

**LAW ON ESTABLISHING AN AGENCY FOR PROMOTION AND SUPPORT OF TOURISM IN
THE REPUBLIC OF MACEDONIA**

CONSOLIDATED TEXT 1 Law on Establishment of the Agency for Promotion and Support of Tourism in the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 103/2008; 156/2010; 59/2012; 187/2013 and 41/2014).

General Provisions

Article 1

This Law shall establish the Agency for Promotion and Support of Tourism and shall regulate its competencies, organization and operation.

Legal Status

Article 2

The Agency for Promotion and Support of Tourism (hereinafter referred to as: the Agency) has the status of a legal entity.

The full name of the Agency is AGENCY FOR PROMOTION AND SUPPORT TO TOURISM.

The abbreviated name of the Agency is APST.

The headquarters of the Agency is in Skopje, and it may have organizational parts in the Republic of Macedonia and abroad without the capacity of a legal entity.

The name of the Agency in international trade is AGENCY FOR PROMOTION AND SUPPORT OF TOURISM.

Competences of the Agency

Article 3

The main competencies of the Agency shall include, as follows:

- enhancement and promotion of tourism,
- professional presentation of all segments and regions from the tourist offer,
- drawing up of analysis of the potentials of the domestic and foreign tourist market,
- drawing up and implementation of the Programme for promotion and support of tourism, which will cover all segments and regions of the tourist offer,
- preparation of analysis for the achieved results from the implementation of the Programme for promotion and support of tourism,
- implementation of a procedure for subsidizing foreign organized tourism operations in the Republic of Macedonia,

- establishment and development of a unified tourist information system and its connection with other information systems in the country and abroad,
- cooperation with tour operators to attract as many tourists as possible,
- cooperation with private (domestic and foreign) entrepreneurs and companies,
- proposing quality measures and activities for promotion and support in the underdeveloped parts of the country in terms of tourism,
- active promotion of the overall tourist potential of the Republic of Macedonia in the country and abroad,
- providing informational promotional material for promotion of tourist values (printed publications, audio and video materials, internet presentations, souvenirs, etc.),
- developing and promoting new integrated tourism products,
 - cooperation with the competent institutions regarding the development of the infrastructure, tourist-cultural events, logistics in the tourism, scientific-educational activity and the like that contribute to the development and qualitative enhancement of the tourist offer,
 - cooperation with and guidance of the operation of the local self-government units in terms of quality sustainable development and promotion of the tourist offer that will include the locally organized tourist events,
 - encourages and coordinates all tourist organizations, chambers, groups, associations and other institutions in the field of tourism and catering, in order to enhance and promote tourism,
 - initiates and directs inter-municipal and regional cooperation for joint promotion of tourism in the given regions,
 - initiation and implementation of international cooperation with related organizations and institutions,
 - participates in attracting investments in tourism in the Republic of Macedonia and
 - performs other activities in accordance with the law and the Statute.

Operation Principles of the Agency

Article 4

The Agency's operation shall be based on the following principles:

- 1) expertise;
- 2) professionalism;
- 3) transparency;
- 4) sustainability; and
- 5) responsibility for the operation and the achieved results.

Programme

Article 5

The Government of the Republic of Macedonia, on a proposal from the Agency, shall adopt an annual programme for promotion and support of tourism (hereinafter referred to as: programme) within 30 days from the day of publishing the Budget of the Republic of Macedonia in the "Official Gazette of the Republic of Macedonia".

Funds for establishment and performance of operations

Article 6

The funds for establishing the Agency shall be provided from the Budget of the Republic of Macedonia.

Funds for performing the activities of the Agency shall be provided from the following sources:

- The Budget of the Republic of Macedonia, on the basis of a previously adopted programme,
- own revenues,
- donations and
- other sources according to the law.

Statute of the Agency

Article 7

The Agency has a Statute which regulates in particular:

- the manner of performing the competencies within the scope of the Agency,
- the competences of the Management Board and the Director and their mutual relations,
- the rights, competences and responsibilities of the employees,
- the internal organization of the Agency and
- so on.

Bodies of the Agency

Article 8

Bodies of the Agency shall be the Management Board and the Director.

Management board

Article 9

The Agency shall be managed by the Management Board of the Agency, which consists of seven members.

The members of the Management Board of the Agency are appointed and dismissed by the Government of the Republic of Macedonia.

For members of the Management Board shall be appointed: four members upon a proposal of the Government of the Republic of Macedonia, one member on the proposal of the Minister of Economy and two members on the proposal of the chambers of commerce, on the principle of rotation of the registered chambers of commerce in the Republic of Macedonia.

The term of office of the members of the Management Board shall be four years with the right to re-election.

The members of the Management Board shall be entitled to compensation. The compensation shall be determined by the Government of the Republic of Macedonia.

The members of the Management Board shall elect a Chairman of the Management Board at its first session.

The Management Board shall be convened and chaired by the Chairman of the Management Board.

The Management Board shall meet at least once every three months upon the request of the Chairman, one third of the members of the Management Board or the Director.

The Management Board may decide effectively if at least five members are present at the session, and the decisions shall be adopted by a majority vote of the members present.

Article 10

The Management Board of the Agency shall:

- 1) adopt the Statute of the Agency;
- 2) adopt annual work programme and annual financial plan;
- 3) assist the Director of the Agency by giving opinions and proposals for the implementation of the programme;
- 4) *deleted 2*
- 5) review and adopt the reports on the activities of the Agency; and
- 6) perform other activities in accordance with this Law and the Statute of the Agency.

Article 11

A member of the Management Board shall be dismissed in the following cases:

- after the expiration of their term of office,
- upon their request,
- if they have been convicted for a committed criminal act with a final court verdict imposing a prison sentence of at least six months,

- if permanent or temporary incapacity for uninterrupted performance of the office longer than six months uninterrupted or death had occurred, and
- when it had been established that the respective member worked contrary to this Law.

Director of the Agency

Article 12

The operation of the Agency shall be managed by a director who shall be appointed and dismissed by the Government of the Republic of Macedonia.

For the appointment of the Director, a public advertisement shall be published in three daily newspapers issued on the entire territory of the Republic of Macedonia, of which in one of the newspapers published in a language spoken by at least 20% of the citizens who speak an official language other than the Macedonian language.

A person who meets the following requirements may be appointed a director:

- 1) is a national of the Republic of Macedonia;
- 2) no punishment or misdemeanour sanction prohibition for performing a profession, activity or duty has been pronounced at the moment of the appointment with a final court verdict;
- 3) has acquired at least 240 credits according to ECTS or completed a VII/1 degree;
- 4) has at least five years of working experience;
- 5) possesses one of the following internationally recognized certificates of active English knowledge not older than five years:
 - TOEFEL IBT at least 74 points,
 - IELTS - at least 6 points,
 - ILEC (Cambridge English: Legal) - at least B2 level
 - FCE (Cambridge English: First) - passed,
 - BULATS - at least 60 points and
 - APPTIS - at least level B2 and
- 6) has passed a psychological test and an integrity test.

Article 13

The Director shall submit a report on their work at least two times a year to the Government of the Republic of Macedonia, at the latest one month after the end of the reporting period.

In the report referred to in paragraph 1 of this Article, the director shall in particular submit data on the type and scope of the works performed during the performance of the activities of the Agency.

If the work report determines deficiencies in the financial performance of the Agency, the Director is obliged to remove them in the forthcoming six months.

Article 14

The Director of the Agency shall perform the following activities:

- represents and acts for the Agency,
- organizes the work and manages the expert services of the Agency,
- proposes a programme and action plans of the Agency,
- informs the Government of the Republic of Macedonia on all existing administrative and legal obstacles for promotion and support of the tourism and proposes measures for their removal,
- implements the decisions of the Management Board,
- takes care of the lawful operation and spending of the funds,
- carries out the harmonization of the business activities of the and the Agency,
- prepares an annual operation programme and an annual financial plan for the necessary funds and their sources,
- adopts acts for internal organization and systematization of the job positions in the Agency and other acts of the Agency, adopts annual employment plans of the Agency, and decides on the employment rights of the employees in the Agency.
- adopts individual acts for the employees in the field of labour relations; and
- decides on other issues determined by this Law and the Statute of the Agency.

Article 14-a

The Director of the Agency shall adopt a decision for subsidizing the foreign organized tourism operations within 30 days from the day of the submission of the request and the necessary documentation in accordance with the regulation referred to in Article 57 paragraph 2 of the Law on Tourism.

Against the decision referred to in paragraph 1 of this Article, an appeal may be filed within 15 days to the State Commission for the Adoption of Decisions in Administrative Procedure and Labour Relations Procedure in the second instance.

The Agency maintains a register of submitted requests and issued decisions for subsidizing foreign organized tourism operations.

The Director of the Agency shall prescribe the form, content and manner of keeping the register for subsidizing foreign organized tourism operations.

Article 15

The Director shall be dismissed before the expiration of his/her term of office in the following cases:

- upon his/her request;
- if he/she does not work and act in accordance with the law, the Statute and the acts of the Agency or unjustifiably does not implement the decisions of the Management Board or acts in contradiction with them;
- if by his/her negligent and irregular work causes disruption in the performance of the activities of the Agency and causes damage,
- if he/she neglects or fails to fulfil the obligations and thus there will be disruptions in the performance of the activity of interest of the Agency,
- if he/she fails to submit a report in accordance with Article 13 paragraph 1 of this Law;
- if after the expiration of the deadline determined in Article 13 paragraph 3 of this Law he/she does not eliminate the deficiencies and/or in that period there are again deficiencies in the financial operations;
- if he/she has submitted a resignation in writing;
- if he/she has been convicted for committing a criminal act with a final court verdict imposing a sentence of imprisonment of at least six months,
- if there is a permanent or temporary incapacity for uninterrupted performance of the office for more than six months uninterruptedly or death, and
- if he/she fulfils the conditions for exercising the right to acquiring a pension.

Article 16

The Director is responsible for his/her work and legality in the work before the Government of the Republic of Macedonia.

Article 17

If the term of office of the Director and a member of the Management Board has expired, and the procedure for appointing a new director and members has not been completed, the current director and members of the Management Board continue to perform their duties until the appointment of the new ones.

The provisions of paragraph 1 of this Article shall also apply when the Director and the member of the Management Board have been dismissed before the expiration of their term of office.

Council

Article 17-a

The Director, in order to better prepare and implement the Programme for Promotion and Support of Tourism, establishes a Council consisting of 15 members, namely:

- four representatives from the tourist chambers of commerce,
- seven representatives from the tourist groups, associations and federations of the Republic of Macedonia,
- two representatives from the higher education institutions in the field of tourism in the Republic of Macedonia,
- one expert in the field of tourism and marketing, and
- one representative from the Association of the Units of Local Self-Government (ZELS).

Article 17-b

The representatives in the Council shall be appointed for two years, with the right to re-election.

The Council shall be convened and chaired by the President of the Council, who is elected from the ranks of the representatives of the Council, with the majority of the members present at the constituent session. The Council may also have a Deputy Chairman, who shall be elected from the ranks of the representatives of the Council, with the majority of the members present at the constituent session.

The Council shall meet at least once every three months upon the request of the Director, the Chairman of the Council or one third of the representatives.

The Council shall adopt decisions with a simple majority of the attendees.

Article 17-c

The Council shall perform the following activities:

- Cooperation in the preparation of the annual operation programme of the Agency and other documents, through preparation of expert opinions and recommendations;
- Preparing an analysis of the results of the implementation of the annual operation programme of the Agency, by delivering expert opinions to the Director of the Agency,
- prepares research and analysis at the request of the Director of the Agency and on its own initiative,
- prepares reports on the basis of the conducted researches and analysis, with recommendations and directions for undertaking further activities within the competence of the Agency; and
- performs other activities at the request of the Director of the Agency.

Rights and duties of employees

Article 18

The employees in the Agency have the status of administrative officers. The provisions of the Law on Administrative Officers shall apply to the classification, employment, promotion, professional development and training, the measurement of the effect and other issues related to the employment of administrative officers in the Agency.

Article 19

For the accomplishment of the activities referred to in Article 4 of this Law, the Agency may, on the basis of a contract, use services of legal and natural persons from the country and abroad.

Conflict of interests

Article 20

In the event of a conflict of interest, the Law on Prevention of Conflicts of Interest shall apply.

Article 21

The Government of the Republic of Macedonia shall render a consent on the Statute, the annual operation programme and the annual financial plan of the Agency.

Supervision in the operation

Article 22

The Ministry of Economy supervises the legality of the Agency's operations.

Transitional and final provisions

Article 23

The Government of the Republic of Macedonia shall, within 30 days from the day of entry into force of this Law, appoint the Director of the Agency and the members of the Management Board.

The Agency shall start its operation within 30 days from the day of appointment of the Director.

The Management Board shall, within 30 days from the day of its constitution, adopt the Statute of the Agency.

The employees of the Ministry of Economy who have performed activities in the field of tourism promotion shall be taken over by the Agency, in accordance with the acts for internal organization and systematization of the job positions in the Agency.

Article 24

This Law shall enter into force on the eighth day from the day of its publication in the "Official Gazette of the Republic of Macedonia".