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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**DRAFT LAW ON PUBLIC PROSECUTORS' OFFICE
OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA**

LAW ON PUBLIC PROSECUTORS' OFFICE

1. BASIC PROVISIONS

Article 1

This Law shall regulate the establishment, abolishment, organization, competence and the functioning of the Public Prosecutor's Office, the grounds and the procedure for appointment and dismissal of the Public Prosecutor of Republic of Macedonia, grounds for appointment and dismissal of public prosecutors, as well as other issues related to the work of the Public Prosecutor's Office.

Article 2

The Public Prosecutor's Office shall be the unique and independent state organ that prosecutes perpetrators of crimes and other punishable acts sanctioned by law and perform other duties as stipulated by law.

Article 3

The Public Prosecutor's Office shall perform its functions on the basis of and within the frames provided by the Constitution, the laws and the International Treaties ratified in accordance with the Constitution of the Republic of Macedonia.

Article 4

The function of the Public Prosecutor's Office shall be performed by the Public Prosecutor of Republic of Macedonia and the public prosecutors.

Article 5

(1) The public prosecutor shall perform its function in a lawful, impartial and objective manner, respect and protect the freedoms and rights of the man and citizen and the rights of other legal subjects and within the frames of its competences take due care for the efficient and timely functioning of the criminal justice system.

(2) In the course of performing its functions, the public prosecutor shall ensure equity of all before the law, regardless of gender, race, color of skin, national or social origin, political or religious belief and property and social position.

(3) Any form of influence to the independence and impartiality of the public prosecutor in performance of its function by usage of the social status and the means for public information shall be forbidden.

Article 6

The Public Prosecutor's Office shall be organized in accordance with the principles of hierarchy and subordination.

Article 7

Any form of political organizing and acting shall be prohibited in the Public Prosecutor's Office.

Article 8

To the public and the means for public information access to information regarding the criminality situation and other issues of general interest from the work of the Public Prosecutor's Office shall be provided by the conditions envisioned with law.

Article 9

(1) The Public Prosecutor's Office shall have a seal containing the coat of arms and the name "Republic of Macedonia", the title of the Public Prosecutor's Office and its seat.

(2) On the building where the Public Prosecutor's Office is seated, the flag of the Republic of Macedonia, the coat of arms and the name Republic of Macedonia, the title of the Public Prosecutor's Office and the seat of the Public Prosecutor's Office must be placed.

(3) In Public Prosecutor's Office established in an area of two or more courts from which at least one court has seat in the local self-government units where along Macedonian language other official language is the language spoken by at least 20% of citizens living in those local self-government units, the seal, title and the seat of the public prosecutor's office shall be written in Macedonian language and Cyrillic lettering and in the language and lettering that is also official.

Article 10

A public prosecutor in performance of the competences determined in the Law on Criminal Procedure shall accordingly apply the provisions referring to the usage of languages.

2. ORGANIZATION OF THE PUBLIC PROSECUTOR'S OFFICE

Article 11

The Public Prosecutor's Office as unique state organ is organized as Public Prosecutor's Office of the Republic of Macedonia, Higher Public Prosecutor's Office, Public Prosecutor's Office for prosecution of organized crime and corruption and Basic Public Prosecutor's Office.

Article 12

(1) The Public Prosecutor's Office shall be established for a territory under jurisdiction of a court of an appropriate instance, in front of which it shall proceed with competence.

(2) The Public Prosecutor's Office of the Republic of Macedonia shall be established for the entire territory of the Republic of Macedonia with a seat in Skopje.

(3) Higher Public Prosecutor's Office shall be established for territory of appellate court.

(4) Public Prosecutor's Office for prosecution of organized crime and corruption shall be established for the entire territory of the Republic of Macedonia with a seat in Skopje.

(5) Basic Public Prosecutor's Office shall be established for territory of one or more basic courts.

Article 13

The following Basic Public Prosecutor's Offices shall be established in the Republic of Macedonia:

1. Basic Public Prosecutor's Office in Berovo for the territory of the Basic Court in Berovo;
2. Basic Public Prosecutor's Office in Bitola for the territory of the Basic Court in Bitola;
3. Basic Public Prosecutor's Office in Veles for the territory of the Basic Court in Veles;
4. Basic Public Prosecutor's Office in Gevgelija for the territory of the Basic Court in Gevgelija;
5. Basic Public Prosecutor's Office in Gostivar for the territory of the Basic Court in Gostivar;
6. Basic Public Prosecutor's Office in Debar for the territory of the Basic Court in Debar;
7. Basic Public Prosecutor's Office in Delcevo for the territory of the Basic Court in Delcevo;
8. Basic Public Prosecutor's Office in Kavadarci for the territory of the Basic Courts in Kavadarci and Negotino;
9. Basic Public Prosecutor's Office in Kicevo for the territory of the Basic Court in Kicevo;
10. Basic Public Prosecutor's Office in Kriva Palanka for the territory of the Basic Court in Kriva Palanka;
11. Basic Public Prosecutor's Office in Kocani for the territory of the Basic Courts in Kocani and Vinica;
12. Basic Public Prosecutor's Office in Kumanovo for the territory of the Basic Courts in Kumanovo and Kratovo;
13. Basic Public Prosecutor's Office in Ohrid for the territory of the Basic Court in Ohrid;
14. Basic Public Prosecutor's Office in Prilep for the territory of the Basic Courts in Prilep and Krusevo;
15. Basic Public Prosecutor's Office in Radovis for the territory of the Basic Court in Radovis;
16. Basic Public Prosecutor's Office in Resen for the territory of the Basic Court in Resen;
17. Basic Public Prosecutor's Office in Sveti Nikole for the territory of the Basic Court in Sveti Nikole;
18. Basic Public Prosecutor's Office in Skopje for the territory of the Basic Court Skopje I Skopje;
19. Basic Public Prosecutor's Office in Struga for the territory of the Basic Court in Struga;
20. Basic Public Prosecutor's Office in Strumica for the territory of the Basic Court in Strumica;
21. Basic Public Prosecutor's Office in Tetovo for the territory of the Basic Court in Tetovo;
22. Basic Public Prosecutor's Office in Stip for the territory of the Basic Court in Stip

Article 14

The following Higher Public Prosecutor's Offices shall be established in the Republic of Macedonia:

1. Higher Public Prosecutor's Office in Bitola for the territory of the Appellate Court in Bitola;
2. Higher Public Prosecutor's Office in Gostivar for the territory of the Appellate Court in Gostivar
3. Higher Public Prosecutor's Office in Skopje for the territory of the Appellate Court in Skopje;
4. Higher Public Prosecutor's Office in Stip for the territory of the Appellate Court in Stip;

Article 15

(1) In Public Prosecutor's Office dealing with larger workload of similar cases, in order to improve the efficiency and to specialize the work of the Office in a certain limited area under its competence, departments may be formed as internal organizational units. The work of the department shall be directed by a public prosecutor designated in accordance with the annual work roster of the Public Prosecutor's Office.

(2) In the Public Prosecutor's Office for prosecution of organized crime and corruptions specialized investigative department shall be formed, and in Public Prosecutor's Office established for territory of a court with enlarged competence specialized investigative departments and specialized departments for juveniles shall be formed.

Article 16

(1) The function of the public prosecutor's office in the Public Prosecutor's Office of the Republic of Macedonia shall be performed by the Public Prosecutor of the Republic of Macedonia and the public prosecutors in that prosecutor's office.

(2) The function of the public prosecutor's office in a Higher Public Prosecutor's Office shall be performed by a Higher Public Prosecutor and public prosecutors in that prosecutor's office.

(3) The function of the public prosecutor's office in the Public Prosecutor's Office for prosecution of organized crime and corruption shall be performed by a Public Prosecutor for prosecution of organized crime and corruption and public prosecutors in that prosecutor's office.

(4) The function of the public prosecutor's office in a Basic Public Prosecutor's Office shall be performed by a Basic Public Prosecutor and public prosecutors in that prosecutor's office.

Article 17

(1) A Public Prosecutor's Office shall be established and abolished by law.

(2) In case of abolishment or reorganization of a public prosecutor's office, the Council of Public Prosecutors shall reassign the public prosecutor of that public prosecutor's office to another Public Prosecutor's Office of the same or lower instance.

Article 18

(1) The Public Prosecutor of the Republic of Macedonia, Higher Public Prosecutors, the Public Prosecutor for prosecution of organized crime and corruption and Basic Public Prosecutors shall represent the public prosecutor's offices, manage their operations, exercise the rights and obligations as stipulated by Law and shall enact an Annual Assignment Schedule at the beginning of every calendar year.

(2) The Public Prosecutor of the Republic of Macedonia, Higher Public Prosecutors, the Public Prosecutor for prosecution of organized crime and corruption and Basic Public Prosecutors, shall be respectively replaced by a public prosecutor determined by them.

(3) In case that there is no Basic Public Prosecutor in a Basic Public Prosecutor's Office, or he/she can not perform his/her duties, and there is no other public prosecutor at that public prosecutor's office, the Council of Public Prosecutors can authorize or assign another public prosecutor to perform the duty of a Basic Public Prosecutor for a period of up to six months.

(4) If the function of the Public Prosecutor of the Republic of Macedonia is ceased or if he/she is dismissed from the function, the Council of Public Prosecutors from the rang of the public prosecutors in the Public Prosecutor's Office of the Republic of Macedonia shall determined Public Prosecutor from the Public Prosecutor's Office of the Republic of Macedonia who shall manage the operations in that public prosecutor office until new Public Prosecutor is appointed.

Article 19

(1) If, on the grounds of certain circumstances, the execution of the function of public prosecutor would be endangered or prevented, especially due to exceptionally increased workload or due to decrease of the backlog of cases, the Public Prosecutor of Republic of Macedonia may assign a public prosecutor to another public prosecutor's office, in accordance with provisions from this law and with his/her agreement for no longer than six months.

(2) The Council of Public Prosecutors of Republic of Macedonia, following a proposal from the Public Prosecutor of Republic of Macedonia, based on conditions from paragraph (1) of this article, may extend the temporary assignment for another six months.

Article 20

(1) The Public Prosecutor of the Republic of Macedonia is the higher in rank in the hierarchy of the public prosecutors, he/she is responsible for the general conditions of the organization and performance of the public prosecutors office's and for his/her performance and for the performance of the public prosecutor's office is responsible in front of the Parliament of the Republic of Macedonia.

(2) The Higher Public Prosecutor for his/her performance is responsible in front of the Public Prosecutor of the Republic of Macedonia and the Council of Public Prosecutors.

(3) The Public Prosecutor for prosecution of organized crime and corruption for his/her performance is responsible in front of the Public Prosecutor of the Republic of Macedonia and the Council of Public Prosecutors.

(3) The Basic Public Prosecutor for his/her performance is responsible in front of the Higher Public Prosecutor, the Public Prosecutor of the Republic of Macedonia and the Council of Public Prosecutors.

(4) The public prosecutors in the Public Prosecutor's Office of the Republic of Macedonia, the public prosecutors in a Higher Public Prosecutor's Office and the public prosecutors in the Public Prosecutor's Office for prosecution of organized crime and corruption and the public prosecutors in a Basic Public Prosecutor's Office for their performance are responsible in front of the direct supervising public prosecutor and the Council of Public Prosecutors.

Article 21

(1) The higher by rank public prosecutor's office shall perform oversight of the work and undertaken actions in concrete cases of the lower public prosecutor's offices.

(2) The oversight of the work and undertaken actions in concrete cases of the Public Prosecutor's Office for prosecution of organized crime and corruption shall be performed by the Public Prosecutor's Office of the Republic of Macedonia.

(2) The criteria and manner of performance of the oversight stipulated in paragraph 1 of this article shall be regulated by a Rulebook enacted by the Council of Public Prosecutors.

Article 22

(1) The Public Prosecutor of Republic of Macedonia shall convey a Rulebook on Establishing Criteria to Assess the Work of public prosecutors.

(2) The assessment as of paragraph (1) of this article is performed immediately by the higher public prosecutor for each public prosecutor individually, for a period of every two years.

(3) Assessment of the work of the public prosecutor for prosecution of organized crime and corruption shall be performed by the Public Prosecutor of the republic of Macedonia.

(4) The assessment as of paragraph (1) shall be submitted to the Council of Public Prosecutors of Republic fo Macedonia.

Article 23

(1) The Public Prosecutor of the Republic of Macedonia once per year to the Parliament of the Republic of Macedonia shall submit a Report for the situation of the criminality in Republic of Macedonia.

(2) The Report from paragraph (1) from this article the Public Prosecutor of the Republic of Macedonia shall submit to the Government of Republic of Macedonia, Supreme Court of Republic of Macedonia and the Ministry of Justice.

Article 24

(1) A Public Prosecutor's Office shall prepare annual reports for its work.

(2) A lower Public Prosecutor's Office shall submit the report stipulated in paragraph 1 of this article to a higher prosecutor's office.

(3) The Public Prosecutor's Office of the Republic of Macedonia shall prepare a single annual report for the work of all the Public Prosecutor's Offices and submit it for review to the Council of Public Prosecutors.

(4) The report stipulated in paragraph 3 of this article shall also be submitted to the Government of the Republic of Macedonia and to the Ministry of Justice.

Article 25

(1) The Public Prosecutor of the Republic of Macedonia has right to issue written obligatory instructions to a Higher Public Prosecutor, the Public Prosecutor for prosecution of organized crime and corruption and Basic Public Prosecutor.

(2) The Higher Public Prosecutor has right to issue written obligatory instructions to the basic public prosecutors from area of that public prosecutor office.

(3) The instructions as referred to in paragraphs 1 and 2 of this article are related to undertaking of certain measures and activities for protection of the rights and freedoms of people and citizens, protection of the interests of the state and other legal entities, more efficient disclosure of criminal and other punishable acts and their perpetrators, usage of legal motions, and lawful determination of facts and law application.

(4) The Higher Public Prosecutor, the Public Prosecutor for prosecution of organized crime and corruption and Basic Public Prosecutor and the Basic Public Prosecutor are obliged to fulfill the obligatory instructions.

(5) For the issuing of the obligatory written instructions the Higher Public Prosecutor shall inform the Public Prosecutor of the Republic of Macedonia.

Article 26

(1) The Public Prosecutor of the Republic of Macedonia in accordance to law may undertake the criminal prosecution and the performance of certain actions for which the Higher Public

Prosecutor or Basic Public Prosecutor is competent, or to authorize to lead a procedure for certain cases or to perform certain actions in the competence of other Higher or Basic Public Prosecutor.

(2) The Higher Public Prosecutor in accordance to law may undertake the criminal prosecution and the performance of certain actions for which the Basic Public Prosecutor from the territory of that higher public prosecutor's office is competent, or to authorize a Basic Public Prosecutor from the territory of that higher public prosecutor's office to lead a procedure for certain cases or to perform certain actions in the competence of other Basic Public Prosecutor.

Article 27

(1) To the public and to the means of public information the access to information is provided through the Public Prosecutor of the Republic of Macedonia, Higher Public Prosecutor, the Public Prosecutor for prosecution of organized crime and corruption and Basic Public Prosecutor and Basic Public Prosecutor or by them authorized persons.

(2) Public Prosecutor's Office may inform the public in regards to certain cases in which it is proceeding, especially if according to their nature attract public attention and are important for the performance of the public prosecutor's offices for protecting of criminal and other punishable acts.

Article 28

(1) For the purpose of the function, there shall be duty public prosecutors.

(2) Schedule and duration of the duty work shall be determined at the beginning of each month by the public prosecutor who is managing the public prosecutor's office.

Article 29

(1) Rules for internal work of the public prosecutor's offices shall be conveyed by the Public Prosecutor of Republic of Macedonia.

(2) Supervision of the managerial work in a public prosecutor's office shall be conducted by the Public Prosecutor of republic of Macedonia and the Ministry of Justice.

(3) Ministry of Justice shall look after provision of general conditions for performing the function of the public prosecutor's office; prepares laws and other regulations in the area of organisation and work of public prosecutor's office; provides material, financial, spatial, and other conditions for work; gathers statistical and other data for the work of public prosecutor's office; performs monitoring over the diligence in the work of the public prosecutor's office and examines writs and complaints of citizens regarding the work of public prosecutors, as well as other managerial task and works as determined by Law.

3. COMPETENCE OF THE PUBLIC PROSECUTOR'S OFFICE

Article 30

(1) The Public Prosecutor's Office acts within the limits of its subject-matter and territorial jurisdiction, if not otherwise set by law.

(2) A Basic Public Prosecutor's Office acts before the basic court.

(3) A Higher Public Prosecutor's Office acts before the appellate court.

(4) The Public Prosecutor's Office for prosecuting organized crime and corruption acts before a basic court having a specialized court division competent for handling criminal acts related to organized crime.

(5) The Public Prosecutor's Office of Republic of Macedonia acts before the Supreme Court of Republic of Macedonia.

(6) The Public Prosecutor Office acts before other state bodies and legal entities in its area when it is determined by law.

Article 31

(1) While exercising its function of prosecuting the perpetrators of criminal acts and misdemeanours, the public prosecutor is authorized to:

- Undertake necessary measures and activities for disclosing of criminal acts and their perpetrators;
- Give orders to apply special investigative measures in the pre-trial procedure;
- Lead and undertake measures in the pri investigation and investigation procedure according to law;
- Determine whether the prosecution of perpetrators of criminal acts should be undertaken or continued;
- Submit and handle indictments;
- Impose (*“tr. comm. literate: Announces/Declares”*) regular and extraordinary legal remedies against court decisions;
- Takes care of the manner of implementing the sanctions imposed for criminal acts and the protection of rights of persons against who detention is imposed.
- Submit a request for initiating a misdemeanours procedure; and
- Perform other duties as determined by law.

(2) A Public Prosecutor undertake other actions determinate by law in order more effectively preventing the criminality.

Article 32

The Public Prosecutor Office for prosecution of perpetrators of criminal acts in the area of organised crime and corruption is competent to act upon criminal acts:

- Committed by a structured group of three or more persons, that exists for a certain period of time and acts for the purpose of perpetrating one or more criminal acts for which an imprisonment sentence of up to five years or more is foreseen, as well as criminal acts for which imprisonment sentence of minimum four years is stipulated, and with the intention of direct or indirect acquisition of financial or other benefit.
- Committed by a structured group or a malicious organization on the territory of two or more states; or when preparations and plans for the criminal act are made in another state;
- Misuse of official duty and authority as set in Article 353 paragraph 5, receiving bribe of Article 357, bribing as set in Article 358, unlawful possession as set in Article 359; all from the Criminal Code, perpetrated by an elected or appointed functionary, an official or authority in a public company or another legal entity that manages public assets; and
- As unauthorized production and trafficking of narcotics, psychotropic substances and precursors as set in article 215 paragraph 2, money laundering and other income of a committed criminal act as set in article 273, terrorism as set in article 313, unlawful influence on witnesses as set in article 368a, terrorist organization as set in article 394a and for criminal acts against humanity and international law of Title 34 of the Criminal Code.

Article 33

The Public Prosecutor's Office cooperates with the state bodies for identifying criminal acts and **misdemeanours** and their perpetrators, the courts, other institutions and legal entities; on issues of relevance for exercising their function, as well as issues of joint interest.

Article 34

(1) In order to accomplish the function of prosecuting, the Public Prosecutor's Office in cooperation with the bodies for disclosure (tr.com: identification of crimes) and other authorities and legal entities shall look after undertaking measures and activities for disclosure of criminal acts and misdemeanours and their perpetrators.

(2) For criminal acts that are prosecuted *ex-officio*, the public prosecutor shall manage and coordinate the work of authorized officials within the Ministry of Interior and other competent state bodies to discover the perpetrator of the criminal act, to prevent the perpetrator or the accomplice to hide or flee, to find and secure the traces of the criminal act and objects that may serve as evidence.

(3) For criminal acts in the area of organized crime and corruption, the Public Prosecutor of the Republic of Macedonia co-ordinate the work of the Ministry of Interior, Finance Police, Custom Office, Public revenue Office and other state bodies competence for detecting and preventing of these criminal acts. The form and the manner of co-ordination shall be determinate with Rulebook by the Public Prosecutor.

(4) For criminal from competence of the Public Prosecutor Office for prosecution of perpetrators of criminal acts in the area of organised crime and corruption, the Ministry of interior and other state bodies are bound to inform the public prosecutor of all actions taken in the pre-investigating procedure.

(5) The Ministry of Interior, Financial Police and the Customs office of Republic of Macedonia are bound to provide the public prosecutor with the documents and other evidence obtained while discovering the criminal acts and their perpetrators.

(6) The state bodies, local municipality bodies, organizations, legal entities and persons that carry out public authority, are bound to provide the public prosecutor with documents, files, cases and notifications needed for executing all actions under his/her jurisdiction. The public prosecutor while performing his duty has the right to require data and notifications of other legal entities and citizens that he/she reasonably considers have such information, and he/she can consult or acquire opinion from experts of a specific area, necessary for making a decision.

(7) The public prosecutor in the course of performing the duties, may consult and obtain opinion of experts in certain areas, that are necessary to the conveying of decision.

(8) The Ministry of Interior and other state bodies, legal and other entities of paragraphs 5 and 6 of this article, are obliged to undertake necessary measures and means in the shortest time-frame, but not later than 30 days, to provide him/her with the required data, notifications, documents, cases and files.

(9) If the bodies and persons of paragraphs 5 and 6 of this article do not provide the public prosecutor with the required data, notifications, documents, cases and files, the public prosecutor has the right to obtain and survey the evidence himself, and for this he will notify the Minister of Interior and other officials in the other state bodies and legal entities requested, and he can propose adequate measures to be undertaken in accordance with the law.

(10) If the Public Prosecutor according to paragraph 8 of this article suggest undertaking certain measures, the ministry of Interior and other authorized persons in the other state bodies and legal entities to which he/she refer are obliged in 30 days to inform him/her for the undertaken measures.

(11) The insight into the bank accounts, according to article 5 and 8 of this article shall not present harmed bank secret.

Article 35

(1) For the purpose of realisation of the function of prosecuting criminal acts related to organized crime and corruption and other criminal acts for which an imprisonment sentence of more than four years is foreseen, or when the special circumstances require this, the Public Prosecutor may order the competent state bodies to appoint one or more predetermined authorized officials to assist him for a certain period of time; this can be done in the pre-trial as well as the criminal procedure initiated by himself.

(2) The functionary in charge of a Ministry or another state body is obliged without further due to execute the order of the Public Prosecutor and timely appoint an authorized official of paragraph (1) of this article, to work in the Public Prosecutor's Office.

(3) The authorized official of paragraph (1) of this article executes the orders and instructions given by the Public Prosecutor and is immediately responsible before the Public Prosecutor for realizing his/her tasks;

(4) The authorized official of paragraph (1) of this article who acts upon the Public Prosecutors' order may not be obstructed or found liable for the actions undertaken within the frame of legal authorizations.

Article 36

(1) In a case when the Public Prosecutor finds out that authorized officials from the Ministry of Interior and other state bodies have overstepped their official authorizations and violated citizens' rights and liberties, he has the right to demand information whether a procedure for determining the liability of these officials is commenced, as well as (*tr.com: information*) on the course or the outcome of the conducted procedure.

(2) If the procedure for determining the liability of paragraph (1) of this article is not yet commenced, the Public Prosecutor is obliged to initiate the procedure, and the Ministry of Interior and other state bodies are bound to notify the Public Prosecutor on the course or outcome of the conducted procedure, no later than 45 months.

(3) The Public Prosecutor initiates an ex-officio procedure as set by law, for determining the justification of using firearms by the authorized officials from the Ministry of Interior and other state bodies that have authorities based on the law, which resulted with death or heavily body injury.

(4) In the cases of paragraphs (1), (2) and (3) of this article, the Public Prosecutor notifies the immediately higher Public Prosecutor.

Article 37

The Public Prosecutor's Office of Republic of Macedonia establishes cooperation with Public Prosecutor's Offices from other states, in the framework of international treaties, and especially in the field of preventing and prosecuting organized crime and other forms of complex crimes,

through exchange of data, immediate cooperation, education, specialization of staff and other forms of cooperation.

Article 38

(1) The Public Prosecutor of Republic of Macedonia raises an initiative before the Constitutional Court of Republic of Macedonia for commencing a procedure for determining the accordance of a law with the Constitution and the accordance of other regulations with the Constitution and the laws, if the constitutionality and legality are in question during the work of the Public Prosecutor's Office.

(2) The basic Public Prosecutor's Offices, the Public Prosecutor's Office for Prosecuting Organized Crime and Corruption and the higher Public Prosecutor's Offices notify the Public Prosecutor's Office of Republic of Macedonia on the issues concerning the constitutionality and legality of their work.

Article 39

IN THE CIVIL AND OTHER COURT PROCEDURES, AS IN THE ADMINISTRATIVE PROCEDURES, THE PUBLIC PROSECUTOR UNDERTAKES LEGAL ACTIONS FOR WHICH HE IS AUTHORIZED IN ACCORDANCE WITH THE LAW.

Article 40

(1) For work and tasks under its competence, as well as undertaking actions for which it is authorized, the Public Prosecutor's Office receives charges, petitions and other writs and statements from citizens, other bodies and legal entities.

(2) In performing the tasks as of paragraph (1) of this article the Public Prosecutor's Office is provided with documents and other notifications necessary for undertaking the actions under its competence.

(3) The public prosecutor is obliged in the shortest time frame, and no later than 30 days of the day of receipt of the criminal charges to undertake an action for which he/she is authorized by law.

4. APPOINTMENT AND ELECTION OF PUBLIC PROSECUTORS

Article 42

(1) The Parliament of Republic of Macedonia appoints the Public Prosecutor of Republic of Macedonia on proposal from the Government of the Republic of Macedonia for a period of six years with the right to re-appointment.

(2) The Council of Public Prosecutors of Republic of Macedonia elects the public prosecutors for an unlimited term of office under conditions and in a procedure set by law.

(3) The Council of Public Prosecutors of Republic of Macedonia delivers an opinion on the proposal of the Government of Republic of Macedonia for appointing and dismissing the Public Prosecutor of Republic of Macedonia.

(4) The Council of Public Prosecutors of Republic of Macedonia is assembled of 11 members.

(5) The competence, composition and structure of the Council of Public Prosecutors of Republic of Macedonia, the terms of office of its members, as well as the grounds and procedure for termination and dismissal of a member of the Council are set by law.

Article 42

(1) The Parliament of Republic of Macedonia shall advertise the appointment of Public Prosecutor of Republic of Macedonia within two months before the end of the term of office or immediately after the position becomes vacant in the "Official Gazette of Republic of Macedonia" and in at least two public papers one of which is in an official language other than Macedonian and spoken by at least 20% of the citizens of republic of Macedonia.

(2) The deadline for submitting applications is 15 days from the day of promulgation in the "Official Gazette of Republic of Macedonia".

(3) The Council of Public Prosecutors of Republic of Macedonia, no later than 15 days from the day of receipt of the proposal for appointing the Public Prosecutor of Republic of Macedonia, submits an positive or negative opinion elaborated in written to the Government of Republic of Macedonia.

(4) The Government of Republic of Macedonia is obliged to attach the opinion of paragraph (1) of this article, to the proposal for appointment to the Parliament.

(5) If the Council of Public Prosecutors of Republic of Macedonia does not provide the Government with its opinion in the determined timeframe, the timeframe of paragraph (1) of this article is extended for additional 15 days. If the Council does not submit an opinion respecting this timeframe, it shall be considered that a positive opinion is provided.

Article 43

(1) Higher Public Prosecutor in Higher Public Prosecutor's Office, Public Prosecutor for prosecuting organized crime and corruption and Basic Public Prosecutor in basic public prosecutor's office are elected by the Council of Public Prosecutors of Republic of Macedonia for period of 4 years, from the rank of the appointed public prosecutors with a right top re-appointment.

(2) Public Prosecutors fro Public Prosecutor's Office for prosecution of organised crime and corruption are elected by the Council of Public Prosecutors of Republic of Macedonia from the ranks of appointed public prosecutors for period of 6 years with right to re-appointment.

(3) The Council of Public Prosecutors of Republic of Macedonia with a decision shall determine the number of public prosecutors in public prosecutor's offices and conducts procedure for appointment and dismissal of public prosecutors.

Article 44

(1) During the election of Public Prosecutor, discrimination on the basis of sex, race, colour of skin, national and social background, political and religious believes, property assets and social welfare is not allowed.

(2) DURING THE ELECTION OF A PUBLIC PROSECUTOR THE PRINCIPLE OF ADEQUATE AND EQUAL REPRESENTATION OF THE CITIZENS THAT BELONG TO EVERY COMMUNITY IN REPUBLIC OF MACEDONIA WILL BE MADE, WITHOUT UNDERMINING THE CRITERIA SET BY LAW.

(3) A person related to a public prosecutor in a descendant line, or his/her kin in a parallel line up to the third level of kinship, or his/her spouse cannot be elected public prosecutor in the same Public Prosecutor's Office.

Article 45

(1) A public prosecutor can be elected any person that meets the general terms set by law on employment in a state body, as well as the following conditions:

- to be a citizen of Republic of Macedonia
- to actively know the Macedonian language
- to have working capacity and general health capacity
- to have a University degree for a law graduate in Republic of Macedonia or a recognized diploma from abroad and
- to have the Judicial exam of Republic of Macedonia passed;

(2) A PUBLIC PROSECUTOR OF REPUBLIC OF MACEDONIA CAN BE APPOINTED A PERSON WHO MEETS THE TERMS OF PARAGRAPH (1) OF THIS ARTICLE, AS WELL AS THE FOLLOWING SPECIAL TERMS:

- Professional experience of at least 10 years as a public prosecutor with acknowledged results in the work, or 12 years professional experience in legal matters, after taking the judicial exam, or a full-time or part-time university professor that has been teaching a law related subject or a judicial practice subject for more than 10 years.

(3) A Public prosecutor in the Public Prosecutor's Office of Republic of Macedonia can be elected a person who besides the terms of paragraph (1) of this article meets the following terms:

- Professional experience of at least 10 years as a public prosecutor with acknowledged results in the work, or 12 years professional experience in legal matters with acknowledged results, after taking the judicial exam.

(4) A Higher public prosecutor of a Higher Public Prosecutor's Office can be elected any person that besides the terms of paragraph (1) of this article has professional experience of at least 8 years as a public prosecutor with acknowledged results in the work.

(5) A PUBLIC PROSECUTOR IN A HIGHER PUBLIC PROSECUTOR'S OFFICE CAN BE ELECTED ANY PERSON WHO BESIDES THE TERMS IN PARAGRAPH (1) MEETS THE FOLLOWING SPECIAL TERMS:

- Professional experience of at least 8 years as a public prosecutor with acknowledged results in the work, or 8 years of professional experience in legal matters with acknowledged results in the work, after taking the judicial exam.

(6) A Public Prosecutor of the Public Prosecutor's Office for Prosecuting Organized Crime and Corruption and a public prosecutor in the Public Prosecutor's Office for Prosecuting Organized Crime and Corruption can be elected a person that besides the terms in paragraph (1) of this article has professional experience of at least 6 years as a public prosecutor with acknowledged achievements in the work.

(7) A Basic Public Prosecutor of a Basic Prosecution Office can be elected any person who besides the terms in paragraph (1) of this article has professional experience of at least 6 years as a public prosecutor with acknowledged results in the work.

(8) A public prosecutor in a Basic Prosecution Office can be elected any person who besides the terms in paragraph (1) of this article meets the following special terms:

- Completed training at the Academy for training of judges and public prosecutors.

Article 46

(1) The higher public prosecutors, the Public Prosecutor of the Public Prosecutor's Office for Prosecuting Organized Crime and Corruption and the public prosecutors in the Public Prosecutor's Office for Prosecuting Organized Crime and Corruption and basic public prosecutors in the Basic Public Prosecutors Office are elected from the ranks of public prosecutors in Republic of Macedonia, abiding by the procedure and manner for electing a public prosecutor in the respective Public Prosecutor's Office.

(2) The Public Prosecutor of Republic of Macedonia who is appointed from the ranks of the elected prosecutors, the higher public prosecutor and the basic public prosecutor that will not be re-appointed or re-elected continue to exercise their function as public prosecutors in the respective Public Prosecutor's Office.

(3) The Public Prosecutor of the Public Prosecutor's Office for Prosecuting Organized Crime and Corruption and the public prosecutors in the Public Prosecutor's Office for Prosecuting Organized Crime and Corruption that will not be re-elected continue to exercise their function as public prosecutors in the respective Public Prosecutor's Office

Article 47

(1) Before taking office, the public prosecutor gives the following solemn pledge:

"I declare and I vow that while I will perform my duty as a public prosecutor I will abide by the Constitution of Republic of Macedonia, the laws of Republic of Macedonia and the international treaties ratified in accordance with the constitution, that I will perform the function in good faith, impartially and responsibly and I will protect the rights and liberties of men and citizen and the interests of other legal subjects".

(2) When giving the pledge the prosecutor wears a robe.

(3) The public prosecutor of Republic of Macedonia gives the pledge before the President of the Parliament of Republic of Macedonia, and the public prosecutors give the pledge separately, before the Council of Prosecutors.

(4) The solemn pledge is given in Macedonian language and it is signed in Macedonian and its Cyrillic letters.

(5) When a public prosecutor is elected in a Public Prosecutor's Office founded for the territory of two or more courts of which at least one is seated on a territory of local municipal units where besides the Macedonian language another official language is the one spoken by at least 20% of the citizens that live on the territory, the public prosecutor that belongs to that community, gives the pledge in Macedonian and signs it in Macedonian using Cyrillic letters and in the language and alphabet of that community.

(5) A copy of the solemn pledge is given to the newly appointed prosecutor.

5. RIGHTS AND OBLIGATIONS OF PUBLIC PROSECUTORS

Article 48

(1) Public prosecutor may not be detained nor held liable for the undertaken action, expressed opinion and adoption of decision while performing public prosecutor's function.

(2) Against Public prosecutor may not be conducted procedure on damage compensation or some other procedure as party participant in the procedure that is not satisfied from the decision of the public prosecutor.

Article 49

(1) Public prosecutor may be trainer or to hold lectures in the Academy for training of judges and public prosecutors and on the high educational institutions and to participate in some particular scientific and expert projects.

(2) Activities and participation in project in high educational institutions public prosecutor it can perform upon a previous issued agreement by the public prosecutor's Council.

Article 50

(1) To a public prosecutor appointed or elected (for member of the public prosecutor's Council) for judge or prosecutor in international judicial institution, judge of the Constitutional Court of Republic of Macedonia or Director of the Academy for training of judges and public prosecutors of Republic of Macedonia, the function public prosecutor it ceases during the time of performing the duty for what he has been appointed or elected.

(2) The decision on ceasing of the function public prosecutor from the paragraph (1) of this article it is brought by the public prosecutor's Council.

(3) After the expiration of the mandate for which they have been appointed or elected, paragraph (1) of this article the public prosecutor has the right to return back in the public prosecution, that he left for the performance of the other duty.

Article 51

(1) Annual leave of the public prosecutors is lasting 26 working days.

(2) Public prosecutor enjoys all the rights of working relation that belong to him in accordance to the law

Article 52

(1) The salary level of the of public prosecutor is determined depending on:

- type of the public prosecution
- unit and the type of the cases upon whom is acting;
- internal obligations within the public prosecution;
- working experience;
- scientific – expertise degrees and specialization;
- achieved results on the performing the function of public prosecution;

(2) The salaries and other allowances for the public prosecutors are determined by Law and are equal to the salaries and other allowances of the judges.

(3) Amount of the salary of public prosecutor is determined in the manner that to the public prosecutor it provides protection from the pressures and influences while acting and decision making.

(4) Salary of the public prosecutor while lasting the function public prosecutor it can not be reduced except in the cases determined by the law.

(5) In case the public prosecutor is restrained from performing his/her function because of his/her detention, investigation for a criminal act or because of disciplinary procedure or procedure for his/her dismissal, he/she has the right of 2/3 salary compensation.

Article 53

(1) Public prosecutor for the performed "on duty" hour work has the right on compensation.

(2) The amount of the compensation shall be determined by an act of the Minister of Justice.

Article 54

(1) When the public prosecutor upon the need of the service temporary is directed the function public prosecutor to perform out of his residence he has the right to compensation for the increased expenses for his lodging or the travel expenses compensation.

(2) Public prosecutor has the right of compensation for the moving expenses in the case mentioned in the paragraph (1) of this article for him and for his family in the cases when he is elected and appointed in some other prosecution.

(3) Minister of justice with bylaw shall determine the level and the manner of instalment of compensations mentioned on the paragraphs (1) and (2) of this article.

Article 55

(1) The Public Prosecutor who do not have a personal residence on the territory under jurisdiction of the Public Prosecutor's Office where they perform their function, shall be entitled to use an appropriate residence provided by the Office.

(2) Until reaching the right from the paragraph (1) of this article public prosecutor has the right on travel compensation.

Article 56

(1) The public prosecutor shall be entitled and obliged to continuous professional advancement.

(2) Funds for professional advancement of public prosecutors shall obligatorily be allocated from the means of work of the Public Prosecutor's Offices.

(3) Specialization of the public prosecutor shall be allowed for the purpose of more successful performance of their duties.

(4) To a public prosecutor who attends postgraduate studies on law and specialized studies on law in the state and abroad, which it may not be accomplished in the frames of the Academy for the training of the judges and public prosecutors it may be granted a scholarship.

(5) Means for the scholarship are provided from the budget of the Public Prosecution's office of Republic of Macedonia, the terms of references and the procedure are regulated by the Rulebook of the Council of public prosecutors.

Article 57

(1) Public prosecutor has ID card that is issued and confiscated by the Council of public prosecutors.

(2) Council of public prosecutors with a particular act it shall provision the content and format of the form of the official ID card and the manner for their issuing and confiscation.

Article 58

(1) The following powers shall be treated as special rights of the Public Prosecutors in the performance of the Public Prosecutor's function:

- the right to enter and to have free passage at stations, airports, ports, only by presenting an official ID card;
- the right to official permit for carrying a weapon and right of supplying ammunition;

- the right to have free use of the public transportation, both inland or via the lakes within the territory, i.e. the area under their jurisdiction; and
- the right to a special personal protection, protection of their family and property, upon their request addressed to the Police located in the place of their residence, whenever there is serious threat to their safety.
- to have an official passport.

(2) For special rights as of paragraphs (1), lines 1, 2, and 3 of this article, the Minister of Justice shall convey more immediate regulations.

(3) Special rights as of paragraph (1) line 4 of this article also refer to retired public prosecutor.

Article 59

The Public Prosecutors may establish an Association for the purpose of fulfilment and protection of their own interests as well as for improvement of their professional status.

Article 60

(1) The public prosecutor shall be restrained from performing their function while in detention

(2) The public prosecutor may be restrained from performing his function for the duration of the investigation of the criminal act, when a procedure for determining disciplinary liability or procedure for his dismissal has been initiated.

(3) Public prosecutor's Council adopts decision on the restrain of public prosecutor from his function in cases stipulated in paragraph (1) and (2) of this article.

Article 61

(1) Public prosecutor is obliged to preserve the reputation of the function that he performs.

(2) The public prosecutors shall be obliged to keep confidential all the information obtained from the parties regarding their legal and factual relations within their work and shall guarantee the confidentiality of the classified information, referring to data of private nature that shall not affect the performance of the function

(3) Public prosecutor of Republic of Macedonia, High public prosecutor, Public prosecutor of the Prosecution office for pursuing organized crime and corruption and Basic public prosecutor it can the public prosecutor or the employed in the public prosecution expert service to release from the obligation for keeping classified information with a certain level of confidentiality determined by the law.

(4) For releasing from obligation from the paragraph (3) on this article decision for the lower public prosecutor is brought by immediate higher prosecutor, for the Public prosecutor on the Public prosecution for the pursuing of the organized crime and corruption it brings the Public prosecutor of Republic of Macedonia, for the Public prosecutor of the Republic of Macedonia the Council of public prosecutors.

Article 62

(1) The function Public Prosecutor shall be incompatible with the function Member of Parliament, member of the Council of the Municipality i.e. the City of Skopje and with the functions in the state bodies, municipality and the city of Skopje

(2) The Public prosecutor may not be a member and perform political function or to complete party and political activity.

(3) Public prosecutor may not be a member of a executive or supervision board of trade association or some other legal association that is established in order to gain some benefit.

Article 63

(1) In relation to the performance of their duties the public prosecutor shall not accept gifts, promises for gifts or use other benefits and services.

(2) In relation to the performance of their duties the public prosecutor shall not accept gifts, promises for gifts or use other benefits neither his spouse nor other members of the family, cousins and other persons that are living together with the public prosecutor.

Article 64

The Public Prosecutors in front of the court at the main hearing is wearing special clothing (gown), the Minister of justice shall issue the manner on the apparel and the terms of wearing the special clothing.

6. CESSATION OF FUNCTION AND DISMISSAL OF PUBLIC PROSECUTORS

Article 65

(1) The Public Prosecutor shall be dismissed:

- When they themselves require that;
- When permanently loses the capacity to perform the function of public prosecutor;
- When elected or appointed to some other public function;
- When convicted with a lawful verdict of more than 6 months imprisonment, or to a shorter prison sentence or other criminal sanction for a crime that makes the prosecutor not fit to perform the function of public prosecutor.

(2) In the cases stipulated on the paragraph (1) of this article Parliament of Republic of Macedonia determines dismissal of the function public prosecutor of Republic of Macedonia.

Article 66

(1) The term of office of the Public Prosecutor shall be cease:

- When they themselves require that;
- When losses the citizenship of Republic of Macedonia;
- When permanently loses the capacity to perform the function of public prosecutor;
- When reached 65 years of age;
- When elected or appointed to some other public function, except when the function of public prosecutor ceases under the conditions determined by this law; and
- When they have been convicted with a lawful verdict and sentenced to more than six months of imprisonment, or to a shorter imprisonment or another criminal sanction for a criminal act that makes them inappropriate for performing the function of public prosecutor.

(2) In the cases stipulated in paragraph (1) of this article, the Council of public prosecutors of Republic of Macedonia determines the dismissal of the public prosecutors function.

Article 67

(1) Public prosecutor of Republic of Macedonia is dismissed from the function prior to ending of his six year term of office due to achievement of unsatisfactory results in the performance of the function.

(2) The procedure for determining liability on achievement of unsatisfactory results in the performance of the public prosecutor's function shall be conducted by the Commission, consisted of seven members, established by the Government of Republic of Macedonia.

Members of the Commission are elected by professional lawyers, that are non state officials and they are not from the range of the judges and public prosecutors.

(3) Commission prepares expertise opinions upon the proposal of the Government of Republic of Macedonia on the initiative for the procedure to determine the liability.

(4) Public prosecutor of Republic of Macedonia is entitled in written to express himself upon the proposal stipulated in the paragraph (3) of this article.

(5) Government of Republic of Macedonia, upon previously obtained opinion by the Council of public prosecutors, submits proposal on dismissal of the public prosecutor to the Parliament of the Republic of Macedonia.

(6) Council of public prosecutors, in the time frame of 15 days from the day when it was received the proposal on dismissal, to the Government of Republic of Macedonia submits well explained positive or negative opinion in written.

(7) Government of the Republic of Macedonia to the Parliament of Republic of Macedonia attaches the proposal for dismissal and the opinion stipulated in paragraph (6) of this article.

(8) In case if the Council of public prosecutor due to some justified reasons on the determined time frame is not submitting opinion to the Government of Republic of Macedonia, the time frame stipulated in the paragraph (7) of this article is prolonged for 15 days. In case if in this time frame the Council will not submit opinion, is considered that it is not supporting the suggestion of the Government of Republic of Macedonia.

(9) Public prosecutor of Republic of Macedonia is entitled on presence on Parliamentary session and to express himself upon the proposal on his dismissal of the Government of Republic of Macedonia.

Article 68

(1) The public prosecutor shall be dismissed from the function:

- Due to serious disciplinary violation, that makes him inappropriate for performing the function of Public Prosecutor determined by the law; and
- Due to unprofessional and in bad faith exercise of the office of public prosecutor under terms determined by Law.

(2) Proposal on initiating procedure to determine the liability stipulated in the paragraph (1) of this article is submitted in the time frame of 30 days when it was found out, not longer than two years from the day when the violation has been committed.

Disciplinary violations

Article 69

The following acts shall be considered as serious disciplinary violations upon what it is initiated procedure on disciplinary liability of public prosecutor:

- A serious breach of the public peace and order that destroys the reputation of the public prosecutor of Public Prosecutor's Office;
- A serious violation of the rights of the parties and of other participants in the proceedings, that jeopardizes the reputation of the Public Prosecutor's function;
- Improper conduct towards individuals, state organs or other legal entities in relation to the performance of their function or otherwise;
- Violation of the principle of non discrimination in any ground; and
- Disabling to conduct supervision upon the work of the public prosecutor by the higher Public Prosecution's office.

Article 70

Disciplinary proceedings due to which are initiated disciplinary proceedings towards public prosecutor are:

- not properly and inadequate acting in public places;
- refusal to wear special official dress;
- receiving gifts and other benefits in relation to the public prosecution's function.
- performance of party and political activities or other official function, work or activity that is incompatible with the performance of the public prosecution's function. (article 62);
- causing of severe disruption of the relations in the public prosecution's office that in considered level effect over the performance of the public prosecution's function;
- unjustified refusal or not meeting of educational and tutorial obligations;
- serious violation on the entitlement of absence from work; and
- lack of fulfilment of the obligation on professional educational level.

Article 71

(1) The following is considered as incompetent performance of public prosecutor function:

- unsatisfactory professional expertise that effects on the quality of the work;
- lack of knowledge of laws, ratified international treaties and other provisions;
- wrong implementation of the laws, ratified international treaties and other provisions;
- Public prosecution decisions and other written documents not very well prepared.

(2) Under incompetent performing of the public prosecution duty is understood:

- Serious violation on the provisions of public prosecutors Code, during what is destroyed the reputation of the public prosecutors function;
- not time properly or carelessness performance of the public prosecution function;
- partial relation while working with the cases;
- releasing without permission of information and data related to the public prosecutor cases;
- unjustified refusal or not acting upon the instructions issued in accordance with the provisions stipulated in this law.

Article 72

(1) The procedure for determining disciplinary liability shall be conducted by a Commission of five members established by the public prosecutor of the Republic of Macedonia.

(2) The Council of Public Prosecutors of Republic of Macedonia shall decide on the appeal against the decision of the commission from paragraph (1) of this article.

(3) The public prosecutor has the right to initiate administrative dispute before competent court against decision of the Council of Public Prosecutors of Republic of Macedonia.

(4) The Public Prosecutor of Republic of Macedonia shall convey a Rulebook to stipulate the procedure to establish liability of a public prosecutor.

Disciplinary measures

Article 73

On a confirmed disciplinary violation of public prosecutor the Council of public prosecutor's it may determine one of the mentioned disciplinary measures:

- written warrant;
- public reprimand;
- reducing the salary in the amount of 15% to 30% of the monthly public prosecutor's salary for the period of 6 months; and
- dismissal from the public prosecution's function.

Article 74

(1) The procedure for determining liability for public prosecutors due to conducted serious disciplinary violation incompetent and carelessness work shall be conducted upon proposal of the Public Prosecutor of Republic of Macedonia for all public prosecutors and proposal of the immediate Higher Public Prosecutor for dismissal of Basic Public prosecutor.

(2) Decision on dismissal of the public prosecutor is brought by the Council of Public prosecutors of Republic of Macedonia.

Article 75

The Public Prosecutor, who has been dismissed, shall be entitled to their rights on the basis of his employment in the manner and conditions stipulated by this law.

7. PROFESSIONAL SERVICE IN PUBLIC PROSECUTOR'S OFFICE

Article 76

(1) For the purpose of performing professional works, a certain number of graduated lawyers shall be employed as higher Public Prosecutor's Office councillors, autonomous Public Prosecutor's Office councillors, Public Prosecutor's Office councillors, legal assistants, Public Prosecutor's Office interns as well as professionals of other profiles for the purpose of scrutinizing and discovering criminality.

(2) Certain number of professionals of other profiles shall be employed in Public Prosecutor's Offices for the purpose of performing professional matters related to scrutinizing and discovering criminality.

(3) In Public Prosecutor's Offices where, pursuant to article 15 paragraph 2 of this Law, specialised investigative departments and in the Public Prosecutor Office for prosecution of organized crime and corruption have been created, certain number of professionals shall be employed as Public Prosecutor's Office investigative police.

(4) For the purpose of performing administrative, technical, and other works, a certain number of employees shall be employed in Public Prosecutor's Offices.

(5) When employing persons as of paragraphs (1), (2), and (3) of this article, without violating the criteria foreseen by Law, an appropriate and righteous representation of citizens from all communities shall be provided.

Article 77

(1) Public Prosecutor's Office of Republic of Macedonia shall have a Secretary General.

(2) Secretary General shall manage the Professional Service of the Public Prosecutor's Office of Republic of Macedonia, shall coordinate and direct the work of the professional services in other Public Prosecutor's Offices and shall assist the Public Prosecutor of Republic of Macedonia in performing duties in the area of Public Prosecutor's Office management.

Article 78

(1) In a Public Prosecutor's Office with more than seven public prosecutors, a Secretary shall be appointed to manage the professional service in the Public Prosecutor's Office.

(2) The Secretary shall assist the Public Prosecutor in performing duties in the area of Public Prosecutor's Office management.

Article 79

(1) Secretary General of the Public Prosecutor's Office of Republic of Macedonia may be a person who is a graduated lawyer, meeting general conditions as stipulated by Law on

employment in state body, who has passed the Judicial exam and has at least seven years of practice in legal matters after passing the exam.

(2) Secretary of Public Prosecutor's Office may be a person who meets conditions as of paragraph (1) of this article and has at least 3 years of practice in legal matters after passing the Judicial exam.

Article 80

(1) A Higher Public Prosecutor's Office Councillor in Basic Public Prosecutor's Office may be a graduated lawyer who meets general conditions as stipulated by Law on employment in state body with passed Judicial exam and has at least three years of practice in legal matters after passing the exam.

(2) Higher Public Prosecutor's Office Councillor in Public Prosecutor's Office for Prosecution of Organised Crime and Corruption may be a graduated lawyer who meets general conditions as of paragraph (1) of this article and has at least five years of practice in legal matters after passing the Judicial exam.

(2) A Higher Public Prosecutor's Office Councillor in Higher Public Prosecutor's Office may be a graduated lawyer who meets general conditions as of paragraph (1) of this article and has at least five years of practice in legal matters after passing the Judicial exam.

(3) A Higher Public Prosecutor's Office Councillor in the Public Prosecutor's Office of Republic of Macedonia may be a graduated lawyer who meets general conditions as of paragraph (1) of this article and has at least eight years of practice in legal matters after passing the Judicial exam.

(4) Candidate for Public Prosecutor with completed training in the Academy for Training of Judges and Public Prosecutors until being appointed for Public Prosecutor shall be assigned to work in Public Prosecutor's Office where he has performed the practical training with title Higher Public Prosecutor's Office Councillor.

Article 81

(1) Autonomous Public Prosecutor's Office Councillor in Basic Public Prosecutor's Office may be a graduated lawyer who meets general conditions as stipulated by law on employment in a state administration body with passed Judicial exam and has at least two years of practice in legal matters after passing the exam.

(2) Autonomous Public Prosecutor's Office Councillor in Public Prosecutor's Office for Prosecution of Organised Crime and Corruption may be a graduated lawyer who meets conditions as of paragraph (1) of this article and has at least four years of practice in legal matters after passing the Judicial exam

(3) Autonomous Public Prosecutor's Office Councillor in Higher Public Prosecutor's Office may be a graduated lawyer who meets conditions as of paragraph (1) of this article and has at least four years of practice in legal matters after passing the Judicial exam.

(4) Autonomous Public Prosecutor's Office Councillor in the Public Prosecutor's Office of Republic of Macedonia may be a graduated lawyer who meets conditions as of paragraph (1) of this article and has at least six years of practice in legal matters after passing the Judicial exam.

Article 82

Public Prosecutor's Office Councillor in Public Prosecutor's Office may be a graduated lawyer who meets the general conditions as stipulated by Law on employment in a state administration body and has at least one year of practice with passed Judicial exam.

Article 83

Professional aide may be a graduated lawyer who meets general conditions for employment in a state administration body and has passed Judicial exam.

Article 84

(1) Intern in Public Prosecutor's Office may be a graduated lawyer who meets general conditions as stipulated by Law on employment in state administration body.

(2) Interns are employed in Basic and Higher Public Prosecutor's Offices and are assigned to duties and tasks in order to have practice in all areas of work.

(3) After passing the Judicial exam, the intern in a Public Prosecutor's Office is assigned to duties of professional aide in accordance with the Systematisation Act.

(4) The intern in a Public Prosecutor's Office who, after the expiration of the internship in duration of two years, fails to pass the Judicial exam shall cease to be an intern in a Public Prosecutor's Office.

Article 85

Decision on the number and the tasks of the Higher Public Prosecutor's Office Councillors, Autonomous Public Prosecutor's Office Councillors, Public Prosecutor's Office Councillors, professional aides, interns in Public Prosecutor's Offices, and other employees is conveyed by the Public Prosecutor of the Republic of Macedonia.

Article 86

In order to perform certain managerial, financial, operative, manipulative, and other works and tasks, Public Prosecutor's Office, in agreement with other bodies, may establish joined services or to assign employees to those works and tasks.

Article 87

(1) During strike of the employees in the Public Prosecutor's Office expert service duties related to representation in court proceedings and sessions are being performed.

(2) In cases which by Law are designated as urgent or works that in accordance with Law and nature of matters are necessary, the Public Prosecutor's Office is obliged to work in time of strike.

7. MEANS FOR WORK

Article 88

(1) Means for work of Public Prosecutor's Offices shall be provided from the Budget of Republic of Macedonia through the budget beneficiary – Public Prosecutor's Office of Republic of Macedonia.

(2) Basic Public Prosecutor's Offices, Public Prosecutor's Office for Prosecution of Organised Crime and Corruption, and higher Public Prosecutor's Offices are financed through the budget beneficiary as of paragraph (1) of this article.

(3) Ministry of Finance that is proposing the part of the Budget of Republic of Macedonia dedicated to Public Prosecutor's Offices is obliged prior to voting in the Parliament of Republic of Macedonia to submit the proposal to Public Prosecutor of Macedonia for opinion.

(4) The opinion as of paragraph (4) of this article shall be submitted to the Parliament of Republic of Macedonia along with the proposal for the part of the Budget of republic of Macedonia dedicated to Public Prosecutor's Offices.

Article 89

(1) Public Prosecutor's Office of Republic of Macedonia shall prepare a unique budget calculation based on calculations submitted by basic prosecution offices, Public Prosecutor's Office for Prosecution of Organised Crime and Corruption, higher Public Prosecutor's Offices, and Public Prosecutor's Office of Republic of Macedonia.

(2) Unique budget calculation for all prosecution offices and explanation on the required amounts shall be submitted by the Public Prosecutor's Office of Republic of Macedonia to the Ministry of Finance.

(3) Prior to submitting the proposed Budget of Republic of Macedonia to the Government of Republic of Macedonia, the Minister of Finance is obliged to adjust this part of the Budget of Republic of Macedonia with the Public Prosecutor of Republic of Macedonia. If they fail to agree, the Ministry of Finance shall prepare a report and submit it to the Government of Republic of Macedonia.

(4) After having obtained previous accord from the Council of Public Prosecutors, the Public Prosecutor's Office of Republic of Macedonia conducts the distribution of funds approved with the Budget of Republic of Macedonia to prosecution offices, on annual and monthly basis, on the grounds of measures and criteria.

Article 90

Means for work of Public Prosecutor's Offices are comprised of funds for salaries and compensation fees for public prosecutors; for salaries and compensation fees for employees of the Public Prosecutor's Office expert service; for goods and services; for expenses during procedure; for professional improvement of public prosecutors and employees of the Public Prosecutor's Office expert service; for purchase of capital means and investment maintenance of objects and equipment of Public Prosecutor's Offices.

Article 91

Salaries and other compensation fees for employees of the Public Prosecutor's Office expert service are determined with Law and collective agreement.

Article 92

(1) Premises, material means, equipment, and other working conditions of Public Prosecutor's Offices are provided for by the Government of Republic of Macedonia.

(2) The Government of Republic of Macedonia shall convey a programme with designated amount of means for construction, reconstruction, maintenance of objects, and equipping of Public Prosecutor's Offices and shall determine their immediate purpose.

(3) Ministry of Justice shall ensure the realisation of the program from paragraph (2) of this article.

Article 93

(1) An IT centre shall be created within Public Prosecutor's Offices as a part of the unique IT centre with a database on judicial bodies in Republic of Macedonia.

(2) Ministry of Justice shall ensure the maintenance of the unique methodological and technological basis of the IT system of Public Prosecutor's Offices.

9. TRANSITIONAL AND FINAL PROVISIONS

Article 94

(1) Higher public prosecutors and basic public prosecutors appointed in accordance with the Law on Public Prosecutor's Office ("Official Gazette of RM" no.80/92, 19/93, 9/94, and 9/96) and the Law on Public Prosecutor's Office ("Official Gazette of RM", no 38/2004) shall continue to perform their duties until the term of office to which they were appointed expires.

(2) Deputy public prosecutors appointed in accordance with the Law on Public Prosecutor's Office ("Official Gazette of RM" no.80/92, 19/93, 9/94, and 9/96) shall continue to perform their function until the term of office to which they were appointed expires.

(3) If, after the expiration of the term of office, public prosecutors and deputy public prosecutors from paragraphs (1) and (2) of this article are not appointed for public prosecutors in Public Prosecutor's Offices where they were appointed previously, their functions as public prosecutors or deputy public prosecutors ceases and they are entitled to compensation of salary in accordance to the Law on Salaries and Compensation Fees for Members of Parliament and Other Elected and Appointed Functionaries ("Official Gazette of RM", no.____)

(4) Deputy public prosecutors appointed in accordance to the Law on Public Prosecutor's Office ("Official Gazette of RM" no.38/2004) shall continue to perform their duty as public prosecutors in the prosecution offices to which they were appointed without limitations to the term of office.

(5) The procedure to appoint Higher Public Prosecutor and Basic Public Prosecutor shall commence three months before the end of term of office to which they are to be appointed.

(6) The Council of Public Prosecutors of Republic of Macedonia shall convey a decision on the number of public prosecutors in Public Prosecutor's Offices within 30 days from the day when the Council was constituted.

(7) In the required years of experience determined as a separate condition for a public prosecutor to be appointed or elected in accordance with article 45 of this Law, shall also be calculated the time of experience achieved as a deputy public prosecutor.

Article 95

(1) Until acquiring for the first time status of candidates for public prosecutors in accordance to the Law on Academy for Training of Judges and Public Prosecutors, public prosecutors in basic Public Prosecutor's Offices shall be appointed in accordance to the provisions in article 34 paragraphs (1) and (2) of the Law on Public Prosecutor's Office ("Official Gazette of RM" no.38/2004).

(2) In the period of three years after the day when fir the first time was acquired the status of candidate for public prosecutor in accordance to the Law on Academy for Training of Judges and Public Prosecutors, the Council of Public Prosecutors shall fill 50 percents of the determined places for prosecutors in Public Prosecutor's Offices with persons who meet the conditions for deputy public prosecutors in a Basic Public Prosecutor's Office in accordance with article 34 paragraphs (1) and (2) of the Law on Public prosecutor's Office ("Official Gazette of RM" no.38/2004) and who have not attended the initial training of the Academy.

Article 96

(1) Higher Public Prosecutor's Office in Gostivar and the Public Prosecutor's Office for Prosecution of Organised Crime and Corruption shall be established no later that 31.12.2007.

(2) Deputy Public Prosecutors who are appointed, or assigned to the Department for Prosecution of Perpetrators of Criminal Acts in the Field of Organised Crime and Corruption shall continue to perform their duties until Public Prosecutor's Office for Prosecution of Organised Crime and Corruption.

Article 97

Ministry of Justice shall provide premises for the purposes of the Higher Public Prosecutor's Office in Gostivar and the Public Prosecutor's Office for Prosecution of Organised Crime and Corruption.

Article 98

University diploma of graduated lawyer that is obtained, as well a Judicial exam passed in any socialist republic or socialist autonomous province of former SFRY before the date when the Constitution of Republic of Macedonia was announced ("Official gazette of RM" no.____) shall be considered as a diploma obtained and Judicial exam passed in Republic of Macedonia.

Article 99

(1) The Public prosecutor of Republic of Macedonia shall convey a Rulebook on Internal Work of Public Prosecutor's Offices, a Rulebook on the measures and criteria for allocation of funds from the Budget of RM, Rulebook on the criteria and manner of performing oversight of the work, Rulebook on Internal Organisation of Public Prosecutor's Office, within 60 days from the day when this Law shall come into force.

(2) Minister of Justice shall convey a Rulebook to Determine the amount of Compensation Fee for Duty Public Prosecutors, Rulebook on the Form and Ways of Wearing the Official Clothes, as well as acts on the utilisation of special rights of public prosecutors within 60 days from the day when this Law shall come into force.

(3) Until the bylaw acts as of paragraphs (1) and (2) of this article, bylaw acts conveyed before the date when this Law shall come into force are to be implemented.

Article 100

From the day when this Law shall come into force, the Law on Public Prosecutor's Office ("Official Gazette of RM" no.38/2004) shall cease to be in force, except for provisions in article 34 paragraph (1) and (2) of the Law that shall cease to be in force after the deadline determined in article 95 of this Law.

Article 101

This Law shall come into force on the eight day after its promulgation in the "Official Gazette of Republic of Macedonia".