the appeal and the documents in relation to the case.

(6) The legally valid determination on prohibition on activity of the political party shall be submitted to the Court, for the purpose of deletion of the political party from the Court Register.

### **Article 37**

The individual behavior and action of members of the political party, contrary to the program and the statute of the political party, who are not authorized for such action by the political party, i.e. by its bodies, shall not be considered as activity of the political party referred to in Article 33 of this Law.

### **Article 38**

If the Constitutional Court of the Republic of Macedonia, by a decision, determines that the program or the statute of the political party are not in accordance with the Constitution of the Republic of Macedonia, the Basic Court Skopje – Skopje, as a registration court, on the basis of the decision, shall adopt a determination on dissolution of the political party.

On the basis of the determination referred to in paragraph 1 of this Article, the Court shall delete the political party from the Court Register.

### **Article 39**

(1) The determinations on registration, i.e. the legally valid determination on deletion of the political party from the Court Register shall be published in the "Official Gazette of the Republic of Macedonia".

(2) The political party shall bear the costs for the publication.

## **IV. MISDEMEANOR PROVISIONS**

### **Article 40**

(1) A fine in the amount of Euro 800 to 4.800 in Denar counter-value shall be

imposed for a misdemeanor on the political party:

- which is organized and acts contrary to Articles 3 and 7 paragraph (2) of this Law;
- *abolished* <sup>2</sup>
- which shall commence working before the registration in the Court Register in accordance with Article 22 of this Law and
- which within the envisaged time limit does not submit a notification of the change in the program and the statute in accordance with the Article 27 of this Law to the Court.

(2) The responsible person of the political party shall be also imposed a fine in the amount of Euro 160 to 800 in Denar counter-value for a misdemeanor.

### Article 41

The authorized person of the political party shall be imposed a fine in the amount of Euro 160 to 800 in Denar counter-value for a misdemeanor, provided after the adoption of the determination on dissolution of the political party or decrease of the number of members determined for establishment (s)he does not notify the Court for the purpose of deletion from the Court Register within 15 days from the day of its dissolution, i.e. from the decrease of the number of the members.

## V. TRANSITIONAL AND FINAL PROVISIONS

### Article 42

The registered political parties shall be obliged to harmonize their statutes with the provisions of this Law within three months from the day this Law enters into force.

### Article 43

The procedure for registration of the political parties which is not completed to the day this Law enters into force, shall be completed in accordance with the provisions of this Law.

### Article 44

The Minister of Justice shall adopt the regulation referred to in Article 17 paragraph (4) of this Law within 30 days from the day this Law enters into force.

### Article 45

As of the day this Law enters into force, the Law on Political Parties ("Official Gazette of the Republic of Macedonia" number 41/94) shall cease to be valid.

### Article 46

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

#### **PROVISIONS OF OTHER LAW:**

Law Amending the Law on Political Parties ("Official Gazette of the Republic of Macedonia" no. 5/2007):

#### **Article 12**

The Minister of Justice shall adopt an Instruction on the manner and procedure for taking over the Court Register and the files from the Basic Court Skopje I – Skopje by the Basic Court Skopje II – Skopje and the form referred to in Article 1 paragraph (3)

and Article 2 paragraph (1) of this Law within a period of 30 day from the day this Law enters into force.

The taking over of the Court Register and the files referred to in paragraph (1) of this Article shall be made within a period of 30 days from the day of application of this Law.