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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

“The former Yugoslav Republic of Macedonia”

DRAFT LAW

**ON PREVENTION AND PROTECTION
AGAINST DISCRIMINATION**

DRAFT LAW ON PREVENTION AND PROTECTION AGAINST DISCRIMINATION

I. GENERAL PROVISIONS

Article 1

Subject of Law

This Law regulates the prevention and prohibition of discrimination, forms and types of discrimination, procedures for protection against discrimination and the composition and work of the Commission for Protection against Discrimination.

Article 2

Purpose of Law

The purpose of this Law is to ensure the principle of equality and to provide prevention and protection against discrimination in the exercise of rights and freedoms guaranteed by the Constitution of the Republic of Macedonia, laws and ratified international agreements.

Article 3

Law Application

(1) This Law shall apply to all natural and legal entities.

(2) This Law shall be applied by all government bodies, local government units' bodies, legal persons with public authorities and all other legal entities and individuals in the areas of:

- 1) Employment and labor relations;
- 2) Education, science and sports;
- 3) Social security, including the area of social protection, pension and disability insurance, health insurance and health care;
- 4) Justice and administration;
- 5) Housing;
- 6) Public information and media;
- 7) Access to goods and services;
- 8) Membership and activity in unions, political parties, associations, foundations or other membership-based organizations;
- 9) Culture; and
- 10) Other areas.

Article 4

Discriminatory Grounds

Any discrimination based on race, skin color, national or ethnic origin, sex, gender, sexual orientation, gender identity, belonging to a marginalized group, language, nationality, social background, education, religion or religious belief, political conviction, other beliefs, disability, age, family or marital status, property status, health status, personal capacity and social status, or any other grounds (hereinafter: discriminatory grounds) shall be prohibited.

Article 5

Definition of Discrimination

Discrimination shall mean any distinction, exclusion, restriction or preference based on any discriminatory grounds, aimed at preventing or restricting the recognition, enjoyment or exercise of the rights and freedoms of any person or group on an equal basis with others.

Article 6

Glossary of Terms

Certain terms used in this Law shall have the following meanings:

1. **Equality** shall mean the principle under which all people have equal rights, i.e. they are equal in the enjoyment of their rights and freedoms;
2. **Person** shall mean any individual who is or was located in the Republic of Macedonia and any legal entity registered or carrying on business in the Republic of Macedonia;
3. **Person with disability** shall mean any person having a long-term physical, intellectual, mental or sensory disability, which in interaction with various social barriers may prevent the person's full and effective participation in society on an equal basis with others;
4. **Adequate accommodation** shall mean the necessary and appropriate modification and adjustment required in a particular case, which is not a disproportionate or undue burden, aimed at ensuring the exercise or enjoyment of all human rights and freedoms of persons with disabilities on an equal basis with others. Disabling adequate accommodation shall present discrimination;
5. **Accessibility and availability of infrastructure, goods and services** shall mean taking appropriate measures to ensure that persons with disabilities have access, on an equal basis with others, to the physical environment, transportation, information and communication, including information and communication technologies and systems, other public facilities and services in both urban and rural areas, as well as unfettered enjoyment of their right to participation in social and public life on an equal basis with others. Disabling accessibility and availability of infrastructure, goods and services shall present discrimination;
6. **Marginalized group** shall mean a group of individuals unified by their specific position in society, who are subject to prejudice and have special characteristics making them vulnerable to discrimination and/or violence, and less opportunity for exercise and protection of their rights and freedoms;
7. **Legitimate or objectively justified purpose** shall mean any goal that is not contrary to the Constitution, law and provisions of international agreements. Funds for its realization shall match the actual needs in a particular case, be specifically defined in advance, necessary to achieve such goal and proportionate to the effects to be achieved;
8. **Discrimination by association** shall mean any distinction, exclusion or restriction of a person based on their relationship with another person or group under any discriminatory grounds;
9. **Discrimination by perception** shall mean any distinction, exclusion or restriction of an individual or group based on assumed discriminatory grounds;
10. **Multiple discrimination** shall mean discrimination against a person or group on several discriminatory grounds;
11. **Repeated discrimination** shall mean any discrimination committed multiple times towards a person or group on any discriminatory grounds;

12. **Continued discrimination** shall mean any discrimination committed against a person or group for a longer period of time, on any discriminatory grounds.
13. **Situation testing** shall mean a method of proving discrimination by involving organized testers who are placed in a comparable situation to investigate the discrimination in various cases, processes and areas on different grounds.

II. FORMS AND TYPES OF DISCRIMINATION

Article 7

Direct and Indirect Discrimination

(1) Direct discrimination occurs when a person or group of persons is treated, was treated or would be treated less favorably compared to another person or group in a similar or comparable situation, on a discriminatory grounds.

(2) Indirect discrimination occurs when a person or group is put at a disadvantage compared to other persons or groups of persons through seemingly neutral provisions, criteria or practices, except when they arise from a legitimate aim and the means of achieving such goal are proportionate, i.e. they are appropriate and necessary.

Article 8

Calling, Incitement and Instruction to Discrimination

Calling, incitement and instruction to discrimination shall mean any activity through which discrimination is directly or indirectly called for, incited, instructed or prompted on any discriminatory grounds.

Article 9

Harassment

(1) Harassment shall mean unwanted treatment of a person or group of persons on any discriminatory grounds, whose purpose or effect is to violate the dignity or to create an threatening, hostile, humiliating or offensive environment, approach or practice.

(2) Sexual harassment shall mean any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose or effect of violating the dignity or creating an threatening, hostile, humiliating or offensive environment, approach or practice.

Article 10

Victimization

Victimization shall mean bearing the adverse consequences on the part of a person who has taken action to be protected against discrimination, or who has reported discrimination, initiated proceedings for protection from discrimination, testified during such proceedings or otherwise participated in the procedure for protection against discrimination.

Article 11

Segregation

Segregation shall mean any physical separation of a person or group of persons on any discriminatory grounds, without a legitimate or objectively justified purpose.

Article 12

More Severe Forms of Discrimination

In terms of this Law, more severe forms of discrimination shall mean multiple discrimination, repeated discrimination and continued discrimination.

III. MEASURES AND ACTIONS NOT DEEMED TO PRESENT DISCRIMINATION

Article 13

General Exception to Discrimination

(1) Any measures and actions taken by any state bodies, local government bodies, other bodies and organizations exercising public authority, public institutions or any natural or legal persons shall not be deemed discrimination until equality of persons or a group of persons is reached in order to eliminate or reduce actual inequalities, if such differentiation is justified and the means used to achieve such goal are proportionate, i.e. appropriate and necessary.

(2) The following shall not constitute discrimination:

1. Different treatment of persons who are not citizens of the Republic of Macedonia regarding the rights and freedoms provided in the Constitution, laws and international agreements to which the Republic of Macedonia has acceded, and which derive directly from the Republic of Macedonia citizenship;
2. Different treatment of individuals based on certain protected feature resulting from the nature of their occupation or activity, or from the conditions in which such occupation is performed, which constitutes a genuine and determining occupational requirement, and where the goal is legitimate and the requirement does not exceed the level required for its realization;
3. Different treatment of persons on the basis of provisions stipulated in the Constitution and other laws.

Article 14

Affirmative Measures

(1) Affirmative measures shall not be considered discrimination.

(2) Affirmative measures shall mean any activities of the competent authorities aimed at prevention and protection from discrimination, or decreasing or eliminating the actual inequality occurring as a result of previous discrimination.

(3) Affirmative measures shall mean actions taken by any state administration bodies, local government units, other bodies and organizations performing public authorities, public institutions and/or naturals and legal entities. Affirmative measures shall be adopted by the Government of the Republic of Macedonia, the Parliament or state administration bodies.

(4) Affirmative measures shall be limited in time and applied until the de facto equality of persons or groups in a particular area and in their enjoyment of any right is achieved.

IV. COMMISSION FOR PROTECTION AGAINST DISCRIMINATION

Article 15

Legal Status of the Commission

(1) Commission for Protection against Discrimination is an autonomous and independent body working in accordance with its responsibilities defined by this Law (hereinafter: the Commission).

(2) The Commission is a legal entity based in Skopje.

Article 16

Commission's Budget

(1) Funds of the Commission shall be provided from the Budget of the Republic of Macedonia.

(2) Funds of the Commission shall be determined by the Republic of Macedonia's Parliament upon a Commission's proposal.

(3) The use, allocation and assignment of such funds provided in the section of the Republic of Macedonia's Budget allocated to the Commission, shall be independently disposed of by the Commission.

(4) The Republic of Macedonia's Parliament shall specifically vote the section related to the Commission in the Budget of the Republic of Macedonia.

(5) The Commission may also provide funds from other sources.

Article 17

Commission Composition

(1) The Commission shall consist of seven members appointed and dismissed by the Parliament of the Republic of Macedonia.

(2) Commission Members shall be appointed for a mandate of five years with the right to be re-elected only once.

(3) When choosing the first composition of the Commission, four members shall be elected for a five-year mandate, while three members for a three-year mandate.

(4) From among the members referred to in paragraph (2) of this Article, the Commission shall elect its President for a one-year mandate, without the right to re-election.

(5) Commission Members should reflect the composition of society as a whole and in the election of Commission Members, the principle of adequate and equitable representation of community members and gender-balanced participation shall apply.

Article 18

Appointment of Commission Members

Any person who may be appointed Commission Member shall:

- 1) Be a citizen of the Republic of Macedonia;
- 2) Have acquired 240 credits according to ECTS or VII/1 degree of education;

- 3) Have a work experience of at least seven years in the area of human rights, of which five years in the area of equality and non-discrimination;
- 4) At the time of appointment, shall not be imposed any imprisonment of more than six months or prohibition to perform professional activity or duty by an effective court judgement.

Article 19

Procedure for Election of Commission Members

(1) Parliament of the Republic of Macedonia shall publish a public announcement for the appointment of Commission Members in at least two daily newspapers circulated across Macedonia, one of which shall be published in the language spoken by at least 20% of the citizens speaking an official language other than Macedonian. The announcement must be published in the "Official Gazette of the Republic of Macedonia", on the Parliament's website and on the website of the Commission for Protection against Discrimination.

(2) The notice referred to in paragraph (1) of this Article shall be valid for 15 days as from the date of its publication.

(3) Regarding issues related to elections and appointments by the Republic of Macedonia's Parliament, the Commission to the Assembly shall prepare a draft list of applicants after having conducted a previous public hearing, and submit it to Macedonia's Parliament.

Article 20

Status of Commission Members

(1) Commission Members shall have the status of appointed persons who shall perform their function professionally and such function shall be incompatible with the performance of another public office or political party function or work position. Any Commission Member shall terminate his/her public office or political party function as at the day of his/her appointment. If a Commission Member was employed before his/her appointment, such employment shall be on stand.

(2) Commission Member whose term of office has expired shall serve until the appointment of a new member, but no longer than three months.

(3) Commission Members shall be entitled to a monthly allowance in accordance with the Law on Salaries of Government Appointees.

Article 21

Dismissal and Termination of Office of Commission Member

(1) Republic of Macedonia's Parliament shall dismiss a Commission Member before the end of his/her mandate, upon a proposal from the Commission of Election and Appointment, if:

- 1) The Commission Member was issued a final decision imposing a ban on performing his/her profession, activity or duty;
- 2) The Commission Member has been issued a final court decision sentencing him/her to more than six months of imprisonment;
- 3) The Commission Member has permanently lost his/her capacity to perform his/her office; and
- 4) The Commission Member has performed his/her office in an unprofessional, biased and unethical manner.

(2) A Commission Member's term of office shall be terminated:

- 1) He/she requests this on his/her own;
- 2) Due to death;
- 3) Upon fulfillment of retirement conditions.

(3) The fulfillment of requirements for dismissal under paragraph (1) hereof shall be determined by the Commission of Election and Appointment by a majority vote of its members, and an initiative to dismiss a Member of the Commission for Protection against Discrimination shall be submitted to Macedonia's Parliament.

(4) When a Commission Member has been dismissed or his/her term of office ceased in accordance with the provisions of paragraphs (1) and (2) hereof, the Parliament of the Republic of Macedonia shall publish a notice for appointment of a Commission Member with a mandate until the expiry of the mandate of the Member being replaced.

Article 22

Responsibilities of the Commission

The Commission shall:

- 1) Undertake activities for promotion and education regarding equality, human rights and non-discrimination;
- 2) Act upon applications, and render opinions, recommendations and conclusions on specific cases of discrimination;
- 3) Initiate ex officio proceedings for protection against discrimination;
- 4) Provide information to any person interested in his/her rights and opportunities of initiating judicial or other proceedings for protection against discrimination;
- 5) Monitor the implementation of opinions and recommendations given regarding particular cases of discrimination up until the fulfillment of such recommendations made by the Commission;
- 6) Initiate proceedings for violations of this Law before competent authorities;
- 7) Initiate and appear as an intervener in court proceedings for protection against discrimination;
- 8) Submit for consideration an Annual Report on its work to the Parliament of the Republic of Macedonia;
- 9) Prepare and publish special and thematic reports on specific issues of equality and non-discrimination, provide general recommendations and monitor the implementation of the recommendations contained therein;
- 10) Inform the public about any cases of discrimination on a monthly basis;
- 11) Monitor the implementation of this Law, initiate amendments to regulations in order to enforce and improve the protection against discrimination;
- 12) Establish cooperation with both natural and legal entities, as well as associations, foundations and social partners to achieve equality and the promotion and protection of human rights;
- 13) Can form advisory bodies made up of experts and representatives of institutions regarding specific issues related to the protection against discrimination;
- 14) Make recommendations for the implementation of measures aimed at achieving equality;
- 15) Give opinions on draft laws important for the protection against discrimination;

- 16) Gather statistical and other data, set up databases, conduct studies, research and training on discrimination;
- 17) Cooperate with relevant national bodies of other countries and with international organizations in the field of protection against discrimination;
- 18) Adopt Rules of Procedure, an Annual Plan and Work Program and other acts for internal organization of its work.

Article 23

Commission's Administrative Office

(1) An Administrative Office shall be established to perform professional, administrative and technical matters of the Commission.

(2) The Commission shall adopt special acts regulating the organization and work systematization (job description) of the Administrative Office.

(3) Staff at the Commission's Administrative Office shall have the status of administrative officers, and provisions under the Law on Administrative Officers shall apply to them.

V. PREVENTION AND PROTECTION AGAINST DISCRIMINATION PROCEDURE BEFORE THE COMMISSION FOR PROTECTION AGAINST DISCRIMINATION

Article 24

Commission's Actions

(1) Persons believing they have suffered discrimination may file a complaint to the Commission in writing or orally, recorded in a report, without the obligation to pay fees.

(2) A person believing to be discriminated may be represented before the Commission by an association, foundation or union upon prior consent given to either of them.

(3) Associations, foundations, and other civil society organizations that have a justified interest in protecting the interests of a particular group or deal with protection against discrimination as part of their activities may file a complaint if it is likely that the actions of a certain natural or legal person have discriminated against a higher number of people.

(3) The Commission shall initiate proceedings ex officio if any circumstances or facts, as well as information obtained otherwise, give rise to a grounded suspicion established by the authorities referred to in Article 3 paragraph (2) of this Law that discrimination has been committed based on any discriminatory grounds.

(4) The Commission shall adopt Rules of Procedure regarding the manner of managing and recording the procedure for protection against discrimination.

Article 25

Elements, Language and Terms of Complaint

(1) The complaint shall contain the following elements: information on the applicant, information on the person against whom the complaint is filed, circumstances and facts underlying the complaint, information on legal actions previously lodged by the applicant, if any, and a signature of the applicant.

(2) In proceedings before the Commission, the official language shall be Macedonian and its Cyrillic script. In proceedings pending before the Commission, another language spoken by at least 20% of the citizens and its script shall also be an official language. The provisions of the General Administrative Procedure Law pertaining to the use of languages shall apply to proceedings before the Commission accordingly.

(3) Any person communicating with the Commission may use any of the official languages and their scripts, while the Commission shall respond in Macedonian and its Cyrillic script, as well as in the official language and script used by the applicant.

(4) The complaint may be filed no later than six months of becoming aware of the act of discrimination or no later than one year as from the date when the violation occurred.

(5) The Commission may initiate proceedings even after the deadline if it determines that it is a case which concerns a larger group of people or when the effect thereof continues or affects any public interest.

(6) The Commission shall submit the complaint to the person against whom it was filed within 5 days of the receipt thereof, while the person may plead on complaint allegations within 8 days of the receipt thereof.

Article 26

Prevention of Conflict of Interest

A Commission Member shall be recused from his/her work on the case if:

- 1) In the case for which the procedure has been initiated he/she is a party, co-owner, i.e. co-payer, witness, expert witness, attorney or legal representative of the party;
- 2) With the party, legal representative or attorney of the party, he/she is related by blood in a straight line, while in terms of side-line blood relation, up to the fourth degree, and regarding spouse or spouse relatives, up to the second degree even when the marriage was terminated; and/or
- 3) With the party, legal representative or attorney of the party, he/she has a relation of a guardian, adoptive parent, adopted person, foster parent or dependent.

Article 27

Burden of Proof

The complainant claiming that discrimination has been committed under the provisions of this Law shall state all the facts making such claim likely. If the Commission determines the claim likely, then the burden of proof shall shift to the person against whom the complaint was filed.

Article 28

Commission's Decisions

(1) The Commission shall give its opinion within 45 days of filing the complaint and deliver it to the complainant and the person against whom the complaint was filed.

(2) Along with the written opinion referred to in paragraph (1) hereof, and after it has established discrimination, the Commission shall propose measures to eliminate such violations of the right.

(3) The person to whom such recommendation is addressed shall act on the recommendation and eliminate the violation of the right within 30 days as of recommendation receipt, or within a longer period if there are particularly justifiable reasons but no longer than six months, and inform the Commission thereon.

(4) If the person to whom the recommendation is addressed fails to act upon the recommendation in accordance with paragraph (3) hereof, the Commission shall submit a request to initiate infringement proceedings before the competent Misdemeanor Court.

(5) If the Commission fails to act in accordance with paragraph (1) hereof, the complainant may file a complaint to the State Administrative Inspectorate.

(6) The Commission shall render a conclusion not to act or to terminate the procedure upon the complaint in case a procedure on the same matter has already been initiated or is being initiated before the court in parallel with its procedure or if its procedure has been effectively completed, and it shall inform the complainant thereon.

(7) The Commission shall render a conclusion not to initiate a procedure regarding a complaint that has already been acted upon, and on which new facts and circumstances have not been offered, and shall inform the applicant thereon.

(8) The Commission shall render a conclusion for non-initiation or terminate of procedure if the applicant decides to withdraw the complaint during the proceedings.

(9) The Commission shall render a conclusion for non-initiation or terminate of procedure if during the procedure the complainant died unless his/her successors demand the continuation of such procedure commenced.

Article 29

General Recommendation for Protection against Discrimination

The Commission shall, on its own initiative, indicate a general recommendation in case of discrimination committed against a larger number of persons.

Article 30

Inspection of Documents and Premises

(1) While performing the duties within its competence, the Commission may directly inspect the documents and premises of all legal entities, state bodies, local government bodies, other authorities and organizations exercising public authority, and request and gather from them copies of any documents pertaining to any particular case concerned, as well as from public institutions and services that avail of data and information on cases and general practices of discrimination.

(2) Commission Members and Administrative Office staff shall have official identification. The form, content, procedure and manner of issuance, usage and confiscation of official identification shall be prescribed by the Commission by a general act.

Article 31

Cooperation with Individuals and Legal Entities

All naturals and legal entities, state bodies, local government bodies, other bodies and organizations exercising public powers, and any public facilities and services shall, at Commission's request, provide information on specific cases of discrimination and general discriminatory practices within 8 days of receipt of such request.

Article 32

Cooperation with Institutions that Act upon Complaints on Discrimination and Human Rights Protection

(1) In the performance of activities within its competence, the Commission shall cooperate with institutions acting on discrimination complaints and human rights protection in specific cases of discrimination.

(2) The Commission shall realize its cooperation as in paragraph (1) hereof through publicly published MoUs .

VI. COURT PROTECTION

Article 33

Jurisdiction and Procedure

(1) Any person deeming to be discriminated against may file a complaint before the competent civil court.

(2) Provisions of the Civil Procedure Law shall apply during the procedure, unless otherwise regulated by this Law.

(3) The procedure shall be urgent.

Article 34

Local Jurisdiction

In addition to the court of general territorial jurisdiction, the court in whose area the plaintiff's residence or registered office is located shall also be locally competent in the procedure for protection against discrimination.

Article 35

Lawsuit

(1) The lawsuit as in Article 32 paragraph (1) of this Law may be used to request:

- 1) To establish that the defendant has violated the plaintiff's right, i.e. that the action the defendant has taken or has failed to take can directly lead to discrimination;
- 2) To prohibit the undertaking of actions which violate or may violate the plaintiff's right and to oblige the defendant to take actions that eliminate the discrimination or its consequences;
- 3) To compensate both tangible and intangible damage caused by the violation of rights protected by this Law; and
- 4) To publish in the media the operative part of the judgment establishing discrimination at the expense of the defendant.

(2) Requests as in paragraph (1) hereof may be submitted together with requests for the protection of other rights decided upon in a civil procedure if all such requests are mutually related and if the same court has actual and local jurisdiction for them.

(3) The decision ordering disclosure in the media shall be mandatory for the publisher of the media in which to publish the operative part of the judgment, regardless of whether such publisher was a party in the proceedings.

Article 36
Action for Protection against Discrimination of Public Interest
(actio popularis)

(1) Associations, foundations or other civil society organizations that have justified interest in protecting the interests of a particular group or that deal with protection against discrimination as part of their activities may file a complaint if it is likely that the defendant's actions have discriminated against a larger number of people.

(2) The complaint referred to in paragraph (1) hereof may be put forward in order to:

- 1) Establish that the defendant has committed discrimination against the group whose interests are represented by the plaintiff, i.e. that the action the defendant has taken or overlooked may directly lead to discrimination against the group;
- 2) Forbid activities that discriminate against the group whose interests are represented by the plaintiff, or to oblige the defendant to take actions that eliminate the discrimination or its consequences;
- 3) Publish in the media the operative part of the judgment establishing discrimination at the expense of the defendant.

Article 37
Security Measures

(1) Before the beginning of, or during the procedure related to the claim under Article 34 paragraph (1) of this Law, the court may, upon a proposal of the party, determine security measures.

(2) During the proceedings, the court may, upon a proposal of the party and without hearing the other party, determine interim measures to eliminate immediate unlawful damage threat or prevent violence or eliminate irreparable damage.

Article 38
Burden of Proof

(1) The plaintiff claiming that discrimination has been committed under the provisions of this Law, shall state the facts that make the claim likely, and then the burden of proof shall shift to the defendant to prove that there was no discrimination committed.

(2) The provision of paragraph (1) hereof shall not apply in misdemeanor and criminal proceedings.

Article 39
Evidence

In addition to the evidence stipulated by the Civil Procedure Law, in court proceedings for protection against discrimination, statistical data and/or data obtained through situation testing may also be used.

Article 40
Court Fees

- (1) Persons initiating court proceedings for protection against discrimination shall be exempt from paying the costs of court fees.
- (2) The cost of court fees for persons as in paragraph (1) hereof shall be borne by the Budget of the Republic of Macedonia.

Article 41

Third Party Participation

- (1) In the proceedings regarding the complaint under Article 34 of this Law, any body, organization, institution, association or trade union or another person dealing with the protection of rights to equality and non-discrimination within its activity may join as an intervener on the side of the person claiming to be discriminated against and whose rights are decided in the proceedings.
- (2) Intervener's participation shall be decided by the court, which shall apply the provisions of the Civil Procedure Law.

VII. PENALTY PROVISIONS

Article 42

(1) A fine of 3,000 Euros in MKD equivalent shall be imposed on any legal entity found to have committed discrimination under Articles 7, 8, 9, 10, 11.

(2) A fine as in paragraph 1 hereof shall be imposed on any legal entity not acting in accordance with Article 25 paragraph 7, Article 28 paragraph 3, Article 30 paragraph 1 and Article 31 of this Law.

(3) A fine amounting to 30% of the fine weighted for the legal entity shall be imposed for the violation as in paragraphs (1) and (2) hereof on the person responsible in the legal entity.

(4) A fine of 500 to 1,000 Euros in MKD equivalent shall be imposed for a violation as in paragraphs (1) and (2) hereof on the official of any state body, local government unit's body or the authorized person of the legal entity entrusted with performing public authority.

(5) A fine of 400 to 800 Euros in MKD equivalent shall be imposed on any natural person for a violation as in paragraphs (1) and (2) hereof.

Article 43

(1) A fine of 5,000 Euros in MKD equivalent shall be imposed on any legal entity found to have committed discrimination under Article 12.

(2) A fine amounting to 30% of the fine weighted for the legal entity shall be imposed for the violation as in paragraph (1) hereof on the person responsible in the legal entity.

(3) A fine of 700 to 1,500 Euros in MKD equivalent shall be imposed for the violation as in paragraph (1) hereof on the official of any state body, local government unit's body or on the authorized person in the legal entity entrusted with performing public authority.

(4) A fine of 800 to 1,500 Euros in MKD equivalent shall be imposed on any natural person for the violation as in paragraph (1) hereof.

Article 44

The amount of the fine for the legal entity shall be determined according to the Law on Misdemeanors.

Article 45

Regarding any violations stipulated by this Law, the misdemeanor procedure shall be conducted and the sanction shall be imposed by the competent Misdemeanor Court.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Article 46

The mandate of the Members of Commission for Protection against Discrimination shall cease as at the day of entry into force of this Law, and they shall continue to work until the election of new Commission Members, but no longer than three months.

Article 47

Proceedings commenced as from the date of entry into force of this Law shall be completed under the provisions of this Law.

Article 48

The Commission shall adopt all its regulations stipulated by this Law within 6 months.

Article 49

As at the date of entry into force of this Law, the Law on Prevention and Protection against Discrimination ("Official Gazette of the Republic of Macedonia" No. 50/10, 44/14, 150/15 and 31/16) shall cease to apply.

Article 50

This Law shall enter into force as at the day of its publication in the "Official Gazette of the Republic of Macedonia".