

Unofficial translation

REPUBLIC OF MACEDONIA
MINISTRY OF INTERNAL AFFAIRS

LAW ON POLICE

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LAW ON POLICE

I. GENERAL PROVISIONS

Article 1

This Law regulates the police affairs, the organisation of the police, police authorisations, and the rights and obligations resulting from employee status of the police officers in the Ministry of Internal Affairs (hereinafter referred to as: the Ministry) which are not regulated by the Law on Internal Affairs.

Article 2

The Police is part of the Ministry where police affairs are performed by police officers.

A police officer is an authorised official person, according to the provisions of the Law on Internal Affairs, which is uniformed and plain clothes member of the police with police authorisations, performing police affairs in accordance with the law.

Article 3

The basic function of the police is protection and respect of the fundamental freedoms and rights of the human being and the citizens, guaranteed by the Constitution of the Republic of Macedonia, the laws and the ratified international agreements, protection of the legal order, prevention and detection of sanctioning acts, undertaking measures for prosecution of the perpetrators of such crimes, as well as, maintenance of the public order and peace in the society.

Article 4

For the purpose of creating conditions for work of the police, the Ministry:

1. determines the personnel and the educational needs, principles for advancement in the service and human resources management;
2. adopts development, organisational and other directions for work;
3. develops plans for use of material and financial means;
4. adopts and implements plans for installation and use of information systems for its own needs;
5. adopts and implements plans for installation and usage of radio communication and telecommunication systems for its own needs;

6. determines the needs for development and application of contemporary scientific, criminal achievements and application of technical means;
7. develops and promotes the international police cooperation;
8. organizes and conducts surveillance, internal control and financial audit and;
9. performs other affairs determined by law.

II. POLICE AFFAIRS

Article 5

Police affairs in the sense of this Law are actions of the police officers that refer to:

- protection of life, personal safety and property of the citizens;
- protection of freedoms and rights of the human beings and the citizens, guaranteed by the Constitution of the Republic of Macedonia, the laws and the ratified international agreements;
- prevention of committing crimes and misdemeanours, detection and apprehension of the perpetrators of crimes and undertaking other specific measures, stipulated by law, for prosecution of the perpetrators of such crimes;
- maintaining the public order and peace;
- regulation and control of the traffic;
- control of the movement and residence of foreigners;
- state border security and state border crossing control;
- providing assistance and protection to the citizens in case of utmost necessity;
- protection of specific persons and facilities and
- other affairs determined by law.

Article 6

Police provides assistance to the state bodies, the municipalities and to the City of Skopje, to legal and natural persons when rescuing people and material goods from natural disasters and other calamities.

Article 7

Police provides help (assistance) for enforcement of an executive decision, if in the course of the enforcement of the execution, the competent state body, i.e. the persons that are authorized, by a separate law, to enforce the execution, faces physical resistance or such resistance can be justifiably expected.

The request for assistance is submitted to the police in written form by the competent state body referred to in paragraph 1 of this Article, not later than five days before the enforcement of the execution of the decision referred to in paragraph 1 of this Article.

The Chief of the Sector for Internal Affairs decides upon the manner of providing help (assistance) and informs the submitter of the request in due time.

Article 8

When the person upon which police authorisations are exercised on, in accordance with this law, deems that the police officer infringed his freedoms and rights, is entitled to submit a complaint to the police.

Police is obliged to check the allegations in the complaint, referred to in paragraph 1 of this Article, and within 30 days from the reception of the complaint to notify in written form the complainant for the undertaken measures.

Article 9

The Minister of Internal Affairs (hereinafter referred to as: the Minister) submits a written report on the performed police affairs, at least once a year, before the Government of the Republic of Macedonia (hereinafter referred to as: the Government).

The Minister submits a written report on the performed police affairs to the Parliament of the Republic of Macedonia and its working bodies, at least once a year.

The written report on the performed police affairs is published by the Ministry in a manner available to the Public (internet site, mediums for public information etc.).

Article 10

The Police informs the public on issues of its competence.

Upon a request of the citizens, state bodies, public enterprises and other legal entities, the police provides them with information, data and notifications for issues related to its scope of work, for which they are directly interested in.

No information, data and notifications, which according to the Law are determined with a specific classification degree, except when the conditions determined in separate law are fulfilled, shall be provided.

No personal data will be given that are at the availability of the Ministry, except in cases determined by this and a separate Law.

The information, data and notifications referred to in paragraphs 1 and 2 of the present Article are provided by an authorized employee by the Minister.

Article 11

The Police cooperates with the citizens, state bodies, associations of citizens, and other legal persons for the purpose of prevention or detection of criminal acts or misdemeanours.

The Police cooperates with the bodies of the municipalities and of the City of Skopje on issues referring to public security and road traffic safety.

For the purpose of establishing cooperation and strengthening the influence of the public in the police affairs referred to in paragraphs 1 and 2 of this Article, advisory and coordination bodies (councils and commissions) can be set up in order to create common recommendations for improving the public security in the area of the municipality and of the City of Skopje, confidence and partnership relations building in preventing the phenomena influencing the security.

Article 12

Police cooperates with foreign police services and international police organisations, according to the ratified international agreements and membership in international police organisations and institutions.

Article 13

The police officer is obliged, apart from the working hours, to undertake necessary measures, according to the circumstances of the case for the purpose of protection the life and the personal safety and the property of the citizens.

Article 14

The police officer undertakes measures referring to the prosecution of the perpetrator of the punishable act, only when there are grounds for a suspicion that the person has perpetrated such act.

There are grounds for suspicion when the police has indications which on the basis of the criminal and police knowledge and experience may be estimated as an evidence for committed punishable acts and guilt of the perpetrator of such act.

When there are grounds for suspicion on punishable preparation, planning or perpetrating a criminal act, the police shall initiate a criminal processing and undertake measures, pursuant to the Law on Criminal Procedure.

III. ORGANISATION OF THE POLICE

Article 15

The police affairs in the Ministry are performed by the Bureau for Public Security (hereinafter referred to as: the Bureau) as a body within the Ministry.

The following is within the competence of the Bureau:

1. conceptual planning, monitoring and analysing the security situation and the reasons for crime and public security endangerment appearance;
2. harmonisation, direction, general and expert supervision and control of the work of the police organisational units;
3. gathering, processing, analysis, use, evaluating, transmitting, storing and deleting data from the police scope of work, as well as personal data processing under the terms and the manner determined by this and by a separate law;
4. participation in performing certain complex affairs within the scope of work of the police organisational units;
5. implementation of the ratified international agreements on police cooperation and other international acts which fall under the jurisdiction of the police;
6. proposing equipment standards and material-technical means for the police organisational units;
7. consideration on the police preparedness for acting and working in conditions of a complex security situation and
8. other issues determined by law.

The general supervision covers the police organizational structure, the methodology of the police work and it is performed once in every four years.

The expert supervision is performed upon order by the Director of the Bureau, if it is estimated that there is a need for supervision of the respect of prescribed standards and procedures for the work of the police.

Article 16

The Bureau is managed by a Director who upon Minister's proposal is appointed and dismissed by the Government of the Republic of Macedonia for a period of four years.

For the position of a Director of the Bureau might be appointed a person who apart from the general conditions for establishing working status in the police stipulated by this Law fulfils the following necessary conditions:

1. to possess appropriate university degree
2. to have working experience of at least 10 years with approved results in the field of judiciary, public prosecution or in the police.

The Director might be dismissed upon his/her request, when he/she is sentenced with at least six months of imprisonment for committed punishable act or for unprincipled or unprofessional work performance.

Article 17

For the purpose of performing police affairs, which require a high level of specialisation, and for effective and cost-efficient performance of certain specific and complex tasks, as well as for the needs of the Sectors for Internal Affairs and the Regional Centres for Border Affairs, under the principle of centralised work, Central Police Services are established, performing their tasks throughout the territory of the Republic of Macedonia.

The Central Police Services perform activities in the field of organised crime, forensics, activities in giving support to the performance of certain specific and complex affairs in the area of the Sectors for Internal Affairs and the Regional Centres for Border Affairs by special police units, as well as, other activities and tasks.

The Central Police Services are governed by a Chief.

A person can be appointed as a Chief of the Central Police Services who apart from the general conditions for establishing working status in the police stipulated by this Law fulfils the following special conditions:

1. to possess appropriate university degree
2. to have a working experience in the police of at least 8 years, out of which 4 years on a managerial post

The Chief of the Central Police Services is appointed and dismissed by the Minister from the current personnel in a transparent procedure.

The Chief of the Central Police Services for his/her activities is directly accountable before the Director.

Article 18

The Organised Crime Department functions within the Central Police Services, competent for prevention and detection of criminal acts for which the prosecution is undertaken ex officio, perpetrated by an organised group of at least three persons, being active for a certain period, in order to achieve direct or indirect financial benefit or other kind of material benefit and which will perpetrate one or several criminal acts, as well as other criminal acts for which the Law prescribes at least four year imprisonment.

The Department referred to in paragraph 1 of this Article is competent both for detection and prevention of criminal acts that by their nature are trans-national and for tracking down organised groups that use violence and other types of force and pressure, are included in the legal economic activities and with actions of corruption create conditions for easier profit gaining and protection from criminal prosecution.

The Department referred to in paragraph 1 of this Article while performing its activities cooperates and implements the guidelines of the Public Prosecutor, pursuant to the Law.

The Department referred to in paragraph 1 of this Article while exercising its assignments shall obtain support in material and human resources from the Sectors for Internal Affairs and the Regional Centres for Border Affairs.

Article 19

For the purpose of protection of the security of the Republic of Macedonia, when the public order and peace is disturbed in a greater extent or for the purpose of rescuing the people and property during natural disasters and other calamities, the Director of the Bureau can form police units for performing certain tasks out of the police officers.

Article 20

For the purpose of performing police affairs, on the territory of the Republic of Macedonia, Sectors for Internal Affairs are established.

The Sectors for Internal Affairs are established according to the size of the area, number of the population, number of criminal acts and misdemeanours, as

well as the significance of the road directions and the geographical location of the municipalities within the scope of the Sector for Internal Affairs.

Sectors for Internal Affairs, in accordance with this Law are:

1. Sector for Internal Affairs-Skopje, with its seat in Skopje, for the purpose of performing police affairs in the area of the City of Skopje and the municipalities of Arachinovo, Zelenikovo, Ilinden, Petrovec, Sopista, Studenichani and Chucher Sandevo;
2. Sector for Internal Affairs-Bitola, with its seat in Bitola for the purpose of performing police affairs in the area of the municipalities of Bitola, Demir Hisar, Dolneni, Krushevo, Krivogashtani, Makedonski Brod, Mogila, Novaci, Plasnica, Prilep and Resen;
3. Sector for Internal Affairs-Veles, with its seat in Veles for the purpose of performing police affairs in the area of the municipalities of Veles, Gradsko, Demir Kapija, Kavadarci, Negotino, Rosoman and Chashka;
4. Sector for Internal Affairs-Kumanovo, with its seat in Kumanovo for the purpose of performing police affairs in the area of the municipalities of Kratovo, Kriva Palanka, Kumanovo, Lipkovo, Rankovce and Staro Nagorichane;
5. Sector for Internal Affairs-Ohrid, with its seat in Ohrid, for the purpose of performing police affairs in the area of the municipalities of Vraneshnica, Vevchani, Debar, Debarca, Drugovo, Zajas, Kichevo, Oslomej, Ohrid, Struga and Centar Zhupa;
6. Sector for Internal Affairs-Strumica, with its seat in Strumica, for the purpose of performing police affairs in the area of the municipalities of Bogdanci, Bosilovo, Valandovo, Vasilevo, Gevgelija, Dojran, Konche, Novo Selo, Radovish and Strumica;
7. Sector for Internal Affairs-Tetovo, with its seat in Tetovo, for the purpose of performing police affairs in the area of the municipalities of Bogovinje, Brvenica, Vrapchiste, Gostivar, Zhelino, Jegunovce, Mavrovo and Rostusha, Tearce and Tetovo; and
8. Sector for Internal Affairs-Shtip, with its seat in Shtip, for the purpose of performing police affairs in the area of the municipalities of Berovo, Vinica, Delchevo, Zrnovci, Karbinci, Kochani, Lozovo, Makedonska Kamenica, Pehchevo, Probishtip, Sveti Nikole, Cheshinovo and Shtip;

For the purpose of performing the police affairs, the Sector for Internal Affairs:

1. monitors and analyses the security situation and the events that cause emerging and development of crime and events that jeopardise the public security on the area for which it was established;
2. organises, harmonises, directs and controls the work of the police stations;
3. performs activities connected to crime and prevention of crime;
4. collects, processes, analyses, uses, evaluates, transmits, stores and deletes data of the police scope of work for the area for which it was established, as well as personal data procession under the terms and manner determined by this and a separate Law;
5. directly participates in the performance of the complex affairs within the scope of work of the police station;
6. performs and enforces determined measures from the area of state border security, if needed;
7. undertakes measures for protection of certain persons and facilities;
8. informs the public on issues related within its scope of work;
9. performs other tasks determined by law, other regulation or according to the obligations deriving from the membership in the international police organisations and institutions;

Article 22

The Sector for Internal Affairs is managed by a Chief.

A person may be appointed as a Chief of the Sector for Internal Affairs who apart from the general conditions for establishing working status in the police stipulated by this Law, fulfils the following special conditions:

1. to possess appropriate university degree
2. to have a working experience in the police of at least 6 years, out of which 4 years on a managerial post.

The Chief of the Sector for Internal Affairs is appointed and dismissed by the Minister from the current personnel, in a transparent procedure.

The Chief of the Sector for Internal Affairs for his/hers activities is directly accountable to the Director.

Article 23

The police station of general competence for direct performance of police affairs for a particular area is established within the Sector for Internal Affairs.

Police stations of general competence are:

1. Police station- Aerodrom;
2. Police station-Bit Pazar
3. Police station- Gazi Baba
4. Police station-Drachevo
5. Police station- Gjorche Petrov
6. Police station- Karposh
7. Police station- Kisela Voda
8. Police station- Centar
9. Police station- Chair
10. Police station- Berovo
11. Police station-Bitola
12. Police station-Valandovo
13. Police station-Veles
14. Police station-Vinica
15. Police station-Gevgelija
16. Police station-Gostivar
17. Police station-Debar
18. Police station-Delchevo
19. Police station-Demir Hisar
20. Police station-Kavadarci
21. Police station-Kichevo
22. Police station-Kochani
23. Police station- Kratovo
24. Police station-Kriva Palanka
25. Police station-Krushevo
26. Police station-Kumanovo
27. Police station-Makedonski Brod
28. Police station-Negotino
29. Police station-Ohrid
30. Police station-Prilep

31. Police station-Probishtip
32. Police station-Radovish
33. Police station-Resen
34. Police station-Sveti Nikole
35. Police station-Struga
36. Police station- Strumica
37. Police station-Tetovo and
38. Police station-Shtip

Article 24

The police station referred to in Article 23 of this Law is managed by a Commander, who performs the work in a police uniform.

A person may be appointed a Commander of a police station who apart from the general conditions for establishing working status in the police stipulated by this Law, fulfils the following special conditions:

1. to possess appropriate university degree
2. to have working experience in the police of at least 6 years

The Commander referred to in paragraph 1 of this Article is selected with the majority of votes of the total number of counsellors by the council of the municipality where the police station of general competence of the Ministry is located (hereinafter referred to as: council of the respective municipality), out of the list that is comprised of at least three candidates, proposed by the Minister, among which, at least one candidate belongs to the community which is a majority in those municipalities.

If the council of the respective municipality does not select one of the proposed candidates within 15 days from the day of the submission of the list, the Minister will propose a second list comprised of at least three new candidates, among which, at least one of the candidates belongs to the community which is a majority in those municipalities.

If after implementation of the procedure referred to in paragraph 4 of this Article, the council of the respective municipality once again does not select one of the proposed candidates within 15 days from the day of the submission of the list, the Minister in consultation with the Government shall select Commander of the police station of general competence from both lists of candidates proposed by

the Minister, as well as three additional candidates, proposed by the council of the respective municipality.

The Minister retains the authorisation for dismissal of the Commander of the police station of general competence, according to this Law.

Article 25

The Commander of the police station referred to in Article 24 of this Law, informs the council of the respective municipality, in a written form and on every six months, on the matters regarding public security and traffic road safety.

The Commander referred to in paragraph 1 of this Article informs the council of the respective municipality, upon a request of the council, regarding issues of public security and road traffic safety.

The Commander referred to in paragraph 1 of this Article, receives recommendations from the councils of the respective municipalities on the improvement of the public security and traffic road safety, for the purpose of building confidence between the police and the local population.

Article 26

For the purpose of performing the police affairs that refer to state border security and control of the state border crossings, the following Regional Centres for border affairs are established:

1. Regional Centre South, with its Seat in Kavadarci;
2. Regional Centre East, with its Seat in Delchevo;
3. Regional Centre North, with its Seat in Skopje; and
4. Regional Centre West, with its Seat in Ohrid;

The Regional Centre for Border Affairs is governed by a Chief, who performs the work in a police uniform.

A person may be appointed as a Chief of the Regional Centre for Border Affairs who apart from the general conditions for establishing working status in the police stipulated by this Law, fulfils the following special conditions:

1. to possess appropriate university degree
2. to have a working experience in the police of at least 10 years, out of which 4 years on a managerial post

The Chief referred to in paragraph 2 of this Article is appointed and dismissed by the Minister from the current personnel, in a transparent procedure, in accordance with the bylaws of the Minister.

The Chief of the Regional Centre for border affairs for his/hers activities is directly accountable to the Director.

Article 27

Within the Regional Centres for Border Affairs, police stations are established for state border security and police stations for border control, according to the international standards for state border surveillance.

The police stations referred to in paragraph 1 of this Article are managed by a Commander, who performs the tasks in a police uniform.

The Commander of the police stations referred to in paragraph 2 of this Article is appointed and dismissed by the Minister, upon a proposal of the Director of the Bureau, in a transparent selection procedure.

IV. POLICE AUTHORISATIONS

Article 28

Police authorisations stipulated in this Law are:

1. check and determination of the identity of persons and objects;
2. information collection;
3. summoning;
4. apprehension;
5. detention;
6. search of persons and objects;
7. redirecting, directing or restriction of the movement of persons and means of transportation in a particular area for necessary period of time;
8. warnings and orders;
9. temporary dispossession of objects;
10. search of certain facilities and premises of state bodies, institutions exercising public authorisations and other legal persons and insight in certain documentation;
11. stop, examination or search of persons, luggage and means of transportation;
12. securing and inspection of the crime scene;
13. reception of charges;
14. public announcement of awards;
15. recording on public places;

16. collecting, processing, analysing, using, estimation, transmission, storage and deleting data, as well as personal data procession under the terms and manner determined by this and separate Law;
17. application of special investigative measures and undercover sources of data and
18. protection of the persons encompassed by the regulations for witness protection

In undertaking the activities in the frames of the police authorisations, referred to in paragraph 1 of this Article, means of coercion can be applied under conditions and manners determined by a law.

Article 29

The police authorisations referred to in Article 28 of this Law are enforced by the police officers.

The provisions on police authorisations foreseen in this Law also refer to other authorised official persons of the Ministry in performing the police affairs unless otherwise stipulated by another Law.

Article 30

The Minister or another authorised person by the Minister, within the Ministry issues official identity card and badge to the police officers.

The police officer is obliged to wear a uniform while performing the activities of maintaining the public order and peace, regulating and control of the security of the traffic, state border security and control of the state border crossings and while performing other police affairs determined by law.

The police officer can perform the affairs referred to in paragraph 2 of this Article in plain clothes when it is ordered by the immediate superior police officer.

Article 31

The police officer is authorised to carry weapons and other means of coercion.

Article 32

The police can limit the fundamental human and citizens' freedoms and rights only under conditions and in a procedure determined by the Constitution of the Republic of Macedonia and by law.

In the performance of the police authorisations, the police officer is obliged to act in a human manner and to respect the dignity, reputation and the honour of the persons as well as the fundamental human and citizens' freedoms and rights.

Article 33

The police officer in a uniform in exercising the police authorisations is obliged to present his/her official identity card upon a request of the citizen.

When the police officer exercises the police authorisations in plain clothes, he/she is obliged previously to present his/her official identity card.

With exception to paragraphs 1 and 2 of this Article, the police officer shall not present his/her official identity card if the actual conditions for exercising the police authorisations indicate that achieving their goal could be jeopardized. The police officer shall announce his/her status by the words "police".

When the circumstances referred to in paragraph 3 of this Article cease to exist, the police officer shall present his/her official identity card in a manner determined in paragraphs 1 and 2 of this Article.

Article 34

While exercising police authorisations, calling in, apprehension, and detention, the police officer must immediately inform the person, in a language that the person understands, on the reasons for calling in, apprehension and detention, and in a clear manner to advise him/her on the right to remain silent, the right to consult a lawyer, the right to a lawyer during the police procedure, the right to a medical aid, if the person requires so, as well as the right to inform a member of his family or a close person.

Article 35

The application of the police authorisations must be proportional with the need, for which they are applied.

Only the police authorisations that will reach the goal with least harmful consequences and in the shortest possible time period are applied.

Article 36

The police officer exercises the police authorisations upon a personal decision, upon an order of a superior police officer, competent court or public prosecution, according to the law.

The police officer is obliged to execute the orders referred to in paragraph 1 of this Article, unless their execution is regarded as a crime.

Article 37

The police officers who are specially trained for issues related to suppression of juvenile delinquency exercise police authorisations towards minors.

In exceptional cases, the police authorisations towards minors might be exercised also by other police officers, if because of the circumstances of the case, police officers referred to in paragraph 1 of this Article cannot act.

The police authorisations towards minors are applied, by rule, in presence of their parent or guardian, unless, if due to special circumstances or urgency of the proceeding, it is not possible.

1. Check and determination of the identity of persons and objects

Article 38

The check of the identity of a person will be applied to the person that:

1. shall be deprived of liberty, apprehended, detained, directed or handed over to a competent state body or institution;
2. is considered a threat, for whose obstruction, a police proceeding is necessary;
3. is subject to examination or search or other measures and activities determined by law are undertaken;
4. is found in other person's home, facility and other premises or in means of transportation that are under examination or search, if the check of the identity is required;
5. is found in an area or in a facility where the freedom of movement and stay is temporary restricted, if the check is necessarily required;
6. reports a committed crime or misdemeanour or perpetrators of such crimes, i.e. gives information of interest for the work of police, unless the person

that reports the criminal act or misdemeanour is not willing to identify himself/herself;

7. causes suspicion with his/hers behaviour that s/he is a perpetrator of a criminal act or misdemeanour or that s/he has an intention to commit such crimes or matches the description of the wanted person;

8. will be found at the crime scene;

9. is at a place where the identity of all persons or of the larger number of persons must be checked for security reasons;

10. upon a justified request by an official person from a state body, legal or natural persons.

11. and in other cases determined by law.

A justified request referred to in paragraph 1 item 10 of this Article, is the request from which it is obvious that the official person needs the data for legal proceeding or when a certain right of the natural person is infringed.

The police officer is obliged to inform the person on the reasons for the check of his/hers identity.

Article 39

The checking of a person's identity is conducted with an insight in the person's ID or other identity card with the person's photograph.

With an exception from paragraph 1 of this Article, the identity can be confirmed on the basis of a statement of a person, whose identity is checked or known to the police officer.

The police officer may keep the documents for determining the person's identity only during the time needed for determination of the identity, after which, they are immediately returned to the person.

If the person refuses or is not able to disclose data about himself/herself or to prove the identity, s/he can be detained for the time needed for determination of the identity, but not longer than three hours, unless the conditions referred to in Article 50 of this Law are met.

The person detained referred to in paragraph 4 of this Article is allowed to prove his/hers identity in any possible way.

Article 40

The identity of a person is determined when the person does not possess the documents referred to in Article 39 paragraph 1 of this Law, or when there is a

suspicion in the credibility of these documents, as well as when the identity can not be confirmed according to Article 39, paragraph 2 of this Law.

The identity of the person referred to in paragraph 1 of this Article is determined by using methods and means of criminal tactics and technique, medical or other adequate expert opinions.

If determination of the person's identity cannot be conducted in accordance with paragraphs 1 and 2 of this Article, the Ministry is authorised to publicly announce a description of the person, photography, drawing, or a photo-robot of a person.

When the identity cannot be determined in another way, the Ministry is authorised to announce photography of the person that cannot disclose personal data about himself/herself or a corpse of an unknown person.

Article 41

The determination of the identity of an object is performed for the purpose of determination of the characteristic features, marks and qualities of the object or the relation between the persons or events and objects.

The Ministry is authorised to publicly announce photography, drawing, recording or description of the object if it is of importance for determination of the object's identity.

2. Information gathering

Article 42

The police officer is authorised to collect information related to committed punishable acts, in direct conversations with citizens and representatives of the state bodies and legal persons.

The citizen and the representative of the state body i.e. the legal person referred to in paragraph 1 of this Article are not obliged to give the requested information to the police officer.

3. Summoning

Article 43

Police is authorised to summon citizens for the purpose of gathering the necessary notifications needed for conducting police affairs, by a written invitation.

The written invitation referred to in paragraph 1 of this Article contains: name and surname of the summoned person, title, place and address of the Seat of the organisational unit of the police where the person is summoned, the reasons for summoning, time and place of the summoning, as well as advice on the right to a lawyer in the police procedure, and on the consequences if s/he does not answer to the invitation.

The summoned person can be brought by use of force only upon a court order and only when it is obvious that s/he avoids answering to the appropriately submitted invitation, in which, there was a warning of the possibility of forceful bringing and then when there is not a justification of his/hers failure to appear.

The person who will answer the invitation or who was brought by use of force, and refused to give notifications, must not be summoned again for the same reasons.

The person summoned or brought by use of force is advised on the rights referred to in Article 34 of this Law, as well as on the circumstance that s/he is not deprived of liberty and that after s/he gives or refuses to give notification may leave.

For the summoning and the conversation with the summoned person, the police officer prepares an official note.

Article 44

The person can be summoned in the period of time between 06:00 to 22:00h.

If there is a danger of delay, the police officer is authorised to summon the person out of the time prescribed in paragraph 1 of this Article.

Article 45

The police officer is authorised to summon a person also orally, thus being obliged to inform on the reasons for his/her summoning, and with the consent given by the person, the police officer can transport him/her to the official premises.

A person can be summoned also through the media for public information, when it is necessarily needed because of the danger of delay, security of the proceeding or when the invitation is sent to a larger number of persons.

The summoning of a minor is conducted by submission of a written invitation to his parent or guardian.

4. Apprehension

Article 46

A person can be apprehended on the basis of a written order issued by a competent court.

The person referred to in paragraph 1 of this Article can be apprehended for escorting into the premises of the police, other competent state body or to the place determined by the order.

The police officer is obliged to submit the order referred to in paragraph 1 of this Article to the person that should be apprehended.

The police officer will not submit the order referred to in paragraph 1 of this Article to the person for whom there is grounded suspicion that s/he will give resistance.

The person can be apprehended in the period of time between 06:00 to 22:00h.

In case when the apprehension is necessary for the purpose of undertaking police affairs that cannot be delayed, the person can be apprehended out of the time determined by paragraph 5 of this Article.

Article 47

Apprehension without a written order can be conducted to a person:

1. whose identity should be determined;
2. for whom there is a warrant issued;
3. is caught in the course of conducting crime which is prosecuted ex officio;
4. is caught in the course of conducting a misdemeanour with elements of coercion.

Article 48

The provisions for apprehension shall not be applied to a person for whom there is reasonable doubt that the apprehension would considerably disturb his/her health.

If the apprehension is conducted upon a court's order, the court that has issued the order for apprehension shall be informed on the reasons referred to in paragraph 1 of this Article.

The provisions for apprehension shall not be applied also to a person that performs matters which must not be stopped until adequate replacement is provided.

Article 49

The police officer is obliged to inform the apprehended person on the rights referred to in Article 34 of this Law before his/her apprehension.

5. Detention

Article 50

The police officer can detain a person for whom there are reasonable doubts that s/he has committed a criminal act that is prosecuted ex officio, under terms and in a manner determined by a separate law, whereas the detention may last maximum 24 hours.

The police officer can detain a person caught in the act of perpetrating crime, under the terms and manner specified by a separate Law, as well as individual who violates or jeopardises the public order and peace, and the establishment of the public order and peace or the removal of the threat cannot be achieved otherwise.

The detention referred to in paragraph 2 of this Article may last no longer than 12 hours.

The police officer may detain a person who is under the influence of alcohol or other psycho-active matters under the terms and manner determined by a separate Law when the detention may last maximum 8 hours.

The person delivered by a foreign security body for escorting to a competent state body may be detained no longer than 24 hours.

The detention is terminated immediately after the reasons for the detention cease to exist.

6. Search of persons and objects

Article 51

The police is authorised to enforce measures for search of persons and objects.

The measures for search referred to in paragraph 1 of this Article are warrant, circular and announcement.

A warrant is issued for persons for whom an order has been issued in accordance with the law.

A circular is issued for:

1. a person, for whom there are grounds for suspicion that s/he has committed a criminal act or misdemeanour, or a person, who can provide information on committed criminal acts or misdemeanour, or on the perpetrators of such acts;
2. missing persons;

An announcement is issued for:

1. establishing a domicile or residence of a person;
2. establishing a person's identity who is not capable of giving personal data, or of a corpse of a person, whose identity cannot be established;
3. finding objects related to a criminal act or misdemeanour, as well as missing objects;

7. Redirecting, directing or restriction of the movement of persons and means of transportation in a particular area for necessary period of time

Article 52

The police officer is authorised to redirect, direct or restrict the movement of persons and means of transportation in a particular area for necessary period of time in order to:

1. prevent the committing of criminal act or misdemeanour;
2. confirm the grounds for suspicion that a criminal act is perpetrated that is prosecuted ex officio;
3. trace and apprehend a perpetrator of criminal act or misdemeanour;
4. trace and apprehend the wanted person;
5. detect and secure traces of committed criminal act and objects that may serve as evidence in the procedure
6. act in cases of jeopardized security caused by elementary disasters and other accidents, and
7. collect notifications that might be useful for successful conduct of the procedure.

The redirecting, directing or restriction of the movement referred to in paragraph 1 of this Article may not last longer than the time necessary to achieve the aim due to which it was applied.

In order to achieve the aim referred to in paragraph 1 of this Article, the police officer is authorised to remove (evacuate) persons at a safe distance, to ban the access for persons and vehicles, to inspect the area, the persons and the means of transportation, as well as to search the identity of the persons.

Article 53

The police authorisations referred to in Articles 51 and 52 of this Law shall be conducted by the police through police and criminal-tactical activities: inspection of particular facilities, premises, persons, means of transportation, ambush, raid and blockage of certain facilities, roads and other premises.

8. *Warnings and orders*

Article 54

The police officer shall warn the person who, with his/her behaviour, activities or permitting certain activities, may jeopardise his/her own safety or the safety of other persons or property, disturb the public order and peace or threaten the road traffic safety, or in case when there is reasonable doubt that the person might commit, or provoke other persons to commit a criminal act or a misdemeanour.

Article 55

The police officer may issue an oral order, while performing the police tasks, in cases it is needed for:

- protection of life and personal safety of persons and property;
- prevention of committing criminal act that is prosecuted ex officio or misdemeanour, for detection of traces of a criminal act and objects, which may serve as evidence in the criminal or misdemeanour procedure;
- maintenance of the public order, or prevention of the disturbance of the public order and peace, as well as establishment of the disturbed public order and peace;
- protection of the safety of facilities and persons that are secured;
- control, regulation and safety of the road traffic;
- state border security and control of the state border crossings;

- rescue of persons and elimination of the consequences resulting from natural disasters and other accidents.

Article 56

The warning and orders are given in a clear, unambiguous and understandable manner.

9. Temporary dispossession of objects

Article 57

The police officer shall temporarily dispossess an object:

1. when the circumstances indicate that a certain object was used for committing a criminal act or misdemeanour, as well as proceeds of crime, or if the object is intended to be used for committing a criminal act or misdemeanour;
2. when the dispossession of an object is necessary for the protection of public security;
3. which is in the possession of a person, whose freedom of movement has been temporarily restricted, who possesses and might use it for self-injury, assault or escape;
4. which may be used as evidence in a procedure.

The police officer is obliged to issue a receipt for the temporarily dispossessed objects. The receipt must contain the features of the temporarily dispossessed object that distinguish it from other objects, as well as data on the person from whom the object has been dispossessed, the time and place of dispossession of the object.

Article 58

When, because of the features of the temporarily dispossessed object, the safekeeping in police premises is either not possible or connected with significant difficulties, the temporarily dispossessed object may be deposited, kept or secured in an appropriate manner and in an appropriate space, until a decision is made by the competent state body.

When the reasons for the temporary dispossession of an object cease to exist, the temporarily dispossessed object will be returned to the person from whom it has been dispossessed, unless otherwise determined by another law or by a decision of a competent state body.

Article 59

If the summoned person, pursuant to this Law does not take back the temporary dispossessed objects, within a determined period of time, which may not be shorter than one month, the Ministry may organize their sale, when for the further procedure, the competent court or the state administration body is not competent, if:

1. there is a threat of destruction or considerable loss of the value of the object or
2. the safekeeping and the maintenance of the object is connected to disproportional expenses or other difficulties.

The means from the sale of the temporary dispossessed objects referred to in paragraph 1 of this Article are meant for the budget of the Republic of Macedonia.

10. Inspection or Search of certain facilities and premises of state bodies, institutions that exercising public authorisations and other legal persons and insight in their documentation

Article 60

The police officer is authorised, in the presence of a responsible person, to perform inspection or search of certain facilities or state body premises, institutions that exercise public authorisations and other legal persons and to perform insight in certain part of their documentation with the purpose of:

1. tracing and apprehension of a person caught while perpetrating a criminal act who escaped;
2. tracing and apprehension of a person who has resorted to escape while being apprehended;
3. tracing and apprehension of a person for whom a warrant has been issued pursuant to the law;
4. acting upon notification for presence of explosive devices or other danger;
5. providing documentation for successful conduct of the criminal procedure.

If it can be justifiable expected that in a certain area or a facility where the lives of the persons or the property might be endangered to a serious extent, or if there is a need for enhanced protection of certain persons who are being secured, the police may empty that area or facility, to ban access, to perform inspection and temporary to restrict the movement inside that area or facility as well as in its immediate vicinity.

The police may perform counter-terrorist inspection of premises and facilities, for the general safety of the persons and property, as well as for the safety of public gatherings and meetings.

The inspection referred to in paragraph 3 of this Article is performed directly or by means of technical means and devices.

11. Stop, examination, or search of persons, luggage and means of transportation

Article 61

The police officer is authorised to stop, identify, examine and search a person, means of transportation or luggage carried by the person, when this is necessary in order to find objects that might be convenient for an assault or self-injury or when there are grounds for suspicion that traces of criminal act might be found in his/her possession or objects that might serve as evidence.

The term “examination of a person” referred to in paragraph 1 of this Article, means inspection and check of his/her clothes and footwear.

The term “examination of the means of transportation”, referred to in paragraph 1 of this Article, means inspection of all open and closed spaces and seats in the means of transportation and of the transported luggage.

The examination of a person must be performed only by a person of the same sex, except in exceptional cases when an urgent examination of a person is necessary in order to dispossess him/her of a weapon or other object adequate for an assault or self-injuring.

While conducting the examination, the police officers are authorised to use technical devices or a K9 dog.

In case there are grounds for suspicion as to whether the inspected person possesses - on him/her, in the means of transportation or in the luggage carried by him/her – weapons or objects which may serve as an evidence in the criminal or misdemeanour procedure, the police officer is authorised to detain the person on the site of examination until the court search order is obtained, but not longer than six hours.

After the search order, referred to in paragraph 6 of this Article, is obtained, the police officer is authorised to apply reasonable force as final option if it is necessary so as to search the person or to open by force the closed mean of

transportation or the luggage carried by the person, and he/she refuses to open it voluntarily.

12. Securing and inspection of the crime scene

Article 62

Having learnt of a committed criminal act, misdemeanour or any other event which requires direct observation, determination or clarification of facts, the police officer is authorised to secure the crime scene until the arrival of the officials from the competent state body, to inspect the crime scene in order to detect or secure traces of the criminal act and objects which may serve as evidence, to help find the perpetrator, as well as to gather information regarding the criminal act, misdemeanour or event.

The police officer is obliged to take appropriate measures and activities for providing urgent aid to the injured persons and removing the consequences from the criminal act, misdemeanour or event.

The police officer is authorised to direct the persons caught at the crime scene to the investigative judge or to detain them until his/her arrival but no longer than 6 hours, if they may provide information relevant to the conducting of the criminal procedure, and if it is likely that later they may not be interrogated or this would be connected with a substantial delay or other difficulties.

For protection of the victims of the criminal act or misdemeanour, or for protection of the interests of the procedure, the police officer is authorised to forbid recording of the crime scene.

13. Reception of charges

Article 63

The police officer receives criminal charges on criminal acts that are prosecuted ex officio and charges on misdemeanours.

If, at the time of the submission of the criminal charge, referred to paragraph 1 of this Article, or in the course of inspection, it is established that it is a case of a criminal act that is prosecuted by a private charge or it is established that the act does not have characteristics of a criminal act, the police officer is obliged to inform the damaged party thereof within 15 days.

14.

Public announcement of awards

Article 64

Police is authorised to publicly announce an award for information given for the purpose of:

1. detection and apprehension of a perpetrator of a criminal act;
2. tracing missing persons; and
3. other justified cases, in which information given by the citizens is necessary for police tasks performance.

The award may be announced either in the media or in another appropriate manner.

The person who supplies information for which an award is announced is not entitled to such award, in case police already has that information or data.

15. Recording on public places

Article 65

Recording on public places, referred to in this Law, implies permanent audio and video surveillance on public places in which criminal acts or misdemeanours are committed repeatedly, with the purpose of prevention of such acts.

In cases in which lives and health of people, as well as property, may be endangered during public gatherings, the police officer is authorised to perform video recording or photographing of the public gathering.

Police may publicly announce their intention to carry out video recording on public places and gatherings, before beginning with the activity.

The recorded material referred to in paragraph 1 and 2 of this Article is being kept at the police for 6 months, after which the material is destroyed, except for the material which is evidence in a criminal or misdemeanour procedure, used pursuant to the law.

16. Collecting, processing, analysing, use, estimation, transmission, storage and deleting of data and personal data procession

Article 66

Police collects, processes, analyses, uses, estimates, transmits, stores and deletes data, processes personal data under the terms and manner determined by

this and a separate Law and keeps records on the personal and other data for the gathering of which it is authorised by this Law, due to prevent and detect criminal acts and misdemeanours, as well as to trace and apprehend their perpetrators.

Police processes personal data when there are grounds for suspicion that the person has performed, is or has been involved in the planning, organising, financing or perpetrating the criminal act.

Data on legal entity are collected when there are grounds for suspicion that the legal person is or has been involved in the perpetration or attempt for perpetration of a criminal act, as well as when the legal person is used for planning, organising, managing and financing criminal activity or for covering up the incomes from criminal activities.

Article 67

Personal data, referred to in this Law are: personal name, birth data (day, month, year and place), place of living and residence, address of the apartment and citizenship, as well as other data according to which directly or indirectly a specific individual may be identified.

Personal data related to exclusively to racial origin, religious belief, sexual behaviour or political opinion, membership into specific movement or organization established according to a Law, as well as other special categories of personal data determined by a separate Law, cannot be collected by the Police.

In exceptional cases, the Police may collect the personal data referred to in paragraph 2 of the present Article, under the terms and manner determined by this Law when it is exceptionally necessary for the needs of a specific investigation.

Article 68

Police directly collects personal and other needed data from a person to whom these data refer to, and from other persons or from the already existing data collections, which are managed by competent states bodies, public institutions and facilities and other legal entities, pursuant to the law.

While collecting personal and other data intended for proving criminal acts or misdemeanours for identification of the perpetrators the police officers may use technical means for photographing and video and audio recording, in a manner and under conditions determined by law.

The police officers are not obliged to inform the person to whom the data refer to in the course of gathering personal and other data from other persons or the

already existing data collections in a manner referred to in paragraph 2 of this Article, if this disables or hinders the performing of police tasks.

The police officer prepares an operative report for the collected data, which is submitted to the direct superior and to the Organised Crime Department.

Article 69

Police keeps records on:

1. persons whose freedom of movement have been restricted on any grounds (summoned, apprehended, detained etc.);
2. persons for whom there are grounds for suspicion that they are perpetrators of criminal acts or misdemeanours;
3. committed criminal acts for which he/she is pursued ex officio or misdemeanours, as well as persons who suffered damage by these actions;
4. persons and objects being subject of a warrants, as well as persons to whom the entry to the Republic of Macedonia is prohibited;
5. persons whose identity has been checked;
6. dactyl scoped, photographed persons and persons for whom DNA analysis has been made
7. operative actions, operative reports, operative processing, notifications, sources of facts and persons under special police protection;
8. daily events regarding the performance of police tasks;
9. use of coercion means;
10. submitted petitions from citizens against a police officer and undertaken measures;
11. criminal acts committed by an unknown perpetrator;
12. temporary dispossessed objects and
13. detected forged money, forged currency – Euro and other forged foreign currencies.

Beside the records from paragraph 1 of the present Article, the Police may keep other records under the terms and in manner determined by this or a separate Law.

Article 70

The records referred to in Article 69, the Police is keeping separately, depending on whether they are based on facts or information.

Article 71

The data on the number of committed criminal acts or misdemeanours and the number of registered perpetrators and damaged persons, as well as the rest of the numerical data may be used for statistical and analytical purposes at the Ministry.

The data referred to in paragraph 1 of this Article may be given for usage to the authorised expert and scientific institutions for scientific and research activity.

Personal data may be delivered to the foreign police services and international organisations upon their request, in accordance with the law and the ratified international agreements.

Article 72

Personal data may be used in accordance with the purposes prescribed by this Law and in accordance with the regulations which regulate the protection of personal data.

Article 73

The personal data entered into the records referred to in Article 69 of this Law shall immediately be deleted in cases when it is determined that they are incorrect or the reasons i.e. conditions for which the personal data has been entered in the records, have ceased to exist.

Article 74

The data contained in the records referred to in Article 69 of this Law, since their entry and until their deletion, may be given under terms and in a manner provided in this and in a separate law.

Article 75

The need of further keeping of the data contained in the records referred to in Article 69 of the present Law is evaluated in every three years.

The evaluation from paragraph 1 of the present Article is performed by a Commission established by the Minister.

The Commission from paragraph 2 of the present Article is composed of 5 members and their deputies, 4 of which are representatives from the Ministry and one representative from the Personal Data Protection Direction.

Article 76

The right of the personal data subject to have approach and correction of his/her personal data which are at the availability of the Police, as well as the obligation to protect the personal data is provided in terms and manner determined by a separate Law.

Exceptions to the paragraph 1 of the present Article, the right to have approach to the personal data will not be provided if the restriction is necessary for the purpose of performing legal competencies of the Police for prevention, detection and prosecution of the perpetrators of criminal acts and misdemeanour, realization of the system of public security or when it is necessary to protect the personal data subject or of the rights and freedoms of other individuals.

Article 77

The Personal Data Protection Directions performs surveillance on the personal data procession and their protection determined by this and separate Law.

17. Application of special investigative measures and undercover sources of data

Article 78

For the purpose of providing data and evidence necessary for successful conduct of the criminal procedure, which in another way can not be collected or their collection may be connected to greater difficulties, for criminal acts for which imprisonment of at least four years is prescribed and for criminal acts for which imprisonment of five years is prescribed, and for which there are grounds for suspicion that they are committed by an organised group, gang or some other criminal association, police may enforce special investigative measures pursuant to the Law on Criminal Procedure or another law.

If there are grounds for suspicion that a criminal act has been committed that is pursued ex officio or that its perpetration has been planned, and if the police cannot discover, prevent or prove this act in another way or if this is connected to great difficulties, the police officers may use undercover sources of data.

18. *Protection of persons encompassed by the regulations for witness protection*

Article 79

Police undertakes measures determined by law for protection of persons who provided or can provide data relevant to the criminal procedure or persons connected to them, the presenting of which may expose his/her life, health, freedom, physical integrity or property of a wider scope to a danger.

The measures referred to in paragraph 1 of this Article are exercised by the police as long as there are reasons.

19. *Use of means of coercion*

Article 80

The term „coercion,, referred to in this Law means use of legitimate, appropriate and proportional physical or mechanical pressure, by use of means and in a manner prescribed by Law, directed towards a certain person by the police officer, only in case when the police tasks cannot be performed in any other manner.

The term „means of coercion,, referred to in this Law means: physical force, baton, means for tying a person up, device for coercive stopping of vehicles, K9 dog, chemical means, firearms, as well as special types of weapons and explosive means.

The means of coercion may be used if the objective of the police performance cannot be achieved otherwise.

The application of the means of coercion is prohibited in order to extort a confession or a statement.

The police officer will always use the means of coercion by which he/she will achieve the objective with the least harmful consequences.

Prior every use of means of coercion, if conditions are met, the police officer shall identify himself/herself and shall clearly warn the person for the use of means.

When the conditions for the use of means of coercion are met, the persons against whom these means will be enforced shall not be warned, if the warning would jeopardise the performing of the police tasks.

The police officer is obliged to cease the use of the means of coercion, as soon as the reasons which led to their use cease.

The police officer is obliged to provide assistance and medical aid to the injured person against whom means of coercion have been used, in a shortest possible period of time, if this is necessary and if the circumstances allow this.

Article 81

When means of coercion has been used within the limits of the police authorisations, the responsibility of the police officer who used it is excluded, as well as of the competent superior police officer who ordered its use.

The reasons, justification and correctness of the use of the means of coercion are estimated by the immediate superior police officer in every concrete case. The immediate superior police officer informs the competent public prosecutor for each use of firearms.

The reasons, justification and correctness of the use of firearms and the use of means of coercion, when a severe body injury or death of a person is caused or when the means of coercion are used against several persons, are evaluated by the organisational unit within the Ministry, competent for internal control and professional standards, which reviews the circumstances under which the means of coercion are enforced and prepares a report with an opinion on the reasons, justification and correctness of the use of the means of coercion, which is submitted to the Minister.

Article 82

If a criminal, misdemeanour or litigation procedure is initiated or conducted against a police officer, because of the use of means of coercion or participation in traffic accident with a motor vehicle while executing the police tasks, the Ministry provides him/her with free of charge legal assistance.

The Ministry will also provide free of charge legal assistance to a citizen who helped the police officer in the execution of police tasks, if a criminal, misdemeanour or litigation procedure has been initiated against him/her because of actions committed in connection to the provided assistance.

19.1. Use of physical force

Article 83

The term “use of physical force” referred to in this Law, implies the use of various skills and wrestling arts or similar actions on another person’s body,

which have the aim to reject an assault, prevent the escape of a person or to overcome a person's resistance.

19.2. Use of baton

Article 84

The use of a baton is allowed if the use of physical force is ineffective so as to perform the police tasks.

19.3. Use of means for tying up a person

Article 85

The means for tying up may be used in order to:

1. prevent the person's resistance or reject an assault aimed at a police officer;
2. prevent a person from escaping;
3. prevent self-injuring or injuring of another person.

The police officer as usually ties up the person's hands behind his/her back.

19.4. Use of devices for coercive stopping of vehicles

Article 86

The devices for coercive stopping of vehicles may be used in order to:

1. prevent the escape of a person caught in committing a criminal act pursued ex officio;
2. prevent the escape of a person either deprived of liberty or for whom an order for deprivation of liberty has been issued;
3. prevent the illegal state border crossing in a vehicle;
4. prevent unauthorised access of vehicles to facilities or areas where persons secured by the police officers are located.

19.5. Use of police dogs

Article 87

The police dog may be used as a means of coercion in cases when:

1. conditions for the use of physical force or baton are met;
2. conditions for the use of firearms are met;
3. breached public order and peace is being restored.

In cases when the conditions for use of firearms are met, the police dog may be used without a muzzle, whereas in all other cases it must be used only with a muzzle.

19.6. Use of chemical means

Article 88

The use of chemical means is allowed in the cases described in Article 91 paragraph 2 of this Law, in cases of restoring public order and peace in a wider scope, as well as for forcing persons out of a closed area or for resolving hostage situations, thus the life and health of the citizens must not be jeopardised.

The chemical means may also be used in cases when the conditions referred to in Article 89 of this Law are met.

19.7. Use of firearms against persons

Article 89

The police officer is authorised to use firearms when this is absolutely necessary and when by using other means of coercion the police tasks cannot be performed.

The police officer is authorised to use firearms when by using other means of coercion there is no other way to:

1. protect his/her own life or the lives of other people;
2. prevent the committing of a criminal act for which a prison sentence of at least four years, can be pronounced;
3. prevent the escape of a person caught while committing a criminal act for which a prison sentence of ten years or a more severe sentence can be pronounced, or of a person for whom a search warrant on the grounds of having committed such a criminal act has been announced;
4. prevent the escape of a person, deprived of liberty for committing a criminal act referred to in item 3 of this paragraph, or of a person for whom a search warrant is announced on the grounds of having escaped from serving a prison sentence for such criminal acts, and
5. prevent an assault against a facility or a person that is protected.

Prior the use of firearms, the police officer shall verbally order and warn the person by uttering, “Stop, police”, followed by the second order “Stop or I will shoot!”

The orders and warnings referred to in paragraph 3 of this Article shall not be given if this jeopardises the performing of the police tasks.

The police officer shall not use firearms against the person who is detained according to this law, except, when it is necessary in order to protect his/her personal life or the life of other people, as well as in case when it is necessary to prevent the escape of the detained person.

Shooting in the air with the purpose of signalisation, asking for help and intimidation, as well as shooting at animals when they jeopardise the human lives, shall not be considered as use of firearms within the meaning of this Law.

Article 90

The use of firearms is not allowed if it would jeopardise other persons' lives, unless the use of firearms is the only means of defence from a direct assault, danger from assault against the life of other persons.

19.8. Use of means of coercion against a group

Article 91

The police officer is authorised to order to a group of persons to disperse, while restoring public order and peace in a wider scope.

If the group does not disperse, the use of the following means of coercion is allowed:

1. physical force;
2. baton;
3. chemical means;
4. water jets;
5. police dogs;

The means referred to in paragraph 2 of this Article may be used only upon the order given by the police officer managing the action.

19.9. Use of special types of weapons and explosive devices

Article 92

The use of special types of weapons and explosive devices is allowed when the conditions referred to in Article 89 paragraph 2 of this Law are met, in case of a direct assault against the life of one or several persons or in a case of assault

done by an armed person with a special type of weapons or explosive devices if the use of other types of weapons is inefficient to perform the police tasks.

The Director of the Bureau approves the use of special types of weapons and explosive devices.

19.10. Use of firearms against animals

Article 93

Firearms is used against animals in cases when they represent an immediate danger of attack against a person's life and body or when there is a danger of jeopardising the lives or health of people (infectious diseases, etc.).

The weapons may be used against ill and seriously injured animals in the case when a vet or another person is unable to undertake appropriate measures.

V. EMPLOYMENT

Article 94

The police officer exercises the rights and obligations from the employment in accordance with the regulations on employment, the collective agreement of the Ministry and this Law.

Article 95

Employment within the police can be established by a person that meets the following general conditions:

1. to be a citizen of the Republic of Macedonia;
2. to be at legal age and less than 25, if employ for a job position for the first time, for which secondary school is foreseen, and 30 years if employ for the first time for a job position for which university education is foreseen;
3. to have completed at least four-year secondary education;
4. to be healthy and in good mental and physical condition;
5. not to be pronounced a sentence for banning the conducting of a profession, activity or duty, by an effective sentence.

With the systematization act of the working posts within the Ministry certain conditions can be determined for employment relations within the police.

Article 96

The citizens who belong to all communities should be adequately and equally represented in the course of employment of personnel in the police, while the criteria for expertise and competency should be respected.

In the course of employment of the personnel in the police, the principle of equality of the sex should be respected.

Article 97

The police officer is employed on the basis of a public announcement and in a manner and under conditions determined by this Law.

As an exception, an employment without a public announcement is established for working posts with special duties and authorizations determined by the act for systematisation of the working posts in the police and for scholarship users of the Ministry - graduated students at the Police Academy.

Article 98

The police officers acquire ranks on the basis of the type of education, length of service, working post and annual estimation.

The following ranks are determined for the police officers:

- General police advisor;
- Chief police advisor;
- Senior police advisor;
- Police advisor;
- Chief inspector;
- Independent inspector;
- Senior inspector;
- Inspector;
- Junior inspector;
- Chief police officer;
- Senior police officer; and
- Police officer.

Article 99

For the apprentices for police officers, the regulations on the employment and the collective agreement of the Ministry will be enforced.

Article 100

The police officer, in the course of the employment within the police, is obliged to sign a statement with the following text: “I oblige myself that in my work I will respect the Constitution, the laws of the Republic of Macedonia and the standards of the police ethics, I will conscientiously and orderly perform the police tasks, and I will respect the fundamental human and citizens’ freedoms and rights guaranteed by the Constitution, the laws and the ratified international agreements”.

The signed statement is kept in the working file of the police officer.

If the police officer refuses to give and sign the statement referred to in paragraph 1 of this Article, the employment contract will be considered as not concluded.

Article 101

Due to the kind, nature and complexity of the police tasks, as well as because of the difficulty of the matters and special conditions under which they are performed, the amount of the funds foreseen for salary for performance of the police tasks is increased for 30%.

Article 102

The police officer is obliged to perform the police affairs longer than the full working hours upon the order of the immediate superior police officer, if necessary for their successful and timely completion.

The police officer is entitled to an allowance or days off for the overtime work than the full working hours, in accordance with the regulations for working relations and the collective agreement of the Ministry.

Article 103

When the urgent needs require so, the Minister, the Director of the Bureau or a police officer authorised by them, can postpone i.e. interrupt the duration of the annual vacation of the police officer.

In the cases referred to in paragraph 1 of this Article, the police officer is entitled to an allowance of the real expenses as a result of the postponing i.e. the interruption of the annual vacation.

Article 104

The police officer, upon previous consent given by the Minister and upon a proposal of the special commission within the Ministry, can perform certain tasks, independent or additional business or professional activity, which do not conflict the police tasks.

The consent referred to in paragraph 1 of this Article is granted by the Minister in a manner and under terms determined by the regulations on working relations.

The police officer is obliged to perform the official activity referred to in paragraph 1 of this Article out of working hours within the Ministry, and in a manner so that the performing of that activity does not influence the legal and correct execution of the police tasks.

Article 105

The police officer must not found, manage or be a member of the leadership of a political party.

The police officer must not jeopardise the unbiased and legitimate performance of the police tasks by being a member of a political party and by participating in its activities.

The police officer must not wear or expose symbols of the political party within the premises and the official vehicles of the police, or be organised or act on behalf of the party within the Ministry.

The police officers must not attend at the activities of the political party or other public events, in a police uniform, unless they are on official duty.

Article 106

The police officers can realize their right to go on strike in a manner and under condition but not to disrupt the regular performance of the police tasks.

The organizer of the strike is obliged to announce the strike to the Minister and to submit the decision for strike, as well as the program regarding the manner and scope for performance of the police tasks, necessary to be performed during the strike, seven days before the beginning of the strike at latest.

Article 107

During an organised strike within the police, it is necessary to perform the work and tasks of:

- prevention, detection and documentation of criminal acts, apprehension of the perpetrators and their handing over to the competent bodies and urgent matters of the forensics;
- regulation and control of the road traffic;
- duty operational centres;
- police officers for intervention and inspection;
- securing of persons and facilities;
- securing of the state border, control of the state border crossings, prevention of committing and solving border incidents and other violations of the state border and expelling of foreigners; and
- use of helicopters;

Article 108

A police strike is prohibited in a state of war or emergency.

In case of a complex security situation, disruption of public order and peace in a wider scope, natural disasters and other disasters or threat to the life and health of people and property in a wider scope, more than 10% of the total number of police officers of the Ministry cannot participate in a strike at the same time and the strike cannot last longer than three days.

If the strike has started before the occurrence of any of the conditions referred to in paragraphs 1 and 2 of this Article, the police officers are obliged to interrupt the strike immediately.

Article 109

The mental-physical and general health condition of the police officer for performing the police tasks is evaluated by a medical commission, at least once a year.

The medical commission referred to in paragraph 1 of this Article is established by the Minister, upon proposal of the Director of the Bureau and is consisted of five members, out of which 3 doctors at least.

The police officer who is determined that as not being capable of performing the police tasks, by a decision of the medical commission, because of disrupted mental-physical or general health ability, that occurred as a consequence of an injury during work or professional illness, is deployed to a working post that will be adequate to the level of his/her education and health condition.

The police officer referred to in paragraph 3 of this Article reserves all rights from the working relation held by the police officers on the working post that he/she used to work on until then.

Article 110

The Ministry insures the police officers in cases of accident during work.

In case of professional psychologically-physically damaged health, the Ministry has the responsibility to cover all the expenses related to his/her medical treatment.

Article 111

A police officer who will lose his/her life during performance or in relation to the performance of the police tasks, will be buried at the expenses of the Ministry at a location determined by the members of his/her family.

The family of the police officer is entitled to single compensation in the amount of the total sum of the net salaries earned in the last 24 months or a close family member of the deceased police officer to be employed in the Police, who will be meeting the Police employment requirements in accordance with this Law.

Article 112

A person, who upon a request by a police officer, provides assistance to the police and on that occasion is injured, becomes ill or is obstructed for work for at least three months, and is not insured by any other grounds, is entitled to treatment at the expenses of the fund for health insurance, while in case of disability or physical damage is entitled to pension insurance at the burden of the Ministry as the police officers.

If in the course of providing assistance, the person loses his/her life, the family has the rights referred to in Article 111 of this Law and the rights from the pension insurance, as a family of a police officer who lost his/her life while performing the police tasks.

Article 113

The circumstances under which the police officer or the person who provided assistance to the police lost his/her life are evaluated by the organisational unit of the Ministry, competent for internal control and professional standards and which prepares a report with an opinion.

The report with the opinion referred to in paragraph 1 of this Article is submitted to the Minister and the Director of the Bureau.

Article 114

The police officers are obliged to keep the secrecy of the data and information discovered in the course of or on the occasion of the performance of the police tasks, and which according to a law or regulation passed on the basis of a law are regarded as personal data or classified information

The obligation for keeping the secrecy of the data and information referred to in paragraph 1 of this Article lasts upon the termination of the working relation in the Ministry.

Article 115

A police officer can be sent to work abroad on the basis of the agreements for international police cooperation ratified in accordance with the Constitution.

The police officers can be sent to participate in international civil operations and peacekeeping missions on the basis of the Decision of the Government of the Republic of Macedonia, in accordance with the ratified international agreements.

Article 116

The work of the police officers is evaluated up to the end of the first quarter of the year for the previous calendar year at latest.

The police officer who uses vacation that exceeds six months during one calendar year, shall not be evaluated for that year.

Article 117

The Police officer is evaluated by the direct superior police officer.

The evaluation is established on the basis of the criteria that refer to the results achieved from the work of the police officer, as well as the shown personal qualities (expertise, knowledge, competence, working discipline, dedication, diligence, independence, cooperation, relation towards the clients, persistency etc.)

The evaluation for the police officers may be expressed in a following ways „fully satisfaction”, “satisfaction”, “partly satisfaction” and “unsatisfactorily”.

The Minister will prescribe in details the criteria referred to in paragraph 2 of this Article and the manner of evaluation of the work of the police officers, the template of the evaluation list and the manner of keeping records.

Article 118

The police officer who is not satisfied with the evaluation grade referred to in Article 117 paragraph 3 of this Law, may, within 8 days of the day of the evaluation submit an objection to the special commission established by the Minister.

The commission referred to in paragraph 1 of this article is consisted of 3 members, one of whom is a representative of the Macedonian police union.

Article 119

To the police officer, to whom by an effective sentence the execution of particular tasks from working relation is prohibited or if he/she is pronounced protective or security measure due to which s/he can not perform tasks for a period longer than 6 months, or s/he must be absent from work because of the sentence of imprisonment in a duration of more than 6 months, his/her working relation within the Ministry is terminated on the day when the effective sentence is pronounced.

The decision on termination of the working relation according to the paragraph 1 of this Article is passed by the Minister.

VI. POLICE RESERVE FORCES

Article 120

Within the police reserve forces only citizens of the Republic of Macedonia can be deployed, who fulfill the conditions provided for in Article 95 of this Law.

A member of the police reserve forces can be engaged for performing police tasks up to 50 years of age.

Article 121

The Ministry conducts training of the police reserve forces with basic, extended and additional training.

Article 122

The training referred to in Article 121 of this Law is organized and implemented by the Ministry.

The Minister, upon a proposal of the Director of the Bureau, issues a program for professional training of the police reserve forces.

Article 123

The member of the police reserve forces has the same rights and responsibilities as the citizens, in the performance of the rights and responsibilities in the defense, during the basic, extended and additional training and during the engagement for performance of the police tasks.

The engagement of a member of the police reserve forces will be terminated if he/she:

- no longer fulfills the conditions provided for in Article 95 of this Law;
- does not show enough knowledge and capability in accordance with the prescribed training program;
- due to severe violation of discipline; and
- due to health reasons.

Article 124

The members of the police reserve forces who are called to perform police tasks wear a police uniform and police emblems and during the conduct of the tasks they have the same duties and authorizations as the regular police officers.

Article 125

The Minister can decide to call members of the police reserve forces for conducting the police tasks in the following cases:

- during state of war or emergency;
- during armed rebellion or another form of violent endangerment of the constitutional order or the security of the Republic of Macedonia;
- when a natural disaster or epidemic is declared;
- other disasters or accidents that obstruct the normal course of life and endanger the security of life and property of people;
- during violated public peace and order in a wider scope;
- when there is a need of additional security of the state border; and
- for implementation of the extended and additional training.

Article 126

The Ministry keeps records on the members of the police reserve forces.

The body authorized for defense that keeps records of personal data of the military persons, upon request of the Ministry is obliged to provide to the police personal data on military persons who are trained to conduct tasks in the police reserve forces as well as for the military persons who are trained to perform the tasks within the police reserve forces i.e. to be deployed in the police reserve forces.

VII. AUTHORIZATION FOR BYLAW REGULATIONS

Article 127

The Government will enact bylaw regulations on the manner for acquiring ranks and title of the ranks of the police officers, the uniform and the emblems of the police uniform, as well as for the type of armament of the Police and the equipment of the police officers.

Article 128

The Minister shall enact bylaw regulations for:

- the manner of conducting the police tasks;
- the form and the content of the template of the official ID and badge as well as the manner of issuing an official ID and police badge;
- wearing and duration of usage of the police uniform;
- the manner of the work of the medical commission authorized for determining the psychological, physical, as well as the health ability of the police officer for performing the police tasks.
- acting with the temporary dispossessed and found objects;
- the content and the manner of keeping records of the police and the form and the content of the template of the police record keeping;
- the tasks and activities which are in conflict with the police tasks;
- the manner of selection of a police officer who is sent to work abroad;
- the behavior and interpersonal relationships of the police officers;
- the manner of conducting general and expert supervision and control; and
- the manner of calling and engaging the members of the reserve forces.

The Minister shall adopt a code of police ethics.

The Minister, in accordance with the Minister for Health, enacts a bylaw regulation for the health, psychological and physical abilities that have to be fulfilled by the person establishing a working relation within the police, the manner of their confirming, the deadlines and manner of controlling the health, psychological and physical ability of the police officers.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Article 129

The bylaw regulations provided for in this Law will be passed within 12 months from the day of entry into force of this Law.

Until passing the regulations referred to in Article 128 of this Law the existing regulations will be enforced if they are pursuant to this Law.

Article 130

For the questions not regulated with this Law, the provisions referred to in the Law on Internal Affairs will be enforced.

Article 131

With the entry into force of this Law, the provisions referred to in Articles: 1 paragraph 1 line 12, 13 and 17, 7-a, 8, 9, 10, 11, 11-a, 12, 20a, 20b, 23, 27, 28, 30, 34, 40, 41, 42, 45, 46, 50, 56 paragraph 1, line 3, 64 paragraph 2, 66, 73 the words "the titles of the ranks and the conditions for their acquiring for the authorized officials, the uniform and the emblems of the uniform" and 74 paragraph 1 item 3, 4 and 7 referred to in the Law on Internal Affairs (Official Gazette of the Republic of Macedonia no. 19/95, 15/97, 55/97, 38/2002, 33/2003, 19/2004, 51/2005) cease to be valid.

Article 132

This Law shall enter into force on the 8 day from the day of its publishing in the Official Gazette of the Republic of Macedonia, and shall be applied after one year from the day of its entry into force.