



LAW ON LOBBYING OF THE FYR OF MACEDONIA (2008)

I. GENERAL PROVISIONS

Article 1

- (1) This Law shall regulate the lobbying principles, the conditions for acquiring lobbyist position, the registration of the lobbyists, the maintenance of the Lobbyists Register, the lobbyists' rights and obligations, the activities that are not deemed as lobbying and the measures that can be imposed to lobbyists for breach of the provisions of this Law.
- (2) This Law shall apply to lobbying in the legislative and executive branch of government on central level, as well as in the councils and mayors on local level.
- (3) The parties involved in lobbying shall obey the principles prescribed in this Law.

Article 2

- (1) Certain terms used in this Law shall have the following meaning:
 - "Lobbying" is an activity directed toward the legislative and executive branch of government on central level, as well as to the local government in order to realize certain interests in the process of passing laws and other regulations.
 - "Lobbyist" is an individual who performs lobbying for certain monetary compensation, who is registered for lobbying according to this Law, or who is employed with a legal entity registered for lobbying and who has signed a lobbying contract and
 - "Lobbying client" is interested individual or legal entity who has an interest from the lobbying in the legislative, executive and local government.

II. LOBBYING PRINCIPLES

Article 3

- (1) Lobbying is performed voluntarily, based on written contract between the lobbyist i.e. the legal entity with which the lobbyist is employed and the lobbying client, as lobbying parties.
- (2) The lobbying client shall issue an authorization to the lobbyist with which the lobbyist is presented in front of the lobbying authorities.
- (3) The contract stipulated in paragraph (1) of this article shall regulate the conditions for lobbying, according to this Law, as well as the lobbying fee.

Article 4

Lobbyist shall act consciously and responsibly, according to this Law and within the boundaries of the contract stipulated in article 3 of this Law.

Article 5

The information that the lobbyist received from the client or which have been acquired by the lobbyist shall be confidential, unless the lobbying parties determine otherwise in the contract stipulated in article 3 of this Law.

Article 6

The lobbying is transparent and the lobbying client, as lobbying party, has the right to review the lobbyist's activities, as well as the activities important for lobbying, at any time.

III. CONDITIONS FOR ACQUIRING THE POSITION OF LOBBYIST

Article 7

(1) Lobbyist can be a national who fulfils the conditions determined in this Law and who is registered in the Register or employed with a legal entity which has signed a lobbying contract.

(2) Lobbyists have to fulfil the following conditions:

- university level education in the lobbying field,
- has a legal capacity and
- has not been penalized, i.e. has not been imposed a misdemeanour sanction ban of activity or profession in the lobbying field.

(3) A person who is not national of the Republic of Macedonia may lobby in the Republic of Macedonia if he/she is registered lobbyist according to this Law.

Article 8

(1) Elected and appointed officials who have professional functions in the legislative, executive and local government are not allowed to lobby during their term.

(2) The officials stipulated in paragraph (1) of this article may not lobby after the cease of their function, as long as they receive salary according to the Law.

(3) The officials stipulated in paragraph (1) of this article may lobby after one year from the day of cease of the right stipulated in paragraph (2) of this article.

Article 9

(1) Responsible persons in public enterprise or public institution established by the legislative, executive or local government and responsible persons in organizations with public authority are not allowed to lobby during their term.

(2) The persons stipulated in paragraph (1) of this article are not allowed to lobby in the first six months after their term.

(3) The persons employed with the legislative, executive and local government are not allowed to lobby while they are employed with those authorities.

(4) The persons stipulated in paragraph (2) of this article are not allowed to lobby in the first six months after the cease of their employment.

IV. REGISTRATION OF THE LOBBYISTS

Article 10

(1) The Secretary General of the Assembly of the Republic of Macedonia shall maintain the Lobbyists Register (hereinafter: the Register).

(2) The Register is public.

(3) The Minister of Justice shall prescribe the shape and content of the form for registration in the Register and the method of its maintaining.

Article 11

(1) The Register shall include the following data on the lobbyists:

- name and surname, unique identification number and address an

- the name and headquarters of the legal entity with which the lobbyist is employed.

(2) The lobbyist shall be registered for the period of one year with possibility for renewal.

(3) Lobbyists may request to be removed from the register before the expiration of the registration stipulated in paragraph (2) of this article.

(4) Lobbyists are obligated to report any change in the data stipulated in paragraph (1) of this article within five working days.

Article 12

(1) The application for registering shall include the data stipulated in article 11 paragraph (1) of this article and a certificate for registration of the legal entity with which the lobbyist is employed or for registration as sole proprietor.

(2) The Minister of Justice shall prescribe the shape and contents of the form of the application for registration, renewal of the registration and removal from the Register.

Article 13

(1) The Secretary General of the Assembly of the Republic of Macedonia shall issue certificate for registration, renewal of the registration or removal from the Register within eight days from the day of submission of the form stipulated in article 12 paragraph (2) of this Law.

(2) The lobbyist shall be issued an identity card after the registration in the Register.

(3) If the lobbyist is removed from the Register, regardless on the reason, he/she is obligated to return the identity card.

(4) The Minister of Justice shall prescribe the shape and content of the identity card issued to the lobbyists, as well as the method of issuing.

Article 14

(1) If the application for registration does not include the data prescribed with the application form, the Secretary General of the Assembly of the Republic of Macedonia shall ask the applicant to remove correct the application within three days.

(2) If the applicant acts according to paragraph (1) of this article, he/she shall be registered in the Register and shall be issued an identity card.

(3) If the applicant fails to act according to paragraph (1) of this article, the Secretary General of the Assembly of the Republic of Macedonia shall issue a resolution for rejection of the application for registration.

(4) Against the decision stipulated in paragraph (3) of this article, which is final, the applicant has the right to initiate an administrative dispute in front of relevant court.

V. RIGHTS AND OBLIGATIONS OF THE LOBBYISTS

Article 15

(1) Lobbyists have the right to receive information and documents regarding the subject of the lobbying from the lobbying authorities, in a procedure and in scope prescribed with the Law on Free Access to Information of Public Character.

(2) Lobbyists may realize direct meetings with the officials in the authorities of the legislative and executive branch as well as with the officials in the local government, according to the rules of those authorities.

Article 16

(1) On the meetings stipulated in article 15 paragraph (2) of this Law, the lobbyist is obligated to show the data important for the lobbying to the official, especially for whom he/she is lobbying and the intention of the lobbying.

(2) Lobbyists are obligated to present all the meeting with officials in the legislative, executive and local government in the report stipulated in article 22 of this Law.

Article 17

(1) Lobbyists may request to present their positions and opinions on the lobbying subject in the working bodies of the legislative and executive branch on central level, as well as in the working bodies in the local government authorities in which he/she lobbies.

(2) The working bodies of the legislative and executive branch on central level and the working bodies of the local government authorities may invite lobbyists to present their opinion regarding the lobbying subject.

Article 18

(1) Lobbyists are obligated to submit correct data to the official, representative of the legislative or executive branch on central level, as well as to the official, representative of local government.

(2) The lobbyist's request for meeting with an official of the legislative, executive or local government may be rejected with explanation of the reasons.

Article 19

(1) Lobbyists may organize and participate in public debates on the lobbying subject.

(2) Lobbyists may give statements in the media and may publish articles on the lobbying subject.

Article 20

During lobbying lobbyists are obligated to act according to the regulations regarding prevention of conflicts of interests and prevention of corruption.

Article 21

Registered lobbyists are obligated to submit a written report on their work to the Secretary General of the Assembly of the Republic of Macedonia and to the State Commission for Prevention of Corruption, not later than 31st of January if the current year, for the previous year or not later than 30 days from the day of removal from the Register, regardless on the reasons for removal.

Article 22

The Report stipulated in article 21 of this Law shall include:

- evidence/certificate that he/she is registered as lobbyist according to this Law,
- data for whom, what and when he/she has lobbied,
- data where and through which activities he/she has lobbied and
- data on the financial compensation he/she received for the lobbying.

VI. ACTIVITIES WHICH ARE NOT DEEMED AS LOBBYING

Article 23

- (1) The activities of the persons called to participate in the process of preparation i.e. explanation/implementation of laws and other regulations by the legislative, executive or local government shall not be deemed as lobbying regardless on the fact if they perform the activity with or without compensation.
- (2) The activities within the sense of paragraph (1) of this article undertaken by legal entities (agencies, institutions, citizen associations from various fields) shall not be deemed as lobbying regardless on the fact if they perform the activity with or without compensation.
- (3) The activities of citizens associations according to paragraph (1) of this article regarding representation of interests of their members or certain target groups shall not be deemed as lobbying within the sense of this Law if they are performed without compensation.

VII. SUPERVISION ON THE LOBBYING

Article 24

- (1) The State Commission for Prevention of Corruption shall supervise the lobbying.
- (2) The official is obligated to report to the State Commission for Prevention of Corruption if certain lobbyist acts contrary to this or other Law.
- (3) State commission for prevention of corruption shall send the report stipulated in paragraph (1) of this Law to the lobbyist for reply on its quotations and to the legal entity with which the lobbyist is employed.
- (4) The lobbyist and the legal entity shall give the reply stipulated in paragraph (3) of this article within five working days.
- (5) If the checking of the facts of the report stipulated in paragraph (2) of this article shows that they are correct, the lobbyist and the legal entity may be imposed one of the measures stipulated in article 25 of this Law.

VIII. TYPES OF MEASURES

Article 25

- (1) The State Commission for Prevention of Corruption shall warn the lobbyist if he/she fails to act according to article 21 of this Law or if the conditions of article 24 paragraph (5) of this Law are fulfilled and shall inform the Secretary General of the Assembly of the Republic of Macedonia and the legal entity stipulated in article 8 paragraph (3) of this Law.
- (2) The State Commission for Prevention of Corruption shall submit an initiative to the Secretary General of the Assembly of the Republic of Macedonia to remove the lobbyist form the register if he/she has been warned twice in the period of validity of the contract stipulated in article 3 of this Law.
- (3) The Secretary General of the Assembly of the Republic of Macedonia is obligated to act according to the initiative stipulated in paragraph (2) of this article.

Article 26

- (1) The State Commission for Prevention of Corruption shall warn the legal entity with which the lobbyist who has been imposed the measure stipulated in article 25 paragraph (1) of this Law is employed.
- (2) The State Commission for Prevention of Corruption shall submit an initiative to the Central Registry to delete the activity from the registration of the legal entity with which the

lobbyist who has been imposed the measure stipulated in article 25 paragraph (2) of this Law is employed.

(3) The State Commission for Prevention of Corruption shall send information to the Secretary General of the Assembly of the Republic of Macedonia for the procedure stipulated in paragraph (2) of this article.

Article 27

The lobbyist and the legal entity with which the lobbyist is employed may initiate a procedure in front of relevant court, according to the Law, against the measures stipulated in articles 25 and 26 of this Law.

IX. TRANSITIONAL AND FINAL PROVISIONS

Article 28

The bylaws determined in this Law shall be enacted within three months from the day of effectiveness of this Law.

Article 29

This Law shall become effective on the eighth day from the day of publication in the “Official Gazette of the Republic of Macedonia”.