

**L A W****ON CATERING ACTIVITY****Consolidated text<sup>1</sup>****I. GENERAL PROVISIONS****Article 1**

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

**Article 2**

The catering activity shall imply provision of catering services for accommodation and nutrition services thereof.

**Article 3**

Catering services shall consist of: food preparation and serving, preparation of meals for consumption elsewhere, serving alcoholic drinks and beverages, preparation and serving of hot and cold drinks and providing accommodation services.

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<sup>1</sup> The consolidated text of the Law on Catering Activity shall include: the basic text of the Law, as published in the Official Gazette of RM, No. 62/04, the Law amending and supplementing the Law on Catering Activity, as published in the Official Gazette of RM, No. 89/08, Law amending and supplementing the Law on Catering Activity, as published in the Official Gazette of RM, No. 115/10, Law amending and supplementing the Law on Catering Activity, as published in the Official Gazette of RM, No. 53/11, Law amending and supplementing the Law on Catering Activity, as published in the Official Gazette of RM, No. 141/12, Law amending and supplementing the Law on Catering Activity, as published in the Official Gazette of RM, No. 164/13, Law amending and supplementing the Law on Catering Activity, as published in the Official Gazette of RM, No. 187/13, Law amending and supplementing the Law on Catering Activity, as published in the Official Gazette of RM, No. 166/14, Law amending and supplementing the Law on Catering Activity, as published in the Official Gazette of RM, No. 199/14, Law amending and supplementing the Law on Catering Activity, as published in the Official Gazette of RM, No. 129/15, Law amending and supplementing the Law on Catering Activity, as published in the Official Gazette of RM, No. 192/15, Law amending and supplementing the Law on Catering Activity, as published in the Official Gazette of RM, No. 39/16, Law amending and supplementing the Law on Catering Activity, as published in the Official Gazette of RM, No. 53/16 and Law amending and supplementing the Law on Catering Activity, as published in the Official Gazette of RM, No. 71/16, in which the time of their entry into force and application is noted.

## II. PERFORMERS OF CATERING ACTIVITY

### **Article 4**

Catering activity may be performed by business associations and sole proprietors recorded in the Commercial Register (hereinafter referred to as: performers of catering activity).

The natural persons who, pursuant to the provisions of this Law, shall perform catering activity shall be recorded in the Register managed by the mayor, and in the City of Skopje, by the mayor of the municipality on the territory of the City of Skopje.

The form and content, as well as the manner of managing the Register referred to in paragraph 2 of this Article shall be prescribed by the Minister with jurisdiction in catering affairs.

### **Article 4-a**

The natural persons, who, pursuant to the provisions of this Law shall perform catering activity, shall submit a request for entry into the Register to the mayor of the municipality, and in the City of Skopje, to the mayor of the municipality on the territory of the City of Skopje.

With the request referred to in paragraph 1 of this Article, the following documents shall be enclosed:

- statement to the State Market Inspectorate for fulfilment of minimum technical conditions;
- evidence of ownership in the case of natural persons delivering catering services for accommodation in houses, apartments and rooms,
- evidence of ownership or proof on the right to utilisation, if it relates to village households providing services of renting rooms and apartments, and
- evidence of paid administrative tax in the amount of 50 MKD.

The officer of the municipality, of the municipality within the City of Skopje and of the City of Skopje, managing the procedure, shall ex officio collect evidence referred to in paragraph 2 alinea 1, 2 and 3 of this Article, from the public authority in charge, within three working days from the submission of the request.

The officer of the public authority in charge shall be bound to share the requested evidence referred to in paragraph 3 of this Article within three days from the day of receipt of the request.

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The form and content of the request from referred to in paragraph 1 of this Article shall be prescribed by the Minister managing the state administration body with jurisdiction in catering affairs.

#### **Article 4-b**

The mayor of the municipality and within the City of Skopje, the mayor of the municipality on the territory of the City of Skopje shall within eight days from the day of receipt of the request referred to in Article 4-a paragraph 1 of this Law, adopt a decision for entry into the Register.

The mayor of the municipality and within the City of Skopje, the mayor of the municipality on the territory of the City of Skopje shall within eight days from the day of receipt of the request referred to in Article 4-a paragraph 1 of this Law, adopt a decision for rejection of the request for entry into the Register, in the event that the request is incomplete.

The form and content of the decision form referred to in paragraphs 1 and 2 of this Article shall be prescribed by the Minister managing the state administration body with jurisdiction in catering affairs.

#### **Article 4-c**

The natural persons recorded in the Register referred to in Article 4-a, of this Law shall within 15 days from the day of termination of performing the activity they were registered for, submit a request for termination of validity of the decision for entry into the Register.

With the request referred to in paragraph 1 of this Article, the following documentation shall be enclosed:

- decision for entry into the Register of natural persons performing catering activity,
- and

- evidence for paid administrative tax in the amount of 50 MKD.

The officer of the municipality, and within the City of Skopje, of the municipality of the City of Skopje, running the procedure shall ex officio collect the evidence referred to in paragraph 2 alinea 1 of this Article, from the own records within three working days from the day of receipt of the request.

The mayor of the municipality, and in the City of Skopje, the mayor of the municipality on the territory of the City of Skopje shall, based on the request referred to in paragraph 1 of this Article, within eight days, adopt a decision on termination of validity of the decision for entry into the Register of the natural person.

The form and content of the request form referred to in paragraph 1 of this Article shall be prescribed by the Minister managing the state administration body with jurisdiction in catering affairs.

The form and content of the decision form referred to in paragraph 4 of this Article shall be prescribed by the Minister managing the state administration body with jurisdiction in catering affairs.

#### **Article 5**

The provisions of this Law shall not apply to provision of food and accommodation services in facilities owned by legal entities organising food and accommodation for their employees, educational, educational-correctional, social, healthcare and other institutions, as well as in the food and accommodation facilities of the state administration body with jurisdiction in defence affairs and other defence units, the food and accommodation facilities of the state administration body with jurisdiction in internal affairs and other public administration institutions.

#### **Article 5-a**

The legal entities and natural persons in the field of catering, in order to advance their activity, may unite into various association forms, in accordance with a Law.

### **III. REQUIREMENTS AND MANNER OF PERFORMING CATERING ACTIVITY**

#### **1. Requirements for performing the activity**

#### **Article 6**

The stipulated minimum technical requirements for performing catering activity must be fulfilled.

In addition to the requirements referred to in paragraph 1 of this Article, the following requirements must be fulfilled: the facility shall be made operational, sanitary-health requirements, occupational safety requirements, environment protection and promotion requirements, fire protection requirements and requirements for protection against noise, as prescribed by a Law.

The catering activity in catering facilities such as night bar, cabaret, disco club and outdoor disco club may be performed if the performer of catering activity has obtained consent by the state administration body with jurisdiction in internal affairs, claiming that the requirements for protection of public order and traffic safety have been fulfilled.

### **Article 7**

The performer of the catering activity shall be bound to notify the State Market Inspectorate and the mayor of the municipality, and in the City of Skopje, the mayor of the municipality on the territory of the City of Skopje according to the location and seat of the facility, that is, according to the location where the services are provided, about the fulfilment of the requirements referred to in Article 6 paragraph 1 of this Law, at least 15 days prior to the commencement of the operation of the catering facility.

The performer of the catering activity shall be bound to report the amendments to the requirements referred to in Article 6 paragraph 1 of this Law to the State Market Inspectorate, to the mayor of the municipality, and in the City of Skopje, to the mayor of the municipality on the territory of the City of Skopje, according to the location and seat of the facility, that is, according to the location where the services are provided, within 15 days from the amendments occurred.

The Minister of Economy shall prescribe the form and content of the application referred to in paragraphs 1 and 2 of this Article.

### **Article 8**

The mayor of the municipality, and in the City of Skopje, the mayor of the municipality on the territory of the City of Skopje, shall maintain records of performers of catering activity commencing the work on their territory.

The mayor of the municipality on the territory of the City of Skopje shall inform the mayor of the City of Skopje of the recording of natural persons in the Register in terms of Article 4 paragraph 2 of this Law, as well as of the declaration of performers of catering activity commencing the work on their territory, in terms of paragraph 1 of this Article.

### **Article 9**

The Minister managing the state administration body in charge of catering affairs shall prescribe the minimum-technical requirements for performing catering activity, as well as the requirements for categorisation of the catering activity.

### **Article 10**

The Minister managing the state administration body with jurisdiction in catering affairs shall prescribe the form and content of the form on the manner of recordkeeping referred to in Article 8 paragraph 1 of this Law.

## **2. Scope and manner of operation of the performers of catering activity**

### **Article 11**

The performers of catering activities shall carry out the activity in accordance with this Law, as well as with special customs and usage in the catering and other business

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customs in the catering and depending on the types and manner of provision of catering services in the appropriate types of catering facilities.

### **Article 12**

Catering activity may be performed in business facilities or business-residential and residential-business facilities, arranged and equipped for provision of catering services, if the requirements are fulfilled for performance of catering activity, as stipulated by this Law.

The catering activity may also be performed in facilities or premises where another activity is performed, provided that the stipulated requirements for performing catering activities are fulfilled.

The catering activity may be performed away from the business facility in a place intended, as organised and equipped for provision of catering services provided that the mayor of the municipality, and in the City of Skopje, by the mayor of the City of Skopje has approved such activity thereof.

The catering activity in the catering facilities - night club, cabaret and disco club may not be performed in a business facility situated in a collective residential building.

Food catering facilities within catering facilities for accommodation shall be considered those facilities that both in terms of construction and functionally belong to natural persons or legal entities registered for performing catering activity.

In performing catering activity in food catering facilities, at least one person should be employed, holding at least high school diploma in the field of catering.

Articles 13 and 14 have been deleted; see: Law amending and supplementing the Law on Catering Activity (Official Gazette of RM, No. 89/08).

### **Article 15**

The catering facilities of closed type in educational, correctional, social, healthcare and other institutions as assigned by the Government of the Republic of Macedonia, following the proposal of the Minister managing the state administration body with jurisdiction in catering affairs, in the facilities of the public administration, and in the food facilities for employees of legal entities may not serve alcoholic drinks and beverages thereof.

## **3. Name and types of catering facilities**

### **Article 16**

Catering facilities may be the following:

- 1) accommodation catering facilities, and
- 2) food catering facilities.

### **Article 17**

The name of the catering facility shall be determined in accordance with the type of catering services mainly provided in that respective facility.

The catering facilities, according to the type of catering services shall be named in accordance with the National Classification of Activities.

The name of the type of the catering facility may be changed, if the requirements prescribed for provision of other types of services in the catering facility have been fulfilled.

The name and content of the type of the catering facility stated in Article 16 of this Law shall be prescribed by the Minister managing the state administration body with jurisdiction in catering affairs.

### **Article 18**

The accommodation catering facilities shall be classified into:

1) basic accommodation catering facilities including hotels, hotel villages, apartments villages, villages, motels, boarding houses, residences, tourist villages and alike, and

2) complementary accommodation facilities, including: lodging houses, inns, camping sites, private accommodation facilities (rooms, apartments, houses), resorts (for children, youth, workers, persons with disabilities and alike), other complementary facilities (hostels, mountain houses, temporary accommodation facilities and alike).

### **Article 19**

Food catering facilities shall be classified into:

1) restaurants (restaurant, inn, self-service restaurant, express restaurant, kiosk, dairy food restaurant, garden restaurant, summer garden, kebab restaurant, bistro, pizza restaurant, fast food facilities and alike);

2) bars (dining facility, cafeteria, night club, coffee bar, cabaret, disco club, outdoor disco club, pub and alike);

3) national restaurant – inn;

4) canteen, and

5) other food catering facilities.

The catering facility referred to in paragraph 1 of this Article shall have an employee with professional education in the field of catering.

### **Article 19-a**

For the food catering facility national restaurant – inn, the state administration body with jurisdiction in catering affairs shall issue a special designation mark.

The Minister managing the state administration body with jurisdiction in catering affairs shall prescribe the form and content of the form of the special designation mark stated in paragraph 1 of this Article.

To be able to obtain the designation mark referred to in paragraph 1 of this Article, the catering facility should fulfil the following criteria:

1) categorisation conducted in accordance with Article 27 of this Law, but not with expired validity date;

2) the food offer in the menu lists should be in ratio of at least 70% domestic traditional meals, against the international meals, whilst the offer of wine and other drinks shall be in ratio of at least 80% wines and other drinks produced in the Republic of Macedonia, against international wines and other drinks;

3) in the external and internal arrangement of the catering facility, natural materials should be used, such as designs from the domestic traditional culture, national instruments, costumes, furniture, dishes and alike;

4) the clothes of the staff members should contain traditional applications and designs, and

5) the music played in the catering facility shall be authentic with acoustic sound.

The designation mark referred to in paragraph 1 of this Article may not be transferred.

The manner and closer criteria for obtaining the designation mark referred to in paragraph 1 of this Article shall be determined by the Government of the Republic of Macedonia, following the proposal of the Minister managing the state administration body with jurisdiction in catering affairs within 30 days from the day of entry into force of this Law.

#### **Article 19-b**

The procedure of obtaining the designation mark referred to in Article 19-a, of this Law shall be conducted by a Commission implementing the procedure for obtaining designation mark of national restaurant – inn (hereinafter referred to as: Commission), consisted of five members, with deputy members.

The Commission shall be formed by the Minister managing the state administration body with jurisdiction in the field of catering and is consisted of one member of the state administration in charge of catering affairs, one member from the Ministry of Culture, one member from the Cabinet of the Vice-President of the Government of the Republic of Macedonia in charge of Economic Affairs and Coordination of Economic Resources, one member from the tourism chambers and one member from catering economy.

The member from the state administration body with jurisdiction in catering affairs in the Commission shall also be in the capacity of President of the Commission.

Relating to the procedure implemented, the Commission shall draft a decision within 30 days from the day of submission of request, if the criteria as determined by Article 19-a, of this Law have been fulfilled.

The decision referred to in paragraph 4 of this Article shall be issued for a validity period of three years. Against the decision referred to in paragraph 4 of this Article a claim may be lodged to the State Commission deciding in administrative proceedings and in second-instance labour relations proceedings.

The expenses to obtain the designation mark referred to in Article 19-a, of this Law shall be borne by the performer of catering activity.

The amount of the expenses referred to in paragraph 7 of this Article shall be determined by the Minister managing the state administration body with jurisdiction in catering affairs, based on real expenses for the Commission's work and for the preparation of the decision.

The expenses referred to in paragraph 7 of this Article shall be paid at own account, to the state administration body with jurisdiction in catering affairs.

#### **Article 19-c**

To obtain the designation mark referred to in Article 19-a paragraph 1 of this Law, the performer of catering activity shall submit a request to the state administration body with jurisdiction in the catering affairs.

With the request referred to in paragraph 1 of this Article, the following documents shall be enclosed:

- 1) Decision issued by the Central Register of the Republic of Macedonia, and
- 2) Decision for Categorisation Conducted.

The officer of the state administration body with jurisdiction in catering affairs, who shall manage the procedure shall ex officio gather evidence referred to in paragraph 2 of this Article, from the competent public authority within three working days from the day of submission of request.

The officer of the competent public authority shall be obliged to submit the requested evidence referred to in paragraph 3 of this Article within three days from the day of receipt of the request.

The form and content of the request form referred to in paragraph 1 of this Article shall be prescribed by the Minister managing the state administration body with jurisdiction in catering affairs.

#### **Article 19-d**

The state administration body with jurisdiction in catering affairs shall run a Register of National Restaurants – Inns.

The Minister managing the state administration body with jurisdiction in catering affairs shall prescribe the form, content and manner of running the Register of National Restaurants – Inns.

#### **Article 19-e**

The designation mark referred to in Article 19-a paragraph 1 of this Law shall be confiscated under a Decision of the Minister managing the state administration body with jurisdiction in catering affairs in the cases when the designation mark holder shall fail to fulfil the criteria determined under this Law.

An appeal may be lodged against the Decision referred to in paragraph 1 of this Article to the State Commission deciding in administrative proceedings and in second-instance labour relations proceedings.

#### **Article 20**

Catering activity in a night bar, cabaret, disco club and outdoor disco club shall be performed based on a licence.

The hotels with at least four stars may perform the activity referred to in paragraph 1 of this Article without any licence thereof.

The licence referred to in paragraph 1 of this Article shall be issued by the state administration body with jurisdiction in catering affairs.

The Minister managing the state administration body with jurisdiction in catering affairs shall prescribe the form and content of the licence form, as well as the manner of issuance and confiscation of the licence.

### **Article 21**

To obtain the licence referred to in Article 20 paragraph 1 of this Law, the performer of the catering activity shall be obliged to submit a request for issuance of licence, using a remuneration form to the Ministry of Economy, for provision of services for the following:

- cabaret – from EUR 2,500 to EUR 5,000 in MKD equivalent;
- night club – from EUR 5,000 to EUR 7,000 in MKD equivalent, and
- disco club and outdoor disco club – from EUR 7,000 to EUR 10,000 in MKD equivalent.

With the request referred to in paragraph 1 of this Article, the following documentation shall be submitted:

1) Decision on entry into the Commercial Register issued by the Central Register of the Republic of Macedonia;

2) Decision determining the remuneration amount for a cabaret, night club, disco club and outdoor disco club, as adopted by the Municipal Council and for the City of Skopje, the Council of the City of Skopje;

3) Statement for fulfilment of minimum-technical requirements for performing catering activity;

4) Consent issued by the state administration body with jurisdiction in internal affairs attesting that the requirements for protection of public order and traffic safety have been fulfilled, and

5) evidence of paid administrative tax of 50 MKD.

The officer of the state administration body with jurisdiction in catering affairs, who shall run the procedure shall ex officio collect evidence referred to in paragraph 2 alinea 1, 2, 3 and 4 from the competent public authority within three working days from the day of submission of the request.

The officer of the competent public authority shall be obliged to share the requested evidence referred to in paragraph 3 of this Article within three days from the day of receipt of the request.

The remuneration amount referred to in paragraph 1 of this Article shall be determined by the Municipal Council, and for the City of Skopje, the Council of the City of Skopje.

The remuneration under paragraph 1 of this Article shall be paid by 50% to the account of the municipality, and in the City of Skopje, to the account of the City of Skopje and the remaining 50% shall be paid to the Budget of the Republic of Macedonia in MKD equivalent according to the medium foreign exchange rate of the National Bank of the Republic of Macedonia on the day of the payment.

The form and content of the request form under paragraph 1 of this Article shall be prescribed by the Minister managing the state administration body with jurisdiction in catering affairs.

30 days prior to the expiration of validity of previously issued licence, the Ministry of Economy shall remind the holder of the licence about its validity period.

The reminder shall be shared by sending an electronic message at the email address obtained from the Current Account of the legal entity.

The reminder may be also shared by SMS, in case the licence holders have extended prior consent that such SMS shall be on their account.

#### **Article 21-a**

Appeal may be lodged against the decision of the state administration body with jurisdiction in catering affairs, rejecting the request for licence issuance, to the State Commission deciding in administrative proceedings and in second-instance labour relations proceedings.

#### **Article 21-b**

The licence for performing catering activity in a night bar, cabaret, disco club and outdoor disco club shall be confiscated under a Decision adopted by the state administration body with jurisdiction in catering affairs, in the cases when the licence holder fails to fulfil the conditions determined under this Law.

Appeal may be lodged against the decision referred to in paragraph 1 of this Article, to the State Commission deciding in administrative proceedings and in second-instance labour relations proceedings.

#### **Article 22**

The licence referred to in Article 20 of this Law shall be issued within 15 days from the day the performer of catering activity has submitted the request and it shall be valid for a period of one year.

The licence may not be transferred.

Article 22-a has been deleted; see: Law amending and supplementing the Law on Catering Activity (Official Gazette of RM, No. 53/16).

## **4. Working hours of the catering facilities**

### **Article 23**

The performer of catering activity may organise the performance of catering activity into working hours, as follows:

1) The accommodation catering facilities (hotels, motels, boarding houses, tourist villages, lodging houses and resorts) may work from 00.00 to 24.00 hrs, and the food catering facilities located within the accommodation catering facilities may offer only fast food catering services after 24.00 hrs;

2) the food catering facilities referred to in Article 19 paragraph 1 alinea 1 of this Law, representing one construction entirety and located at border crossings, airports, railway stations and petrol stations may work from 00.00 to 24.00 hrs;

3) the food catering facilities, regardless of the type of catering services shall work from 07.00 to 24.00 hrs, and on 31 December up to 07.00 hrs next day;

4) the food catering facilities, regardless of the type of catering services during Fridays and Saturdays, before holidays, as well as between 1 June and 31 August and between 25 December and 15 February may work from 07.00 to 01.00 of the next day, and on 31 December up to 07.00 hrs of the next day, on 1 and 2 January up to 03.00 hrs of the next day;

5) the catering facilities – night bar and cabaret may operate from 20.00 to 04.00 hrs of the next day, on Fridays and Saturdays, before holidays, as well as between 1 June and 31 August and between 25 December and 15 February they may operate from 20.00 to 05.00 hrs of the next day, and on 31 December up to 20.00 hrs of the next day, on 1 and 2 January up to 06.00 hours of the next day, and

6) The catering facility – disco club and outdoor disco club may operate from 19.00 to 04.00 hrs of the next day, on Fridays and Saturdays, before holidays, as well as between 1 June and 31 August and between 25 December and 15 February they may operate from 19.00 hrs to 05.00 of the next day, and on 31 December up to 19.00 hrs of the next day, on 1 and 2 January up to 06.00 hrs of the next day.

Notwithstanding the provisions of paragraph 1 alinea 2, 3 and 4 of this Article, the fast food catering facilities (sandwich bars) may operate up to 01.00 hrs in the winter season and up to 02.00 hrs in the summer season and on Fridays and Saturdays, before holidays – by 05.00 hrs.

The Municipal Council or the Council of the City of Skopje may extend their working hours by maximum 2 hours for specific tourism, culture and other types of events, as contained in the annual programmes, for catering facilities referred to in paragraph 1 of this Article, but in duration of mostly three days.

### **Article 24**

The performer of the catering activity shall determine the working hours of the catering facility, in accordance with Article 23 of this Law, in accordance with their business interests, the characteristics of the area where the catering activity is performed and the needs of the service consumers.

### **Article 25**

The performer of the catering facility shall be obliged to report the opening hours and the schedule of the working hours to the mayor of the municipality and in the City of

Skopje, to the mayor of the municipality on the territory of the City of Skopje, as well as to the State Labour Inspectorate within eight days prior to the commencement of performing the catering facility and prior to the change of the hours and of the schedule of working hours of the catering facility.

The mayor of the municipality, and in the City of Skopje, the mayor of the municipality on the territory of the City of Skopje shall keep records of the working hours of the catering facilities operating in the area under their jurisdiction.

In case of objective reasons demanding closure of the catering facility or change of working hours out of influence of the performer of the catering activity, the latter may close the catering facility, or change the schedule of working hours without having to fulfil the obligation under paragraph 1 of this Article. He shall be obliged to notify the mayor of the municipality, and in the City of Skopje, the mayor of the municipality on the territory of the City of Skopje, as well as the State Labour Inspectorate within five days from the day the reason occurred.

The performer of the catering activity shall file the application on a form determining the opening hours and the schedule of the working hours.

The Minister managing the state administration body with jurisdiction in labour and social policy affairs shall prescribe the form and content of the form for determination of the opening hours and the schedule of the working hours.

#### **Article 26**

The performer of the catering activity shall be obliged to post the working hours at the entrance of the facility and at a visible place in the facility.

The performer of the catering facility shall be obliged to abide by the working hours referred to in Articles 23 and 25 of this Law.

### **5. Categorisation of catering facilities**

#### **Article 27**

The accommodation catering facilities (hotel, motel, boarding house, tourist apartment, mountain house, hunters' house), as well as the food catering facilities – restaurant and national restaurant – inn, prior to the commencement of the activity, shall be compulsorily categorised by stars, as per terms and standards prescribed for separate types of such facilities in regard to the arrangement, equipment and quality of services.

The houses, apartments and rooms for rent by natural persons and village households shall be compulsorily categorised as per the terms stipulated under paragraph 1 of this Article.

#### **Article 27-a**

The categorisation of the accommodation catering facilities under Article 27 paragraph 1 shall be done by the Commission for Categorisation of Catering Facilities (hereinafter referred to as: Commission), formed by the Government of the Republic of Macedonia.

The Commission shall work in composition of 13 members, of which three representatives from the Ministry of Economy, three representatives from the Office of the President of the Government of the Republic of Macedonia, one representative from

the Cabinet of the Vice-President of the Government of the Republic of Macedonia in charge of Economic Affairs and Coordination with Economic Competences, one representative from the Ministry of Finance, one representative from the Ministry of Transport and Communications, one representative from the Ministry of Environment and Physical Planning, one representative from the Ministry of Culture, one representative from the Agency for Promotion and Support of Tourism and one representative from the State Market Inspectorate.

The Commission members shall have their deputies.

The members and the deputy members of the Commission shall hold university degree in the field of construction engineering, architecture, economy, tourism and catering and law, depending on the jurisdictions of the state administration bodies where they are delegated from.

The president of the Commission shall be elected from among the Commission members for a period of one year, on a rotary principle.

The members and the deputy members shall be entitled to remuneration for their work in the Commission.

The manner of the Commission's work shall be closely regulated under Rules of Procedure, as adopted by the Commission with majority of votes from the total number of members.

The expert and administrative-technical operations for the needs of the Commission shall be performed by the organisational unit in charge of tourism and catering affairs within the Ministry of Economy.

#### **Article 27-b**

The Commission referred to in Article 27-a shall have the jurisdiction to do categorisation of accommodation catering facilities stated in Article 27 paragraph 1 of this Law. For the categorisation done, the Commission shall draft a report containing proposal on specific category of the catering facility within 30 days from the day of submission of the categorisation request.

The report stated in paragraph 2 of this Article shall be drafted based on an immediate insight conducted by the Commission in the catering facility that is subject to the categorisation request. Integral part of the report referred to in paragraph 2 of this Article is a photo documented material used as evidence of fulfilment of conditions and standards under which the categorisation is done, as well as the proposed category for the catering facility and the manner of vote for each Commission member individually, with appropriate explanation for the proposed category.

The report referred to in paragraph 2 of this Article shall be adopted and signed by all members of the Commission and it shall be submitted to the Ministry of Economy within 3 days from the day of its adoption.

Pursuant to the Report referred to in paragraph 2 of this Article, the Ministry of Economy shall within 15 days at the latest, from the day of receipt of the Report, submit it to the Government of the Republic of Macedonia with a proposal-decision for determination of category for the catering facility.

The Government of the Republic of Macedonia shall adopt a decision for determination of category for the catering facility, with validity period of three years.

In case the catering facility has been assigned a category that is higher than the one proposed in the request referred to in Article 27-c paragraph 2 alinea 4, the Decision stated in paragraph 6 of this Article shall stipulate the obligation that the categorisation requester do additional payment to the fee so as to reach the amount for the appropriate category referred to in Article 27-d paragraph 1 of this Law.

Administrative dispute may be initiated before the court of jurisdiction against the decision referred to in paragraph 6 of this Article within 30 days from the day of receipt of the decision.

The decision referred to in paragraph 6, along with the Report referred to in paragraph 2 of this Article shall be published on the website of the Government of the Republic of Macedonia.

The Ministry of Economy shall submit the Decision referred to in paragraph 6 of this Article to the categorisation requester within five days from the day of its adoption.

The Minister managing the state administration body with jurisdiction in catering affairs shall prescribe the content of the Report referred to in paragraph 2 of this Article.

### **Article 27-c**

The request for categorisation of the accommodation catering facility referred to in Article 27 paragraph 1 shall be submitted to the Categorisation Commission as stated in Article 27-a of this Law, through the organisational unit in charge of tourism and catering affairs.

The request referred to in paragraph 1 of this Article shall contain the following data:

- 1) business name and address of the performer of catering activity;
- 2) type, name and seat of the catering facility;
- 3) services within the scope of operation of the catering facility;
- 4) proposal for a category of the catering facility.

With the request under paragraph 1 of this Article the following documentation shall be enclosed:

- 1) decision for entry in the Commercial Register, or a document attesting registered activity;
- 2) statement to the State Market Inspectorate for fulfilment of minimum technical work requirements;
- 3) data and evidence on managers and other employees, and

4) evidence of payment to the Ministry of Economy for the service of categorisation.

The officer from the state administration body with jurisdiction in catering affairs who is running the procedure shall ex officio collect evidence under paragraph 3 alinea 1, 2 and 3 of this Article, from the competent public authorities within three working days from the submission of request.

The officer from the competent public authority shall be bound to submit the requested evidence under paragraph 4 of this Article within three days from the day of receipt of the request.

The form and content of the request form stated in paragraph 1 of this Article shall be prescribed by the Minister managing the state administration body with jurisdiction in catering affairs.

#### **Article 27-d**

The fee referred to in Article 27-c paragraph 3 alinea 4 shall be in the amount of:

- EUR 100 in MKD equivalent for category of catering facility with one star;
- EUR 200 in MKD equivalent for category of catering facility with two stars;
- EUR 300 in MKD equivalent for category of catering facility with three stars;
- EUR 400 in MKD equivalent for category of catering facility with four stars;
- EUR 500 in MKD equivalent for category of catering facility with five stars.

In case the catering facility has been assigned a category that is higher than the one proposed in the request referred to in Article 27-c paragraph 2 alinea 4, the categorisation requester shall be obliged to do additional payment so as to reach the amount of the appropriate category referred to in paragraph 1 of this Article, within five days thereof.

In case the catering facility has been assigned a category that is lower than the one proposed in the request referred to in Article 27-c paragraph 2 alinea 4, the Ministry of Economy shall be bound to return to the categorisation requester the difference between the fee that they have paid for the proposed category and the amount prescribed for the category under paragraph 1 of this Article.

In case the categorisation requester fails to obey to paragraph 2 of this Article, the Decision under Article 27-b paragraph 6 shall be nullified and the catering facility may not commence its operation.

In case the Ministry of Economy fails to obey to paragraph 3 of this Article, the categorisation requester shall be entitled to initiate administrative dispute before the court of jurisdiction.

#### **Article 27-e**

The costs for categorisation of the accommodation catering facility referred to in Article 27 paragraph 1 and the remuneration of the Commission members referred to in Article 27-a shall be borne by the perform of catering activity.

The costs referred to in paragraph 1 of this Article and the remuneration of the Commission members referred to in Article 27-a and of the Commission referred to in Article 27-f shall be determined by the Government of the Republic of Macedonia.

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**Article 27-f**

The work of the Commission referred to in Article 27-a and of the maintenance of criteria based on which the specific category has been assigned to the performer of catering activity shall be supervised by a Supervisory Commission established by the Government of the Republic of Macedonia (hereinafter referred to as: Supervisory Commission).

The Supervisory Commission shall operate in composition of five members of which: one as proposed by the Ministry of Economy, one as proposed by the Office of the President of the Government of the Republic of Macedonia, one as proposed by the Cabinet of the Vice-President of the Government of the Republic of Macedonia in charge of Economic Affairs and Coordination of Economy Sphere of Activity, one as proposed by the Ministry of Finance and one representative as proposed by the Ministry of Transport and Communications.

The Supervisory Commission members shall have their deputies.

The members and the deputy members of the Supervisory Commission shall hold university degree in the field of construction engineering, architecture, economy, tourism and catering and law.

The President of the Supervisory Commission shall be elected from among the Commission members for a period of one year, as per rotary principle.

The members and the deputy members of the Supervisory Commission shall be entitled to remuneration.

The manner of the work of the Supervisory Commission shall be closely regulated under a Rules of Procedure as adopted by the Commission with majority of vote from the total number of members.

The expert and administrative-technical operations for the needs of the Supervisory Commission shall be performed by the Sector for Tourism and Catering within the Ministry of Economy.

**Article 27-g**

The Supervisory Commission shall be bound to conduct at least five regular supervisions monthly in catering facilities of different categories.

The Supervisory Commission shall also be bound to perform extraordinary supervisions following complaints of natural persons and legal entities for non-fulfilment of criteria of the categorisation in the accommodation catering facilities referred to in Article 27 paragraph 1 of this Law.

For the supervision conducted, the Supervisory Commission shall draft Minutes, annexed with photo documented material.

Based on the Minutes of the supervisions conducted in the previous month and by the 5<sup>th</sup> of the next month, the Supervisory Commission shall submit a Report on Supervision Conducted, with proposed measures, to the Ministry of Economy.

The report referred to in paragraph 4 of this Article shall be adopted and signed by all Commission members.

Based on the Report referred to in paragraph 4 of this Article, the Ministry of Economy shall within 15 days at the latest from the day of receipt of the Report, submit it to the Government of the Republic of Macedonia, along with proposed measures for overcoming established disadvantages that may relate to reduction or increasing of the specific category, along with proposed measures against members or deputy members of the Commission referred to in Article 27-a of this Law.

The Government of the Republic of Macedonia shall adopt a new decision determining the category of the specific catering facility, as per the proposal of the Ministry of Economy and based on the Report of the Commission referred to in Article 27-f, with validity period of three years.

Administrative dispute may be initiated before a court of jurisdiction against the decision referred to in paragraph 7 of this Article within 15 days from the day of receipt of the decision.

The decision referred to in paragraph 7 of this Article, along with the report referred to in paragraph 4 of this Article shall be published on the website of the Government of the Republic of Macedonia.

The Ministry of Economy shall submit the decision referred to in paragraph 7 of this Article to the categorization requester within five days from the day of its adoption.

The Minister managing the state administration body with jurisdiction in catering affairs shall prescribe the form and content of the Report referred to in paragraph 4 of this Article.

## **Article 28**

The categorisation of the food catering facilities under Article 27 paragraph 1 shall be done by Commissions for Categorisation of Catering Facilities (hereinafter referred to as: Commissions) consisted of five members, who have their deputies.

The Commissions stated in paragraph 1 of this Article shall be founded by the Minister managing the state administration body with jurisdiction in catering affairs, of which one representative from the state administration body with jurisdiction in catering affairs, one representative from the state administration body with jurisdiction in healthcare, one representative state administration body with jurisdiction in labour and social policy, one representative from the local self-government on the territory of which the categorisation is done and one representative from the catering economy.

One of the members of the Ministry of Economy in the Commissions under paragraph 1 of this Article shall also be the President of the Commission.

The Commissions shall deliver decisions for the made categorization within 30 days from the day of submission of the request, with validity period of three years.

An appeal may be lodged against the decisions under paragraph 4 of this Article to the State Commission deciding in administrative proceedings and in second-instance labour relations proceedings.

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### **Article 29**

The decision under Article 28 paragraph 4 of this Law shall be issued at the request of the performer of catering activity, as submitted to the Categorisation Commission.

The request under paragraph 1 of this Article shall be submitted on a form containing:

- 1) data on entry in the Commercial Register;
- 2) business name and address of the performer of catering activity;
- 3) type, name and seat of the catering facility;
- 4) services within the scope of operation of the catering facility;
- 5) notification – application for operation;
- 6) proposal for a category of the catering facility, and
- 7) data and evidence on the managers and other employees.

The officer of the state administration body with jurisdiction in catering affairs running the procedure shall ex officio collect the evidence under paragraph 2 alinea 1), 2), 5) and 7) of this Article from the competent public authority within three working days from the day of submission of the request.

The officer from the competent public authority shall be bound to submit the requested evidence under paragraph 3 of this Article within three days from the day of receipt of the request.

The form and content of the request form under paragraph 2 of this Article shall be prescribed by the Minister managing the state administration body with jurisdiction in catering affairs.

Article 29-a has been deleted; see: Law amending and supplementing the Law on Catering Activity (Official Gazette of RM, No. 39/16).

### **Article 30**

The expenses for the categorisation of the food catering facility referred to in Article 27 paragraph 1 shall be borne by the performer of catering activity.

The expenses under paragraph 1 of this Article shall be determined by the state administration body with jurisdiction in catering affairs.

### **Article 31**

The state administration body with jurisdiction in catering affairs shall keep a register of categorised catering facilities.

The Minister managing the state administration body with jurisdiction in catering affairs shall prescribe the form, content and manner of maintaining the register of categorised catering facilities.

### **Article 32**

The catering facility under Article 27 of this Law may not commence its operation prior to the receipt of the decision referred to in Article 27-b paragraph 6, or the decision referred to in Article 28 paragraph 4 of this Law thereof determining the category of the catering facility, as issued by the competent Categorisation Commission.

At the entrance of each catering facility under Article 27 of this Law, the stipulated designation mark of the type and category of the catering facility shall be made visible, whereby the performer of catering activity shall be bound to use only that specific designation mark of the type and category of the catering facility when publishing and advertising its services.

### **Article 33**

The decision determining the category of the catering facility shall be kept in each facility in each facility for which the category has been determined.

If any changes are made in the standards stipulated for the category of the catering facility determined on the arrangement, equipment and quality of services, the performer of catering activity shall be bound to submit a request for new categorisation within eight days from the day of change of the prescribed standards (requirements) for the category of the catering facility thereof.

In case the performer of the catering facility fails to act upon the procedure determined by paragraph 3 of this Article, the decision on category shall be considered as revoked.

The change of the category of the catering facility shall be done in a manner and in procedure prescribed for determination of the category of the catering facility thereof.

The competent Commission, based on a request or application, may conduct insight and establish if the catering facility fulfils the standards for which the category has been assigned under a decision, prior to the expiration of the validity of the decision determining category of the catering facility. Should the competent Commission establish that the catering facility deviates from the standards based on which the category has been assigned to it, it shall issue a new decision for categorisation into the appropriate category, for which it fulfils the standards.

#### **IV. DUTIES OF THE PERFORMER OF CATERING ACTIVITY IN THE COURSE OF PERFORMING THE ACTIVITY**

### **Article 34**

For each catering facility the performer of the catering activity shall assign a person in charge (director, manager, chief etc.) for each catering facility.

The responsible person, in addition to fulfilling the general conditions for establishing employment as defined by a Law, shall have at least completed high school education. The person in charge, in addition to fulfilling the general conditions for establishing a labour relation as stipulated by law, shall have completed at least secondary vocational education.

The person in charge of the accommodation catering facility categorised by four, five stars and *de luxe* category, as well as the person of the food catering facility categorised by four stars shall hold a university degree.

As an exception from the provisions under paragraph 1 of this Article, the performer of the catering activity may have one person in charge for several accommodation catering facilities (several types of catering facilities).

If the performer of the catering activity runs the operation of the catering facility himself/herself, he/she must fulfil the conditions stipulated for the person in charge.

The person in charge shall have the jurisdiction over the operation of the catering facility in accordance with this Law.

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### Article 35

The performer of catering activity shall:

- 1) maintain the premises and the equipment and provide services in the catering facility according to the stipulated minimum-technical requirements, as well as the conditions for categorisation of the types of facilities for which categorisation has been established, under a decision of the Categorisation Commission, or under the criteria stipulated for marking special types of catering facilities for which issuance of special designation marks has been envisaged under a decision of the designation mark provider;
- 2) post the prices for accommodation, board and half-board in the rooms and allow insight in the prices of such services to the service consumers at the reception desk, as well as post the prices for food, beverages and drinks in the regular price-lists provided in sufficient number of copies and made available to the consumers of the services at all times;
- 3) in a visible place at the entrance of the catering facility – night bar and cabaret, they shall place a writing with the following content: "persons under the age of 18 are not allowed to visit the facility", on a board with dimensions 20 x 50 cm.  
The performers of catering activity shall be bound to determine the age of the visitors prior to their entry into the facility;
- 4) abide by the posted prices;
- 5) possess documents on the procured products ( invoices, receipts, bill of materials, etc.);
- 6) issue a receipt with the specification of the services from the fiscal cash register for each service provided;
- 7) place in a visible place at the entrance of the catering facility the type of payment cards that may be used;
- 8) establish the norms for food and drinks they serve, as well as allow the consumers insight into such norms;
- 9) submit the food norms to the mayor of the municipality and in the City of Skopje, to the mayor of the municipality on the territory of the City of Skopje for further verification and provide the catering services in apposite quantity and quality as required by the norms referred to in paragraph 1 alinea 5 of this Article;
- 10) keep a guestbook in the accommodation catering facility;
- 11) prescribe and post the house rules in all accommodation facilities;
- 12) provide catering services in the accommodation catering facilities included in tourist package arrangements, through travel organisers or agents, that is, travel agencies;
- 13) post the obligation in a visible place within the catering facility of hiring domestic tourist guide during organised stay of foreign tourists, in accordance with the provisions of the Law on Tourism Activity;
- 14) post the telephone number of the State Market Inspectorate in a visible place in the catering facility or in the menu, and
- 15) indicate the type and category of the facility determined by a decision of the Categorisation Commission in all promotional materials.

The manner of age determination stated under paragraph 1 alinea 3 of this Article shall be prescribed by the Minister managing the state administration body with jurisdiction in catering affairs.

### **Article 36**

In the catering facilities, selling and offering for sale, as well as using substances or precursors identified as narcotic drugs or psychotropic substances shall be prohibited.

### **Article 37**

In catering facilities it shall be prohibited to serve alcoholic drinks to persons aged below 18 and it shall be prohibited for minors to serve alcoholic drinks.

The performers of catering activities shall be bound to post at a visible place in the catering facility a sign with the following content: "alcoholic beverages shall not be served to persons under the age of 18", on a board with dimensions 20 x 50 cm.

The performers of catering activities shall be bound to determine the age of the person under paragraph 1 of this Article, on the basis of an appropriate ID card.

### **Article 38**

In all catering facilities serving alcoholic drinks from the opening hours from 07.00 to 10.00 hrs shall be prohibited.

In the fast food facilities (sandwich bars) sale and serving of alcoholic drinks, as well as playing music after 24.00 hrs shall be prohibited.

### **Article 39**

The performers of catering activities may also perform other activities which complement the performance of the catering activity and contribute for better utilisation of the catering capacities and achievement of higher turnover, provided that they meet the conditions stipulated by the administration authorities with jurisdiction in performance of such activities.

## **V. PROVISION OF OTHER CATERING SERVICES AND CATERING SERVICES BY NATURAL PERSONS**

### **Article 40**

The natural persons referred to in Article 4 paragraph 2 of this Law may provide:

- confectionery catering services in movable facilities for specific purpose;
- accommodation and food catering services in houses;
- catering services in apartments and rooms;
- catering services in village households and
- catering services in sailing crafts.

### **1. Provision of confectionery catering services in movable facilities for special purpose**

### **Article 41**

The confectionery services may be provided in movable facilities (hereinafter referred to as: facilities), either using their own power or by being towed, if they fulfill the minimum technical requirements and other requirements stipulated by law.

The provision of services under paragraph 1 of this Article may be done in locations assigned by the mayor of the municipality and in the City of Skopje, by the mayor of the City of Skopje at fairs, trade fairs and other events.

The facility under paragraph 1 of this Article confectioned meals (previously prepared in the business premises and packed), beverages, drinks and industrially made and packed icecream may be sold and/or served at a bar, in accordance with the stipulated sanitary-health requirements.

The Minister managing the state administration body with jurisdiction in catering affairs shall prescribe the minimum-technical requirements for the facilities for performance of catering activities referred to in paragraph 1 of this Article, as well as the manner of provision of services.

## **2. Camping**

Articles 42, 43, 44 and 45 have been deleted; see: Law amending and supplementing the Law on Catering Activity (Official Gazette of RM, No. 141/12).

## **3. Provision of catering services in houses, apartments and rooms**

### **Article 46**

Under the conditions stipulated by this Law and other regulations, for one single facility under same roof permits may be issued to several natural persons, whereby one single natural person may:

1) Rent apartments and rooms in collective residential buildings, the owner of which is entitled to utilisation, whereby the person may obtain more than one permit for performance of catering activity, but the total number of apartments and rooms in which they perform catering activity on the basis of all issued decisions may not exceed 10 rooms or 20 beds;

2) Rent houses, apartments and rooms in individual residential facilities, the owner of which is entitled to utilisation, whereby for one single individual residential facility under the same roof more than one permit may be issued, but the total number of apartments and rooms in the entire facility on the basis of all decisions issued for performing catering activity may not exceed 10 rooms or 20 beds.

### **Article 47**

For the provision of catering services in the facilities stated in Article 46 of this Law, the natural persons must fulfil the minimum technical and categorisation requirements in terms of Article 27 paragraph 1 of this Law.

The categorisation of the facilities under Article 27 paragraph 2 of this Law shall be done by the mayor of the municipality, and in the City of Skopje, by the mayor of the City of Skopje.

### **Article 47-a**

The mayor of the municipality, and in the City of Skopje, the mayor of the City of Skopje shall keep a Register of Categorised Catering Facilities referred to in Article 27 paragraph 2 of this Law.

The mayor of the municipality, and in the City of Skopje, the mayor of the City of Skopje shall, by 15 January in the current year, submit a certificate for the previous year from the Register referred to in paragraph 1 of this Article, to the state administration body with jurisdiction in catering affairs, so as to establish a state-level database.

The mayor of the municipality, and in the City of Skopje, the mayor of the City of Skopje shall twice per year, by 15 January in the current year for the previous year and by 15 June in the current year, submit a report on the changes made in the Register referred to in paragraph 1 of this Article, to the state administration body with jurisdiction in catering affairs.

The form, content and manner of maintaining the Register referred to in paragraph 1 of this Article, as well as the form, content and manner of submission of the Register certificate stated in paragraph 2 of this Article, and the form, content and manner of submission of the report stated in paragraph 3 of this Article shall be prescribed by the Minister managing the state administration body with jurisdiction in catering affairs.

#### **Article 48**

The natural person shall rent the rooms, apartments and houses for leisure through a travel agency and tourist bureau, based on a contract.

#### **Article 49**

The contract referred to in Article 48 of this Law shall contain:

- 1) name and surname of the natural person and Personal Identity Number;
- 2) decision for entry in the Register;
- 3) place, street and number of the facility providing services;
- 4) type of services and number of guests receiving the services;
- 5) category of the facility providing the services;
- 6) the amount of the agent's commission fee, and
- 7) duty of the natural person is to abide by the provisions indicated in Articles 47 and 51 of this Law.

#### **Article 50**

The contract referred to in Article 49 of this Law shall cease upon its termination.

The travel agency and the tourist bureau founded by legal entities, shall submit the termination of the contract stated in paragraph 1 of this Article to the regional unit of the Public Revenue Office, the finance police, sanitary inspection, state market inspector, as per the seat of the facility.

The tourist bureau founded by the mayor of the municipality, and in the City of Skopje, the mayor of the City of Skopje shall submit the termination of the contract referred to in paragraph 1 of this Article to the regional unit of the Public Revenue Office, the finance police, the sanitary inspection, the mayor of the municipality, and in the City of Skopje, the mayor of the City of Skopje, the state market inspector, as per the seat of the facility.

### **Article 51**

The natural persons providing services based on Article 46 of this Law shall be bound to:

- 1) post at a visible place the stipulated type and category of the facility, as determined by a decision issued by the competent authority;
- 2) post at a visible place at the entrance of the facility the title of the services they provide, along with the stipulated designation marks;
- 3) post the prices of accommodation services at a visible place in the premises where the services are provided in a prescribed and usual manner and abide by the posted prices;
- 4) issue to the guest a receipt indicating the type, quantity and price of the services provided (for each service), including indication of the price of stay and when providing accommodation services;
- 5) keep a registry of guests, and
- 6) post the telephone number of the State Market Inspectorate at a visible place in the facility.

The Minister managing the state administration body with jurisdiction in catering affairs shall prescribe the form and content of the registry of guests.

### **Article 52**

When providing services based on Article 46 of this Law, the natural persons may be assisted by members of their household.

The natural persons and the members of their household must meet the healthcare requirements for operation in catering activities.

## **4. Catering services in village households**

### **Article 53**

Services for renting rooms and apartments shall be provided in village households, the owner of which or the person entitled to utilisation is a member of the village household, whereby maximum 10 rooms, or 20 beds may be provided.

The services under paragraph 1 of this Article may be provided if the requirements stated in paragraph 6 of this Law are fulfilled.

In addition to the services under paragraph 1 of this Article, hot and cold meals, beverages and drinks mainly from own production may be prepared and served in the village households, for not more than 50 persons (travellers) at the same time.

Services of wine or brandy tasting may be provided in the village households, as well as serving homemade meals in a furnished section of the residential or business facility, in a closed, covered by a tent, or open space for not more than 50 persons (travellers) at the same time.

To improve the quality of the catering offer, the travellers (persons staying in the village households) may prepare meals, drinks and beverages for their own needs.

The provisions from Articles 46 to 52 shall apply for the provision of services in the village households.

### **Article 53-a**

For the services provided by natural persons in accommodation catering facilities in rural areas, following the compulsory categorisation, a special designation mark shall be issued.

The designation mark stated in paragraph 1 of this Article shall be issued by the state administration body with jurisdiction in catering affairs.

The Minister managing the state administration body with jurisdiction in catering affairs shall prescribe the form and content of the designation mark under paragraph 1 of this Law.

#### **Article 53-b**

To obtain the designation mark referred to in Article 53-a paragraph 1 of this Law, the accommodation catering facilities within the village households in the rural areas shall fulfil the following criteria:

- 1) categorisation conducted in accordance with Article 47 of this Law with not expired validity period;
- 2) in external and internal arrangements of the catering facility, natural materials and designs from traditional culture should be used, national instruments, national costumes, furniture, dishes and alike, and
- 3) the hot and cold meals, beverages and drinks served should be domestic and ecologically produced.

The manner and closer criteria for obtaining the designation mark under paragraph 1 of this Article shall be prescribed by the Minister managing the state administration body with jurisdiction in catering affairs.

#### **Article 53-c**

The procedure for obtaining the designation mark under Article 53-a of this Law shall be implemented by the Commission implementing the procedure for obtaining designation mark for rural areas (hereinafter referred to as: Commission), consisted of three members, who have their deputies.

The Commission shall be founded by the Minister managing the state administration body with jurisdiction in catering affairs and is consisted of one member from the state administration body with jurisdiction in catering affairs, one member from tourism chambers and one member from the catering economy.

The member of the state administration body with jurisdiction in catering affairs shall be the president of the Commission.

For the procedure implemented the Commission shall draft a decision within 30 days from the day of submission of request, in case the criteria have been fulfilled in accordance with Article 53-a of this Law.

The decision referred to in paragraph 4 of this Article shall be issued with a validity period of three years. Appeal may be filed against the decision stated in paragraph 4 of this Article to the State Commission deciding in administrative proceedings and in second-instance labour relations proceedings.

The expenses to obtain the designation mark under Article 53-a paragraph 1 of this Law shall be borne by the head of the village household.

The amount of costs referred to in paragraph 7 of this Article shall be determined by the Minister managing the state administration body with jurisdiction in catering affairs, based on real costs incurred for the work of the Commission and for the decision preparation.

The costs referred to in paragraph 7 of this Article shall be paid on an account of own incomes of the state administration body with jurisdiction in catering affairs.

#### **Article 53-d**

To obtain the designation mark referred to in Article 53-a paragraph 1 of this Law, the performer of catering activity shall submit a request to the designation mark provider.

With the request under paragraph 1 of this Article, the following documentation shall be enclosed:

- 1) document attesting registered activity, issued by the Register of natural person performing catering activity managed by the municipality, and
- 2) decision for categorisation conducted.

The officer of the state administration body with jurisdiction in catering affairs, who manages the procedure, shall ex officio collect evidence stated in paragraph 2 of this Article, from the competent public authority within three working days from the submission of the request.

The officer of the competent public authority shall be bound to submit the requested evidence stated in paragraph 3 of this Article within three days from the day of receipt of the request.

The form and manner of the request form stated in paragraph 1 of this Article shall be prescribed by the Minister managing the state administration body with jurisdiction in catering affairs.

#### **Article 53-e**

The state administration body with jurisdiction in catering affairs shall keep a Register for obtaining designation mark in rural areas.

The Minister managing the state administration body with jurisdiction in catering affairs shall prescribe the form, content and manner of maintaining the Register for obtaining designation mark in rural areas.

#### **Article 53-f**

The designation mark referred to in Article 19-a paragraph 1 of this Law shall be confiscated following a decision issued by the Minister managing the state administration body with jurisdiction in catering affairs, in the cases when the designation mark holder has ceased fulfilling the criteria established by this Law.

Appeal may be filed against the decision referred to in paragraph 1 of this Article to the State Commission deciding in administrative proceedings and in second-instance labour relations proceedings.

### **5. Catering services on sailing crafts**

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**Article 54**

The performers of catering services and natural persons under Article 4 of this Law may, under terms specified by this Law and other regulations, provide services of nutrition and serving of beverages and drinks on sailing crafts.

The services under paragraph 1 of this Article may be provided in the conditions under Article 6 of this Law have been fulfilled.

The natural persons may provide the services under paragraph 1 of this Article for not more than 20 guests at the same time.

The natural persons may not provide the services under paragraph 1 of this Article in anchorages and ports, nor when the sailing craft circulates outside the port and the anchorage, to the persons who are not on the sailing craft for the purpose of transportation thereof.

**VI. PROVISION OF CATERING SERVICES TO NUDISTS****Article 55**

Catering services to nudists may be provided in catering facilities and campsites.

The services stated under paragraph 1 of this Article may be provided if the conditions under Article 6 of this Law have been fulfilled.

At the entrance of the catering facility or the campsite in which the catering services are provided to nudists, in addition to the name of the facility, a sign shall be posted stating that catering services to nudists are provided in the facility.

The space around the catering facilities and campsites in which catering services to nudists are provided, shall be fenced.

**VII. SUPERVISION****Article 56**

Supervision over the enforcement of the provisions of this Law shall be conducted by the state administration body with jurisdiction in catering affairs.

Supervision over the enforcement of the provisions determining the jurisdiction of the other state administration bodies shall be conducted by such organs within their power as stipulated by law.

Supervision over the legality of the work of the municipal council and of the mayor of the municipality, and in the City of Skopje, of the council and the mayor of the municipality on the territory of the City of Skopje, as well as of the council and the mayor of the City of Skopje, in relation to the powers stated under this Law shall be conducted by the state administration body with jurisdiction in catering affairs.

**Article 57**

Inspection over the enforcement of the provisions of this Law shall be conducted by the State Market Inspectorate and other inspection authorities in accordance with the entitlements determined by this and other law.

#### **Article 57-a**

In the inspection procedure the provisions shall be applied of the Law on Inspection and the Law on State Market Inspectorate, unless otherwise stipulated by this Law.

#### **Article 58**

The operations of the inspection of performers of catering activity recorded in the Register administered by the mayor of the municipality, and in the City of Skopje, in the register administered by the mayor of the municipality on the territory of the City of Skopje, shall be conducted by certified inspectors of the municipality, and in the City of Skopje, by the certified inspectors of the City of Skopje, such as provision of:

- 1) confectionery catering services in movable facilities for special purpose;
- 2) alinea 2 has been deleted; see: Law amending and supplementing the Law on Catering Activity (Official Gazette of RM, No. 187/13)
- 3) alinea 3 has been deleted; see: Law amending and supplementing the Law on Catering Activity (Official Gazette of RM, No. 187/13)
- 4) accommodation and food catering services in houses;
- 5) accommodation and food catering services in apartments and rooms for leisure;
- 6) catering services in village households, and
- 7) catering services in sailing crafts.

The certified inspector of the municipality, and in the City of Skopje, the certified inspector of the City of Skopje may perform other assignments pursuant to law and regulations.

#### **Article 59**

Within the conduct of the inspection, if the state market inspector, or the certified inspector of the municipality and the certified inspector of the City of Skopje establishes that irregularity has occurred arising from articles 67-a and 68 of this Law, the state market inspector, or the certified inspector shall be bound to draft Minutes, determining the irregularity occurred, by indicating the removal of the irregularity occurred within eight days and by handing an invitation for education of the person or entity where the irregularity has been established, during the inspection.

The form and content of the invitation to education, as well as the manner of implementing the education shall be prescribed by the Minister managing the state administration body with jurisdiction in economy affairs, or the mayor of the municipality and the mayor of the City of Skopje.

The education shall be organised and implemented by the State Market Inspectorate, or the state administration body that has conducted the inspection within a deadline not longer than eight days from the day of conducting inspection.

The education may be implemented for several same or related irregularities for one or more entities.

If within the scheduled time the person or entity to attend education does not attend the education, the latter shall be considered as implemented.

If the person or entity for which education shall be implemented responds to the scheduled education and completes it, they shall be considered as educated upon the irregularity established.

If the state market inspector, or the certified inspector, while conducting inspection, establishes that the irregularities stated under paragraph 1 of this Article have been removed, he/she shall make a conclusion for ceasing the inspection procedure.

If the state market inspector, or the certified inspector, while conducting control inspection, establishes that the irregularities stated under paragraph 1 of this Article have not been removed, he/she shall file a request for raising misdemeanour offence proceeding before a Penalty Commission.

The State Market Inspectorate, or the state administration body that has conducted the inspection and that has organised and implemented education, shall keep record on the education implemented in a manner prescribed by the Minister managing the state administration body with jurisdiction in economy affairs, or the mayor of the municipality and the mayor of the City of Skopje.

### **Article 60**

If the state market inspector or the certified inspector, while conducting inspection, establishes that the performer of catering activity:

- 1) has been performing the catering activity without being recorded in the Commercial Register (Article 4 paragraph 1);
- 2) has been serving alcoholic drinks to persons below 18 years of age and minors have been serving alcoholic drinks (Article 37 paragraph 1);
- 3) has been performing the catering activity in catering facilities – night bar, cabaret and disco club without licence (Article 20 paragraph 1);
- 4) has been performing the catering activity out of the business facility on intended space, arranged and equipped for provision of catering services without permit issued by the mayor of the municipality, and in the City of Skopje, by the mayor of the City of Skopje, for utilisation of space (Article 12 paragraph 3);
- 5) has not been abiding by the stipulated working hours (Article 26 paragraph 2);
- 6) has been providing breakfast services, contrary to Article 46 paragraph 1 alinea 3 of this Law;
- 7) the catering services provision facilities has not been fulfilling the minimum technical requirements under Article 47 paragraph 1 of this Law;
- 8) has not posted in a visible place the title of services it offers as per Article 51 paragraph 1 alinea 2 of this Law;
- 9) has been providing catering services in houses, apartments and rooms for leisure contrary to Article 51 of this Law;
- 10) has not posted in a visible place the type and category of the facility (Article 51 paragraph 1 alinea 1);
- 11) the member of the household or the persons assisting the households members do not fulfil the health conditions for catering operation in terms of Article 52 paragraph 2 of this Law;
- 12) has been providing services in sailing crafts to more than 20 guests at the same time, in anchorages and ports, as well as when the sailing craft has been sailing out of the port, to persons that have not boarded on the sailing craft for transportation purposes (Article 54 paragraph 3);
- 13) has been performing catering services in village households contrary to the Article 53 paragraphs 1 and 2 of this Law;

14) the facilities offering confectionery catering services do not fulfil the minimum technical requirements and other terms prescribed by law (Article 41 paragraph 1);

15) the confectionery catering services have been provided in locations not approved by the mayor of the municipality, and in the City of Skopje, by the mayor of the City of Skopje (Article 41 paragraph 2), and

16) have been serving other meals, in addition to confectionery meals (Article 41 paragraph 3).

For the actions under paragraph 1 alinea 1, 2 and 3 of this Article, a decision shall be adopted for temporary ban on performing the activity, in duration of 30 days.

In case the performer of catering activity fails to act upon the indication stated in Article 1 of this Law, in relation to the actions stated in paragraph 1 alinea 4 of this Article, a decision for temporary ban on performing the activity shall be adopted, in duration of 30 days.

For the action stated in paragraph 1 alinea 5 of this Article, in case the performer of the catering activity shall exceed the working hours by half an hour, a decision shall be adopted for temporary ban on performing the activity, in duration of 10 days.

If the exceeding of the working hours is by half an hour up to one hour, a decision shall be adopted for temporary ban on performing the activity, in duration of 20 days.

If the exceeding of the working hours is more than one hour, a decision shall be adopted for temporary ban on performing the activity, in duration of 30 days.

If the performer of the catering activity fails to act upon the indication stated in Article 1 of this Law, for the actions under paragraph 1 alinea 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of this Article, a decision shall be adopted for temporary ban on performing the activity, in duration of 30 days.

Appeal may be filed against the decision of the State Market Inspectorate referred to in paragraph 1 of this Article within eight days from the day of receipt of the decision, to the State Commission deciding in administrative proceedings and in second-instance labour relations proceedings.

Appeal may be filed against the decision of the certified inspector of the municipality, or of the City of Skopje stated in paragraph 1 of this Article within eight days from the day of receipt of the decision, to the State Commission deciding in administrative proceedings and in second-instance labour relations proceedings.

The appeal filed against the decision of this Article shall not postpone the enforcement of the decision.

### **Article 61**

As inspector of the municipality and of the City of Skopje, a person may be certified fulfilling the following requirements:

- 1) is national of the Republic of Macedonia, and
- 2) has completed high vocational education in economy, law or tourism-catering and has at least two years of employment experience.

The inspector stated in paragraph 1 of this Article shall hold an identity document. The content and form of the identity document of the inspector shall be prescribed by the Minister managing the state administration body with jurisdiction in catering affairs.

## **Article 62**

Supervision over the work of the council and the mayor of the municipality, and in the City of Skopje, of the council and of the mayor of the municipality on the territory of the City of Skopje, as well as of the council and of the mayor of the City of Skopje, shall be based on the principle of legitimacy, responsibility and independence in implementing their authorisations.

When conducting supervision over the work of the council and the mayor of the municipality, and in the City of Skopje, of the council and of the mayor of the municipality on the territory of the City of Skopje, as well as of the council and of the mayor of the City of Skopje, the state administration body with jurisdiction in catering affairs shall perform the following tasks:

1) follow the lawfulness of the work of the council and the mayor of the municipality, and in the City of Skopje, of the council and of the mayor of the municipality on the territory of the City of Skopje, as well as of the council and of the mayor of the City of Skopje and undertake measures and activities and starts initiatives for implementation of authorisations in accordance with a law;

2) assess if the council and the mayor of the municipality, and in the City of Skopje, of the council and of the mayor of the municipality on the territory of the City of Skopje, as well as of the council and of the mayor of the City of Skopje ensure that the performance of the affairs under their jurisdiction is carried out under standards and procedures established by law;

3) indicate to the council and the mayor of the municipality, and in the City of Skopje, of the council and of the mayor of the municipality on the territory of the City of Skopje, as well as of the council and of the mayor of the City of Skopje the transgression of their authorisations established by law and other regulations and proposes appropriate measure to overcome such situations;

4) indicate to specific material and procedural shortages in the work of the council and the mayor of the municipality, and in the City of Skopje, of the council and of the mayor of the municipality on the territory of the City of Skopje, as well as of the council and of the mayor of the City of Skopje that would disable the performance of the operations stipulated by this Law, which are of public interest of local importance;

5) give recommendations for consistent enforcement of the authorisation of the council and the mayor of the municipality, and in the City of Skopje, of the council and of the mayor of the municipality on the territory of the City of Skopje, as well as of the council and of the mayor of the City of Skopje that they need to perform within the Law and at their request;

6) pursue the timely adoption of the regulations established by this Law by the council and the mayor of the municipality, and in the City of Skopje, of the council and of the mayor of the municipality on the territory of the City of Skopje, as well as of the council and of the mayor of the City of Skopje;

7) raise initiatives and proposals to the council and the mayor of the municipality, and in the City of Skopje, of the council and of the mayor of the municipality on the territory of the City of Skopje, as well as of the council and of the mayor of the City of

Skopje in case it establishes non-enforcement of a law as a result to conflict of interests among the municipality organs;

8) pursue the lawfulness of the decision the mayor adopts in resolving administrative matters on rights, obligations and interests of the natural persons and legal entities, adopted based on this Law and undertake measures as authorised under the law, and

9) inform in a timely manner the bodies of the council and the mayor of the municipality, and in the City of Skopje, of the council and of the mayor of the municipality on the territory of the City of Skopje, as well as of the council and of the mayor of the City of Skopje on the circumstances established in their work and on the measures undertaken while conducting the supervision.

The state administration body with jurisdiction in catering affairs shall inform the council and the mayor of the municipality, and in the City of Skopje, the council and the mayor of the municipality on the territory of the City of Skopje, as well as the council and the mayor of the City of Skopje about the measures and activities undertaken, as stated in paragraph 2 alinea 6 and 8 of this Article thereof.

If beside the indications and measures and activities undertake, the council and the mayor of the municipality, and in the City of Skopje, the council and the mayor of the municipality on the territory of the City of Skopje, as well as the council and the mayor of the City of Skopje fail to ensure performing the operations referred to in paragraph 2 of this Article, under a law, the performance of the specific power shall be suspended or restricted against them. The performance of the suspended operations shall be taken over by the state administration body with jurisdiction in catering affairs, but mostly by one year since the day of their taking over.

The state administration body with jurisdiction in catering affairs shall perform the suspended operations under the authority of the council and the mayor of the municipality, and in the City of Skopje, of the council and of the mayor of the municipality on the territory of the City of Skopje, as well as of the council and of the mayor of the City of Skopje on behalf and at the account of the municipality and of the City of Skopje.

Articles 63, 64, 65, 66 and 67 have been erased; see: Law amending and supplementing the Law on Catering Activity (Official Gazette of RM, No. 115/10).

## VIII. PENALTY PROVISIONS

### **Article 67-a**

2. does not have a license for serving and selling wine, alcohol and alcoholic beverages (Article 14 paragraph 1); 3. performs the catering activity in the catering facilities: night club, cabaret and disco club without fulfilling the conditions under Article 6 of this Law and without obtaining a license (Article 20 paragraph 1); 4. transfers the license (Article 22 paragraph 3); 5. does not respect the stipulated

A natural person shall be sanctioned for misdemeanour with a penalty from EUR 150 to 200 in MKD equivalent, if:

1) it performs the catering activity without being recorded in the Register administered by the mayor of the municipality, and in the City of Skopje, by the mayor of the municipality on the territory of the City of Skopje (Article 4 paragraph 2);

2) it has not been providing rooms, apartments and houses for leisure through a travel agency and tourist bureau based on a contract (Article 48);

3) it has providing catering services in houses, apartments and rooms for leisure contrary to Article 51 of this Law;

4) it has been providing catering services in the village households contrary to Article 53 paragraphs 1 and 2 of this Law;

5) it has been renting rooms, apartments and houses for leisure contrary to Article 46 paragraph 1 alinea 1 of this Law;

6) it has been providing breakfast services contrary to Article 46 paragraph 1 alinea 3 of this Law;

7) the member of the household or the persons assisting the household members do not fulfil the health conditions for operation in catering, in terms of Article 52 paragraph 2 of this Law;

8) it has been using designation mark without any decision obtained (Article 53-c paragraph 5);

9) it has been providing services in anchorages and ports, as well as when the sailing craft sails out of the anchorage and the port, to persons found on the sailing craft not for transportation purposes (Article 54 paragraph 4);

10) has not posted in a visible place the titles of the services it provides as stated in Article 51 paragraph 1 alinea 2 of this Law;

11) it has not been keeping a guestbook (Article 51 paragraph 1 alinea 5);

12) it has been providing services in sailing crafts to more than 20 guests at the same time (Article 54 paragraph 3);

13) the facilities in which confectionery catering services are provided do not fulfil the minimum technical requirements and other requirements stipulated by law (Article 41 paragraph 1);

14) the confectionery catering services are provided in locations not approved by the mayor of the municipality, and in the City of Skopje, by the mayor of the City of Skopje (Article 41 paragraph 2);

15) other meals have been served in addition to confectionery meals (Article 41 paragraph 3), and

16) the facilities for provision of catering services do not fulfil the minimum technical requirements stated in Article 47 paragraph 1 of this Law.

For the actions stated in paragraph 1 of this Article, the certified inspector of the municipality and the certified inspector of the City of Skopje shall issue a mandate payment order to the natural person.

The offender shall be bound to pay the penalty in the specified account within eight days from the day the mandate payment order has been handed to it.

If the offender fails to voluntarily pay the penalty stated in paragraph 1 of this Article, the mandate payment order shall have the power of executive document and the certified inspector of the municipality and the certified inspector of the City of Skopje shall submit it to the competent authority for compulsory execution.

### **Article 68**

Penalty in the amount of EUR 800 in MKD equivalent shall be imposed on a legal entity or a sole proprietor for misdemeanour, if:

1) it has no evidence that the fulfilment of the requirements stated in Article 6 paragraph 1 of this Law has been reported to the State Market Inspectorate, to the mayor of the municipality, and in the City of Skopje, to the mayor of the municipality on the territory of the City of Skopje, as per the seat of the facility, or as per the location where the services shall be provided, at least 15 days prior to the commencement of the operation of the catering facility (Article 7 paragraph 1);

2) it has no evidence that the change of requirements stated in Article 6 paragraph 1 of this Law has been reported to the State Market Inspectorate, to the mayor of the municipality on the territory of the City of Skopje, as per the seat of the facility, or as per the location where the services shall be provided, at least 15 days from the day the changes occurred (Article 7 paragraph 2);

3) it acts contrary to the obligations stipulated by Article 34;

4) it posts, publishes and advertises services of catering facilities contrary to the decision on categorisation conducted (Article 32 paragraph 2);

5) it has not posted in a visible place at the entrance of the catering facility – night bar and cabaret, board with dimensions 20 x 50 cm with the following writing: “persons under the age of 18 shall not be allowed to visit” (Article 35 paragraph 1 alinea 3);

6) it has not posted the prices in accordance with Article 35 paragraph 1 alinea 2 of this Law;

7) it has not posted at a visible place within the facility a writing with the following content: “persons under the age of 18 shall not be served alcoholic drinks” (Article 37 paragraph 2).

For the actions stated in paragraph 1 of this Article, the legal entity or the sole proprietor shall be issued a mandate payment order by the state market inspector.

For the actions stated in paragraph 1 of this Article, a mandate payment order shall be issued to the person in charge in the legal entity, or to the person in charge in the sole proprietor, in the amount of 30% of the penalty imposed on the legal entity, or on the sole proprietor.

The offender shall be bound to pay the mandate payment order within eight days from the day of its handing in the amount determined under paragraphs 2 and 3 of this Article.

If the offender fails to pay voluntarily the penalty stated in paragraphs 1, 2 and 3 of this Article, the mandate payment order shall have the power of executive act and the state market inspector shall submit it to the competent authority for its compulsory execution.

#### **Article 68-a**

Penalty in the amount of EUR 1,000 in MKD equivalent shall be imposed for misdemeanour on a legal entity or sole proprietor if:

1) it performs catering activity out of the business facility at premises intended, arranged and equipped for provision of catering services without a permit issued by the mayor of the municipality, and in the City of Skopje, by the mayor of the City of Skopje for utilisation of premises (Article 12 paragraph 3);

2) it does not post in a visible place at the entrance of the catering facility the type of payment cards that may be used (Article 35 paragraph 1 alinea 7);

3) it has no evidence of the alteration done of the category of the catering facility in terms of Article 33 paragraph 3 of this Law;

- 4) it does not post the working hours at the entrance of the facility and in a visible place within the facility (Article 26 paragraph 1);
- 5) it has not posted in a visible place within the catering facility or in the menu, the telephone number of the State Market Inspectorate (Article 35 paragraph 1 alinea 12);
- 6) it has not placed the type and category of the facility in all promotional materials (Article 35 paragraph 1 alinea 14);
- 7) it fails to stipulate and post the house rules in all accommodation facilities (Article 35 paragraph 1 alinea 10);
- 8) it fails to stipulate and post the house rules in all accommodation facilities (Article 35 paragraph 1 alinea 9);
- 9) it fails to indicate the telephone device of SMI in a visible place within the catering facility or in the menu (Article 35 paragraph 1 alinea 13);
- 10) fails to post the type of payment cards that may be used at the entrance of the catering facility (Article 35 paragraph 1 alinea 7).

For the actions stated under paragraph 1 of this Article, the legal entity or the sole proprietor shall be issued penalty payment order by the state market inspector.

For the actions stated under paragraph 1 of this Law, a penalty payment order shall be issued to the person in charge in the legal entity, or to the person in charge in the sole proprietor, in the amount of 30% of the penalty imposed on the legal entity or on the sole proprietor.

Following the receipt and the signing of the penalty payment order, the offender shall be bound to pay the penalty in accordance with paragraphs 1 and 3 of this Article, within eight days from the receipt of the penalty payment order, at the account indicated in the payment order thereof.

The offender, who shall pay the penalty within the deadline set in paragraph 4 of this Article, shall pay half of the penalty imposed, for which it shall be advised by the legal instruction. In the proceedings ending with payment of penalty payment order, no procedural costs shall be paid thereof.

If the offender fails to pay the penalty within the deadline stated in paragraph 4 of this Article, the state market inspector shall file a request for raising misdemeanour proceedings to the Penalty Commission.

### **Article 69**

Penalty in the amount of EUR 1,000 in MKD equivalent shall be imposed for offence to a legal entity or a sole proprietor, if:

- 1) the catering activity is performed without the stipulated minimum technical requirements, sanitary-hygienic and health requirements, occupational safety requirements, protection and promotion of environment, fire protection and requirements for protection against noise (Article 6 paragraphs 1 and 2);
- 2) the catering activity is performed in business facilities or premises where other activity is performed, failing to fulfil requirements prescribed for performing another activity (Article 12 paragraph 2);
- 3) it has been using a designation mark of a national restaurant – inn, in absence of decision as per Article 19-c paragraph 4 of this Law;
- 4) it has commenced the operation in the catering facility prior to obtaining a category (Article 32 paragraph 1);

5) it has not established the norms of food and drinks it has been serving and it does not enable insight to the beneficiaries in those norms (Article 35 paragraph 1 alinea 8);

6) it has not submitted the norms for food for verification to the mayor of the municipality, and in the City of Skopje, to the mayor of the municipality on the territory of the City of Skopje and it has not been providing the catering services in appropriate quantity and quality as per the norms set (Article 35 paragraph 1 alinea 9);

7) it has not been offering catering services in the tourist arrangement package in accommodation catering facilities through the travel organisers or agents, that is, travel agencies (Article 35 paragraph 1 alinea 12);

8) it has been serving alcoholic drinks from 07.00 to 10.00 hrs (Article 38 paragraph 1)

9) it should maintain the premises and equipment and provide services in the catering facility as per minimum technical requirements set, as well as the requirements for categorisation of the types of facilities for which categorisation has been determined under a decision issued by the Categorisation Commission, or as per the criteria set for placing special designation marks under a decision of the designation mark provider (Article 35 paragraph 1 alinea 1)

10) it has not been keeping any guestbook in the accommodation catering facility (Article 35 paragraph 1 alinea 9)

11) it has not been abiding by the prices posted (Article 35 paragraph 1 alinea 4)

12) it does not possess any documents on procured products (invoices, receipts, bill of materials and alike) (Article 35 paragraph 1 alinea 5);

13) it has not been providing a receipt with specification of services from the fiscal cash register for each service provided (Article 35 paragraph alinea 6).

For the actions referred to in paragraph 1 of this Article the legal entity or the sole proprietor shall be issued mandate payment order by the state market inspector.

For the actions stated in paragraph 1 of this Article, a mandate payment order shall be issued to the person in charge in the legal entity, or to the person in charge in the sole proprietor, in the amount of 30% of the penalty imposed on the legal entity, or on the sole proprietor.

The offender shall be bound to pay the mandate payment order within eight days from the day of its handing in the amount determined under paragraphs 1, 2 and 3 of this Article.

If the offender fails to pay voluntarily the penalty stated in paragraphs 1, 2 and 3 of this Article, the mandate payment order shall have the power of executive act and the state market inspector shall submit it to the competent authority for its compulsory execution.

#### **Article 69-a**

Penalty in the amount of EUR 2,000 in MKD equivalent shall be imposed on a legal entity or on a sole proprietor if it fails to post the obligation of hiring domestic tourist guide during organised stay for foreign tourists, in a manner determined by the Law on Tourism Activity (Article 35 paragraph 1 alinea 13).

For the action stated in paragraph 1 of this Article, the legal entity or the sole proprietor shall be issued a penalty payment order by the state market inspector.

For the actions stated in paragraph 1 of this Article, a mandate payment order shall be issued to the person in charge in the legal entity, or to the person in charge in the sole proprietor, in the amount of 30% of the penalty imposed on the legal entity, or on the sole proprietor.

Following the receipt and signing of the penalty payment order, the offender shall be bound to pay the penalty imposed under paragraphs 1 and 3 of this Article within eight days from the receipt of the penalty payment order at the account indicated in the payment order.

The offender that shall pay the penalty within the deadline set in paragraph 4 of this Article shall pay half of the penalty imposed, for which it shall be advised by the legal instruction.

In the proceedings ending with payment of penalty payment order, no procedural costs shall be paid thereof.

If the offender fails to pay the penalty within the deadline stated in paragraph 4 of this Article, the state market inspector shall file a request for raising misdemeanour proceedings to the Penalty Commission.

### **Article 70**

Penalty in the amount of EUR 4,000 in MKD equivalent shall be imposed on a legal entity or on a sole proprietor, if:

- 1) the catering activity is performed prior to entry in the Commercial Register (Article 4 paragraph 1);
- 2) the catering activity is performed in catering facilities – night bar, cabaret and disco club without licence (Article 20 paragraph 1);
- 3) it does not abide by the stipulated working hours (Article 26 paragraph 2);
- 4) it has transferred the licence (Article 22 paragraph 2);
- 5) it has been serving alcohol and alcoholic drinks to persons under the age of 18 (Article 37 paragraph 1), and
- 6) it has been selling and serving food and alcoholic drinks and playing music after 24.00 hrs (Article 38 paragraph 2).

For the action stated in paragraph 1 of this Article, the legal entity or the sole proprietor shall be issued a penalty payment order by the state market inspector.

For the actions stated in paragraph 1 of this Article, a mandate payment order shall be issued to the person in charge in the legal entity, or to the person in charge in the sole proprietor, in the amount of 30% of the penalty imposed on the legal entity, or on the sole proprietor.

Following the receipt and signing of the penalty payment order, the offender shall be bound to pay the penalty imposed under paragraphs 1 and 3 of this Article within eight days from the receipt of the penalty payment order at the account indicated in the payment order.

The offender that shall pay the penalty within the deadline set in paragraph 4 of this Article shall pay half of the penalty imposed, for which it shall be advised by the legal instruction.

The proceedings ending with payment of penalty payment order, no procedural costs shall be paid thereof.

If the offender fails to pay the penalty within the deadline stated in paragraph 4 of this Article, the state market inspector shall file a request for raising misdemeanour proceedings to the Penalty Commission.

#### **Article 70-a**

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The misdemeanour proceedings for the offences stipulated by this Law may be neither initiated, nor implemented if 18 months have passed since the day when the offence was committed.

#### **Article 70-b**

The state market inspector or the certified inspector of the municipality and the certified inspector of the City of Skopje shall be bound to keep records of issued mandate and penalty payment orders and of the output of the proceedings initiated.

The records stated in paragraph 1 of this Article shall collect, process and keep the following data: name and surname, or name of the offender, permanent or residence address, seat, type of offence, number of mandate/penalty payment order they are issued and the proceedings output.

The personal data stated in paragraph 2 of this Article shall be kept for five years since the day of entry into the records.

#### **Article 70-c**

The form and content of the penalty and mandate payment order shall be prescribed by the Minister managing the state administration body with jurisdiction in catering affairs.

#### **Article 70-d**

The measurement of the penalty against the legal entity, or the sole proprietor shall be done in accordance with the Law on Offences.

#### **Article 70-d**

Penalty in the amount of EUR 150 in MKD equivalent shall be imposed for offence to a member and a deputy member in the Categorisation Commissions and in the Supervisory Commission, for unprincipled performance of official duty and authorisation, in the event that a category was assigned for the catering facility in non-objective manner.

For the offence stated in paragraph 1 of this Article, misdemeanour proceedings shall be implemented and a misdemeanour sanction shall be imposed by the court of jurisdiction.

#### **Article 70-e**

Penalty in the amount of EUR 25 to 50 in MKD equivalent shall be imposed for offence to an authorised officer from the municipality, and in the City of Skopje, from the municipality of the City of Skopje, if he/she fails to request the evidence ex officio within the deadline determined by Articles 4-a paragraph 3 and 4-c paragraph 3 of this Law.

Penalty in the amount of EUR 25 to 50 in MKD equivalent shall be imposed for offence to an authorised officer from the state administration body with jurisdiction in catering affairs, if he/she fails to request the evidence ex officio within the deadline determined by Article 19-c paragraph 3, Article 21 paragraph 3, Article 29 paragraph 3 and Article 53-d paragraph 3 of this Law.

Penalty in the amount of EUR 25 to 50 in MKD equivalent shall be imposed for offence to an authorised officer from the competent public authority from which the evidence have been requested, if he/she fails to submit the requested evidence within the deadline determined by Article 4-a paragraph 4, Article 19-c paragraph 4, Article 21 paragraph 4, Article 29 paragraph 4 and Article 53-d paragraph 4 of this Law.

Penalty in the amount of EUR 25 to 50 in MKD equivalent shall be imposed for offence to an authorised officer from the municipality, and in the City of Skopje, from the municipality of the City of Skopje, if he/she fails to decide on the request within the deadline determined by Articles 4-b paragraph 1 and 4-c paragraph 3 of this Law.

Penalty in the amount of EUR 25 to 50 in MKD equivalent shall be imposed for offence to the members of the Commission referred to in Article 19-b paragraph 1 of this Law, if they fail to decide upon the request within the deadline determined by Article 19-b paragraph 4 of this Law.

Penalty in the amount of EUR 25 to 50 in MKD equivalent shall be imposed for offence to an authorised officer from the state administration body with jurisdiction in catering affairs, if he/she fails to decide upon the request within the deadline determined by Article 22 paragraph 1 of this Law.

Penalty in the amount of EUR 25 to 50 in MKD equivalent shall be imposed for offence to the members of the Commission referred to in Article 28 paragraph 1 of this Law, if they fail to decide upon the request within the deadline determined by Article 28 paragraph 4 of this Law.

Penalty in the amount of EUR 25 to 50 in MKD equivalent shall be imposed for offence to the members of the Commission referred to in Article 53-c paragraph 1 of this Law, if they fail to decide upon the request within the deadline determined by Article 53-c paragraph 4 of this Law.

For the offences determined by paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 of this Article, misdemeanour proceeding shall be implemented and misdemeanour sanction shall be imposed by the court of jurisdiction.

*\*Article 10 of the Law amending and supplementing the Law on Catering Activity (Official Gazette of RM, No. 39/16) in which, after Article 70-d a new Article is added 70-e, and it does not correspond to the text of the Law in which Article 70-e already exists.*

#### **Article 70-f**

Penalty in the amount of EUR 7,000 to 15,000 in MKD equivalent shall be imposed on the official, or the managing person in the Ministry of Economy, if he/she fails to send the decision referred to in Article 27-b paragraph 5, to the categorisation requester.

#### **Article 70-h**

Penalty in the amount of EUR 25 to 50 in MKD equivalent shall be imposed for offence to an authorised officer from the state administration body with jurisdiction in catering affairs, if he/she fails to request the evidence ex officio within the deadline determined by Article 27-c paragraph 3 of this Law.

Penalty in the amount of EUR 25 to 50 in MKD equivalent shall be imposed for offence to an authorised officer from the competent public authority from which the evidence have been requested, if he/she fails to submit the requested evidence within the deadline determined by Article 27-c paragraph 4 of this Law.

For the offences determined by paragraphs 1 and 2 of this Article, misdemeanour proceedings shall be implemented and misdemeanour sanction shall be imposed by the court of jurisdiction.

Article 71 has been deleted; see: Law amending and supplementing the Law on Catering Activity (Official Gazette of RM, No. 89/08).

Articles 72 and 73 have been deleted; see: Law amending and supplementing the Law on Catering Activity (Official Gazette of RM, No. 115/10).

Articles 74 and 75 have been deleted; see: Law amending and supplementing the Law on Catering Activity (Official Gazette of RM, No. 89/08).

## IX. TRANSITIONAL AND FINAL PROVISIONS

### **Article 76**

The proceedings initiated prior to the day of enforcement of this Law shall be completed under the provisions of the Law on Catering and Tourism Activity (Official Gazette of the Republic of Macedonia, No. 23/95, 33/2000, 25/2002 and 38/2003).

### **Article 77**

Performers of catering activity and natural persons shall be bound to align their operation with the provisions of this Law within one year from the day of the entry into force of this Law.

The provision stated in paragraph 1 of this Article shall not apply to performers of catering activity that have obtained a licence, for the time of its duration.

### **Article 78**

Regulations stipulated under the provisions of this Law shall be adopted within six months from the day of entry into force of this Law.

### **Article 79**

The existing regulations shall be applied until new secondary legislation is adopted as stipulated by this Law thereof.

### **Article 80**

On the day of entry into force of this Law, the mayor of the municipality, and in the City of Skopje, the mayor of the municipality on the territory of the City of Skopje, shall take over the worker from the regional unit of the state administration body with jurisdiction in catering affairs, that has worked on maintaining the Register of Tourism-Catering Activity and on recordkeeping as stipulated by the provisions of this Law with the enforcement of this Law.

### **Article 81**

On the day of entry into force of this Law, the provisions relating to the catering activity under the Law on Catering and Tourism Activity shall cease to be valid (Official Gazette of the Republic of Macedonia, No. 23/95, 33/2000, 25/2002 and 38/2003).

### **Article 82**

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, and it shall be applied from the day of constituting councils and municipalities and the City of Skopje and the election of mayors and mayor of the City of Skopje, following the implementation of the next elections under the Law on Local Elections (Official Gazette of the Republic of Macedonia, No. 46/96, 12/2003, 35/2004, 52/2004 and 60/2004).

### ***FINAL PROVISION*** ***of the Law amending and supplementing the*** ***Law on Catering Activity (Official Gazette*** ***of RM, No. 89/08)***

### **Article 30**

The Legislative-Legal Commission of the Assembly of the Republic of Macedonia shall be tasked to determine consolidated text of the Law on Catering Activity.

### **Article 31**

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.

### ***TRANSITIONAL AND FINAL PROVISIONS*** ***of the Law amending and supplementing the Law on Catering Activity*** ***(Official Gazette of RM, No. 115/10)***

### **Article 9**

The State Market Inspectorate shall run the settling and misdemeanour proceedings in accordance with the Law on State Market Inspectorate and the Law on Misdemeanours.

### **Article 10**

The secondary legislation act as stipulated by this Law shall be adopted within 15 days from the day of entry into force of this Law.

### **Article 11**

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.

### ***TRANSITIONAL AND FINAL PROVISIONS***

***of the Law amending and supplementing the Law on Catering Activity  
(Official Gazette of RM, No. 53/11)***

**Article 17**

The provisions of Article 3 of this Law, adding two new Articles: 21-a and 21-b, Article 5 of this Law, adding new Article 22-a and Article 7 of this Law amending paragraph 6 of Article 28, shall commence enforcement upon the commencement of the enforcement of the Law on founding State Commission deciding in administrative proceedings and second-instance labour relations proceedings.

The provisions stated in Articles 12 and 13 of this Law shall commence enforcement upon the commencement of the enforcement of the Law on Inspection.

**Article 18**

The Legislative-Legal Commission of the Assembly of the Republic of Macedonia shall be empowered to establish consolidated text of the Law on Catering Activity.

**Article 19**

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.

***TRANSITIONAL AND FINAL PROVISIONS***

***of the Law amending and supplementing the Law on Catering Activity  
(Official Gazette of RM, No. 141/12)***

**Article 14**

The secondary legislation acts stipulated by this Law shall be adopted within 30 days from the day of entry into force of this Law.

**Article 15**

The Legislative-Legal Commission of the Assembly of the Republic of Macedonia shall be empowered to establish consolidated text of the Law on Catering Activity.

**Article 16**

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.

***FINAL PROVISION***

***of the Law amending and supplementing the Law on Catering Activity (Official  
Gazette of RM, No. 164/13)***

**Article 2**

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 and it shall commence its enforcement as of 1 May 2014.

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**FINAL PROVISION**  
**of the Law amending and supplementing the Law on Catering Activity (Official Gazette of RM, No. 187/13)**

**Article 14**

The Legislative-Legal Commission of the Assembly of the Republic of Macedonia shall be empowered to establish consolidated text of the Law on Catering Activity.

**Article 15**

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.

**FINAL PROVISION**  
**of the Law amending and supplementing the Law on Catering Activity (Official Gazette of RM, No. 166/14)**

**Article 3**

The Legislative-Legal Commission of the Assembly of the Republic of Macedonia shall be empowered to establish consolidated text of the Law on Catering Activity.

**Article 4**

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.

**TRANSITIONAL AND FINAL PROVISIONS**  
**of the Law amending and supplementing the Law on Catering Activity (Official Gazette of RM, No. 199/14)**

**Article 3**

The secondary legislation acts stipulated by this Law shall be adopted within 30 days from the day of entry into force of this Law.

**Article 4**

The provisions of Article 47-a, of this Law shall commence their enforcement within 30 days from the day of entry into force of the secondary legislation acts of this Law.

**Article 5**

The Legislative-Legal Commission of the Assembly of the Republic of Macedonia shall be empowered to establish consolidated text of the Law on Catering Activity.

**Article 6**

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.

**TRANSITIONAL AND FINAL PROVISIONS**

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***of the Law amending and supplementing the Law on Catering Activity  
(Official Gazette of RM, No. 129/15)***

**Article 8**

The secondary legislation act stipulated by this Law shall be adopted within 30 days from the day of entry into force of this Law.

**Article 9**

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.

***FINAL PROVISION***

***of the Law amending and supplementing the Law on Catering Activity (Official  
Gazette of RM, No. 192/15)***

**Article 2**

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.

***TRANSITIONAL AND FINAL PROVISIONS***

***of the Law amending and supplementing the Law on Catering Activity  
(Official Gazette of RM, No. 39/16)***

**Article 8**

The accommodation catering facilities referred to in Article 27 paragraph 1 of this Law shall be bound to be categorised by the Categorisation Commission referred to in Article 27-a of this Law, within one year from the day of entry into force of this Law.

**Article 9**

The secondary legislation acts stipulated by this Law shall be adopted within 30 days from the day of entry into force of this Law.

**Article 10**

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.

***TRANSITIONAL AND FINAL PROVISIONS***

***of the Law amending and supplementing the Law on Catering Activity  
(Official Gazette of RM, No. 53/16)***

**Article 11**

The initiated proceedings up to the day of commencing the enforcement of this Law shall end in accordance with the Law under which they have been initiated.

**Article 12**

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 and it shall commence its enforcement upon the commencement of the enforcement of the Law on General Administrative

Proceedings in accordance with Article 141 of the Law on General Administrative Proceedings (Official Gazette of the Republic of Macedonia, No. 124/15).

***FINAL PROVISION***  
***of the Law amending and supplementing the Law on Catering Activity***  
***(Official Gazette of RM, No. 71/16)***

**Article 2**

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.