

Law Amending the Law on Protection of Competition

("Official Gazette of the Republic of Macedonia" No. 70/06)

Article 1

In the Law on Protection of Competition (Official Gazette of the Republic of Macedonia No. 4/05), Article 16, paragraph (1), items 1) and 2) shall be amended as follows:

- 1) the aggregate turnover of all undertakings participants, generated by sale of goods and/or services on the world market, is more than 10 million Euro in denar equivalent, by current rate of the day of closing the annual financial statement, realized during the business year preceding the concentration and provided that at least one participant have to be registered on the territory of the Republic of Macedonia or
- 2) the aggregate turnover of all undertakings participants, generated by sales of goods and/or services on the territory of the Republic of Macedonia, is more than 2.5 million Euro in denar equivalent, by current rate of the day of closing the annual financial statement, realized during the business year preceding the concentration or

After item 2), new item 3) shall be added as follows:

- 3) the participation on the market of one of the undertakings is more than 40% or their joint participation on the market is more than 60%.

After paragraph (1), new paragraph (2) shall be added as follows:

(2) In the first business year the aggregate turnover from paragraph (1) item 1) and 2) and the participation on the market from item 3) of this Article shall be calculated on the basis of the income realized in the current financial year on a level of 12 months.

Paragraph (2) shall become paragraph (3).

In paragraph (3) that shall became paragraph (4) after the word "implementation" comma shall follow, and the word "and" is added.

Article 2

In Article 25, paragraph (3) shall be changed as follows:

(3) The President and at least two members of the Commission, upon a proposal by the Commission for appointment and dismissal matters of the Assembly of the Republic of Macedonia, shall be professionally engaged in the Commission's operations.

Article 3

In Article 42, paragraph (3) shall be changed as follows:

(1) Professional secrecy, in terms of paragraph (1) of this Article, shall mean especially such matter as:

- 1) determined by law or other legal acts as a professional secrecy and
- 2) determined by general or other acts of an undertaking as a professional secrecy.

After paragraph (3), new paragraph (4) shall be added as follows:

(4) The undertaking submitting data and information to the Commission shall be obliged to clearly and obviously state which data and information shall be considered as professional secret.

Paragraph (4) shall become paragraph (5).

Article 4

In Article 47 paragraph (1) item 2) the number "13" shall be replaced by the number "14", and in item 3) the number "14" shall be replaced by the number "15".

Article 5

Article 50 shall be amended as follows:

- (1) A misdemeanor procedure cannot be initiated nor conducted after:
 - 1) three years for misdemeanors provided for in Article 48 of this Law.
 - 2) five years for misdemeanors provided for in Article 47 of this Law.
- (2) The imposed misdemeanor sanction may not be enforced if two years have passed from the day when the decision on the misdemeanor has become final.

Article 6

- (1) The President and the members of the Commission, pursuant to Article 2 of this Law, shall be appointed within one month following from the day of entry into force of this Law.
- (2) Until the appointment of the Commission provided for in paragraph 1 of this Article, the present Commission shall continue its operations.

Article 7

This Law shall enter into force 8 (eight) days after its publication in the "Official Gazette of the Republic of Macedonia" and shall be implemented as of June 1st 2006.