

LAW ON CHAMBERS OF COMMERCE (from 2002)

I. BASIC PROVISIONS

Article 1

Content

This law regulates the establishment, registration, organisation, operation, financing and termination of the chambers of commerce.

Article 2

Establishment and purposes

The economic entities on the territory of the Republic of Macedonia establish chambers of commerce based on their business activity, for the purpose of promoting the professional and business practices and rules, as well as for the purpose of representation and protection of their interests.

Article 3

Non-profitability and responsibilities

The chamber is independent and autonomous organisation with the status of a legal entity.

The chamber takes on the status of a legal entity as of the day of the entry into the Chambers Register.

The chamber is a non-profit organisation.

If the chamber, in the course of its operation, generates profit on any basis according to this law, it must be used exclusively for support and realisation of the purposes and tasks for which it has been established.

The chamber is liable for its obligations with its entire property.

Article 4

Membership

The legal and natural entities having their seat in the Republic of Macedonia and performing activity or being registered in the appropriate register can become members of the chamber.

Article 5

Chamber membership fee

The members of the chamber pay a chamber membership fee.

Article 6
Name of the chamber

Each chamber has a name.

The chamber may use abbreviation of the name of the chamber, if it has been registered in the Chambers Register.

Article 7
Cooperation

Within the scope of its activities determined with this law and the charter, the chamber may cooperate with the chambers of commerce of other countries, international commercial organisations, as well as with bodies and other institutions of Republic of Macedonia.

For the purpose of mutual promotion of its operation and activities, for coordination of the individual and mutual interests in the field in which they have been established, as well as for realisation of other issues of mutual interest, the chambers may mutually associate in a union or in other form of affiliation or association.

Article 8
Transparency

The work of the chamber is transparent.

The transparency of the work of the chamber is ensured especially through:

- continuous information of the members about the work of the chamber;
- publication of the decisions of the bodies of the chamber in the manner determined with the charter;
- publication of brochures, magazines etc. and
- other forms that shall be further regulated with the charter of the chamber.

II. ESTABLISHMENT OF THE CHAMBERS

Article 9
Establishment of the chamber

The chamber may be established by at least 50 legal or natural entities, registered in the appropriate register, based on the activity they perform.

The chamber shall be established at the Meeting of Founders at which the establishing act and the charter shall be adopted and the bodies of the chamber shall be appointed.

Article 10
Establishing Act

The establishing act of the chamber contains:

- information about the founders;
- name, seat and address of the chamber;

- purposes and tasks of the chamber;
- name of the authorised person that shall present and represent it in the legal transactions, and
- bodies of the chamber.

Article 11
Charter of the chamber

The charter of the chamber contains:

- name and seat of the chamber;
- purposes and tasks of the chamber, forms and manner of action;
- bodies, manner of appointment and competences;
- duration of the term of office of the bodies and manner of decision making of the members;
- manner of management and decision making in the chamber;
- content and forms of realisation of cooperation with other chambers;
- realisation of transparency in the work;
- manner of providing funds for operation of the chamber;
- status and tasks of the professional departments;
- acting with the property of the chamber in case of termination of the chamber, and
- other issues determined with the law.

The charter is adopted by the Assembly of the chamber.

For the provisions in the charter of the chamber relating to the performance of public authorisations, approval shall be given by the Government of the Republic of Macedonia.

Article 12
Bodies of the chamber

Bodies of the chamber are:

- Assembly;
- Management board;
- Supervisory board; and
- President

Article 13
Assembly of the chamber

The Assembly of the chamber is the highest body of the chamber, composed of all the members of the chamber.

The charter of the chamber may provide for the Assembly to be composed of representatives of several members of the chamber.

The Assembly under paragraph 2 of this article shall be constituted from the representatives whose number, term of office, manner of appointment and dismissal is regulated with the charter of the chamber.

Article 14

The Assembly of the chamber shall:

- adopt the charter and other decisions;
- adopt the annual program for operation of the chamber;
- determine the amount of the membership fee and other funds for financing the chamber;
- decide on the manner of association in separate organisational forms and membership in the union of chambers;
- appoint the bodies of the chamber; and
- perform other activities in accordance with the charter and other decisions of the chamber.

Article 15

Management board

The Management board of the chamber is a managing body.

The number of members of the Management board, the manner of appointment, as well as the competences shall be closely regulated with the charter of the chamber.

The management board shall:

- prepare the meetings of the Assembly of the chamber;
- implement the policy, conclusions and decisions adopted by the Assembly;
- adopt decisions in relation to the implementation of the program for operation, the financial plan and other decisions of the Assembly of the chamber;
- provide initiatives and take viewpoint on the adoption of laws and other regulations and acts being of interest for the chamber;
- adopt decisions based on the charter of the chamber; and
- perform other activities determined with the charter of the chamber.

Article 16

Supervisory board

The supervisory board shall perform supervision over the legality, material-financial operation and the correctness of the operation of the chamber, and shall notify the Assembly of the chamber for its work.

The manner of appointment of the members of the supervisory board, the competences, as well as the manner of performing the supervision shall be closely determined with the charter.

Article 17

President of the chamber

The president of the chamber shall present and represent the chamber, manage its operation and implement the decisions and conclusions of its bodies.

The president of the chamber is responsible for the legality in the operation of the chamber and has authorisations determined with the charter of the chamber.

Article 18
Professional departments of the chamber

The professional, administrative-technical, assistance and other matters for the needs of the chamber shall be performed by the professional departments of the chamber.
The regulations on the organisation, systematisation and scope of activities of the professional departments shall be adopted by the management board, in accordance with the law and the charter of the chamber.

Article 19
Registration of the chamber

The chamber shall be registered in the Chambers Register maintained by the basic court on the territory of which the seat of the chamber is located.
The Chambers Register is public.
The procedure for registration and termination of the chamber shall be conducted in accordance with the rules of the non-contentious procedure.
The template and the manner of maintaining the Chambers Register shall be prescribed by the Minister of justice.

Article 20
Application for entry in the register

The chamber is obliged, within 30 days from adopting the Establishing Act, to submit application for entry into the register of the basic court.
The following shall be attached to the application for entry:

- establishing act;
- charter of the chamber, and
- name of the person authorised to represent the chamber.

Article 21
Entry in the register

The basic court is obliged, within 30 days from the day of submission of the application for entry, to take a decision for entry in the register.

Article 22
Decision for entry in the register

The decision for entry in the register shall contain:

- date of taking the decision;
- registration number;
- name of the chamber;
- short summary of the purposes and tasks of the chamber, and
- seat and territory of operation.

Article 23

If the court determines that the charter does not contain the elements stated in article 11 of this law, or if it determines that the application for entry in the register is incomplete, it shall point that to the person submitting the application and shall determine a period of 30 days within which the person is obliged to act in accordance with the instruction.

If within the specified period the person submitting the application for registration does not act according to the instruction, the basic court shall take a decision to reject the request for entry in the register.

Article 24

Right of appeal

If the court determines that the conditions stipulated with this law have not been fulfilled, it shall take a decision for rejecting the request for entry.

The person submitting the application has the right of appeal to the appeals court against the decision under paragraph 1 of this article, within 15 days from the day of receiving the decision.

Article 25

The chamber that has amended the establishing act or the charter is obliged, within 30 days, to submit a request to the basic court for entry of the amendments in the register.

The request shall be accompanied with the decision amending the establishing act or the charter, the minutes of the meeting and copy of the new decisions.

If the amendments are relating to the data that are entered in the register, the basic court shall take a decision for the request.

Article 26

Publication of the data

The data entered in the Chambers Register shall be published in the “Official Gazette of the Republic of Macedonia”.