

Republic of Macedonia

LAW ON DEFENSE

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Chapter I: Basic Regulation

Article 1

Defence of the Republic of Macedonia (in further text: Republic) is organized as a system for defense of the independence and the territorial integrity of the Republic.

Defense of the Republic is accomplished by the citizens, agencies of the Government and the armed units being the Armed Forces of the Republic of Macedonia (in further text: the Armed Forces).

Trade companies, public enterprises, institutions and services as well as local self-management units and the City of Skopje (in further text: local self-management units) may accomplish certain missions in the area of defense.

Defense of the Republic may also be accomplished through cooperation with the collective security and defense systems of which the Republic is a party.

Defense of the Republic is accomplished in accordance with the Constitution, the laws, the Defense Strategy of the Republic of Macedonia, other documents and the international agreements ratified in accordance with the Constitution of the Republic of Macedonia.

Chapter II: Rights And Duties Of Citizens In The Defense

Article 2

In accomplishing the defense of the Republic, citizens have the following rights and duties:

- to fulfill military obligation
- to participate in the Civil Protection
- to accomplish working duties
- to fulfill materiel obligation

1. Fulfillment of the Military Obligation

Article 3

All male citizens of the Republic, aged 17 to 55 are obligated to fulfill the military obligation.

Under the conditions of Paragraph 1 of this Article women may volunteer to serve in the Armed Forces if they apply as a conscript before the end of the calendar year in which they turn 27 years of age.

Article 4

Military obligation of the citizens consists of:

- conscript obligation
- conscript service obligation
- reserve component service obligation

Article 5

An obligor is released from military obligation if:

- he has been evaluated incapable of performing conscript service;
- if he is no longer a citizen of the Republic of Macedonia.

Article 6

Military obligor becomes a military person the moment he joins the Armed Forces and he ceases to be one the moment he is released from the Armed Forces.

Military obligor also has a status of a military person on his way to the authorized institution after he has received a draft call and on his way back to his residence.

Article 7

Conscript service lasts nine months.

Conscript service obligation is carried out in the Armed Forces.

Article 8

As an exception of Article 7 of this Law, a conscript who refuses to carry weapons because of religious and moral reasons (conscientious objection) may serve his conscript service in the Armed Forces without weapons or in civil service.

Conscript service in cases from Paragraph 1 of this Article lasts 14 months.

Article 9

Conscript service as civil service may be served in health, humanitarian or welfare organizations and institutions and fire prevention units.

Organizations, institutions and units from Paragraph 1 of this Article in which civil service may be accomplished, are determined by the Government of the Republic of Macedonia (in further text: the Government)

Organizations, institutions and units from Paragraph 1 of this Article are obligated to provide free accommodation and food for the person who accomplishes civil service.

Funds for compensation of accommodation and food costs from Paragraph 3 of this Article are provided by the budget of the Ministry of Defense to the extent required for accommodation and food of a conscript who accomplishes conscript service in the units of the Armed Forces.

Organizations, institutions and units of Paragraph 1 of this Article are obligated to determine the positions and the tasks of the persons who accomplish civil service. Approval is to be given by the Government on previous recommendation by the Ministry of Defense.

Organizations, institutions and units of Paragraph 1 of this Article are obligated to perform control over the persons who accomplish the civil service and to report to the Ministry of Defense. The Ministry of defense also performs control.

During the conscript service as civil service a conscript has the same rights and responsibilities as a conscript who serves in the Armed Forces.

The manner in which conscript service in the Armed Forces is accomplished without carrying weapons, i.e. as civil service, is determined by a List of Regulations approved by the Minister of Defense.

Article 10

A conscript who wishes to serve according to Article 8 of this Law has to submit a written request to the Ministry of Defense 15 days at the most after receiving the order to report to conscript service and explain the reasons for the request and the manner in which he wishes to serve his conscript service.

The Ministry of Defense creates a board which is obligated to make a decision on the request of the conscript from Paragraph 1 of this Article in 60 days from the day it has been submitted.

A conscript may make an appeal against the decision of the board from Paragraph 2 of this Article to a secondary Government board, in 15 days from the day the decision was made.

2. Participation in the Civil Protection Forces

Article 11

Obligation of citizens in the Civil Protection is to accomplish activities for protection and rescuing of the population and the properties from war destruction, its consequences and other dangers in a state of war, as well as from natural disasters, epidemics, technological and other disasters in peacetime.

Obligation of citizens from Paragraph 1 of this Article is fulfilled by participation in the Civil Protection Forces.

Article 12

All male citizens aged 18 to 60 and all female citizens aged 18 to 55 are obligated to participate in the Civil Protection Forces.

Pregnant women, mothers or self-supporting parents and guardians of a child up to an age of 7 or two or more children up to an age of 10 as well as persons who have already been notified for service in the Armed Forces are released from Civil Protection obligation.

3. Working duties obligation

Article 13

All male citizens aged 18 to 65 and all female citizens aged 18 to 60 who are capable of performing working activities have working duties obligation.

Pregnant women, self-supporting parents and guardians of a child up to an age of 7 or two or more children of an age of 10, disabled citizens as well as citizens who have already been notified both in the Armed Forces and the Civil Protection Forces established by the Republic are released from the working obligation.

Working duties obligation is fulfilled only in wartime.

More specific regulations on the working duty obligation are issued by the Government.

4. Materiel obligation

Article 14

Citizens, trade companies, public enterprises, institutions and services are obligated, on request by the Ministry of Defense, to make their vehicles, appliances, real estates, facilities, draft and pack animals and other materiel assets available for the needs of the Armed Forces and Civil Protection Forces in wartime and state of emergency as well as during exercise activities in peacetime.

The Ministry of Defense keeps evidence and allocates the assets and the animals from Paragraph 1 of this Article.

On request by the Ministry of Defense, trade companies, public enterprises, institutions and services are obligated to provide information on the materiel assets and animals of Paragraph 1 of this Article.

Owners of the materiel assets and animals of Paragraph 1 of this Article are obligated to inform the Ministry of Defense about any change of the data important for keeping evidence from Paragraph 2 of this Article within 8 days after the change was made.

Owners of the materiel assets and animals of Paragraph 1 of this Article are entitled to compensation for use and possible damage or destruction of the assets.

The amount of compensation for use of assets from Paragraph 5 of this Article is paid on daily basis and it is 30 % of the average monthly net salary in the Republic of Macedonia paid in the previous month; the amount of compensation for damage must not be lower than the market value that assets or animals had in the time they were used or damaged and has to be estimated by using elements usually used for estimation of value, according to the time and the place.

The kind of the assets and animals of Paragraph 1 of this Article, the procedures for keeping files as well as the extent of the compensation for their use, damage and destruction are determined by regulations approved by the Government.

Article 15

Foreign citizens who permanently reside on the territory of the Republic of Macedonia and foreign trade companies, businessmen-individuals and their branches and other organizations in the Republic are also obligated to make their assets (Article 14 of this Law) available when necessity emerges.

Chapter III: Authorities Of Agencies Of The State Power

1. Management in defense

Article 16

Management in defense is accomplished in accordance with the Constitution of the Republic of Macedonia and the laws.

Management in defense is accomplished by the Parliament (Assembly) of the Republic of Macedonia, the President of the Republic and the Government and the minister who manages the Ministry of Defense.

2. Parliament

Article 17

The Parliament accomplishes the following:

- performs supervision on the realization of the authorities of the Government in the defense area and follows the preparations of the Republic for defense;
- states an immediate military threat to the Republic;
- declares beginning and finish of the state of war;
- decides on the extent of the funds necessary for the defense;
- approves the wartime budget of the Republic;
- decides on joining and resigning from the collective security and defense systems;
- ratifies international agreements which pertain to entering, transiting through or presence of armed forces of foreign countries on the territory of the Republic of Macedonia for exercise and training activities, participation in peacekeeping and humanitarian operations as well as participation of the units of the Armed Forces of the Republic in similar activities abroad;
- approves a national security and defense concept of the republic;
- declares the Armed Forces Day and the Civil Protection day;
- passes resolutions regarding the defense system, plans for defense development, equipping and combat readiness of the Armed Forces.

The Government submits a report on the documents from Paragraph 1 of this Article, on request by the Parliament or on two-year basis.

In order to introduce herself/himself to the activities within the Armed Forces, a Parliament member may ask for a visit to its units, command posts and headquarters organized by the Ministry of Defense.

3. President of the Republic of Macedonia and Supreme Commander of the Armed Forces

Article 18

In accomplishing the defense, the President of the Republic and Supreme Commander of the Armed Forces:

- approves the Defense Strategy of the Republic;
- approves the Defense Plan of the Republic;
- issues measures for readiness and orders their execution;
- issues the organization and formation of the Armed Forces;
- approves documents for use of the Armed Forces and orders their deployment;
- approves documents for development of the Armed Forces;
- determines measures for increase of the combat readiness and orders their execution;
- orders mobilization of the Armed Forces;
- issues rules for commanding in the Armed Forces;
- approves regulations regarding combat readiness, armed combat and mobilization;
- appoints officers to formation positions of generals, promotes and discharges generals;
- appoints and dismisses military representatives in foreign countries.

For the purpose of performing functions in the area of the defense, the President of the Republic and Supreme Commander of the Armed Forces approves supplemental legal documents.

4. Government of the Republic

Article 19

The Government has the following authorities in the defense:

- recommends the extent of the funds necessary for defense;
- recommends the war budget of the Republic;
- provides recommendation for the Defense Strategy of the Republic;
- determines the proposal for the Defense Plan of the Republic;
- decides on entering, presence of armed forces of foreign countries on the territory of the Republic and their transiting through it for exercises and training activities and participation in peacekeeping and humanitarian operations in accordance with previously ratified international agreements;
- decides on accepting and donating military-technological assistance;
- decides on deploying Civil Protection Forces created by the Republic in foreign countries for participation in humanitarian and exercise activities;
- decides on deployment of the Civil Protection Forces created by the Republic;
- decides on introducing working obligation;
- decides on evacuation of the population;
- orders use of the Police Forces in missions in state of war as support to the Armed Forces;
- decides on exercise activities carried out by the agencies of the Government, local self-management units, trade companies, public enterprises, institutions and services;
- approves regulations about the following:
 - carrying out of measures for readiness;
 - providing reserves for the needs of the defense in state of war;
 - defense planning;
 - defense training;
 - criteria for assignment and priorities in assignment of citizens for defense;
 - criteria for equipping the agencies of the Government for work in state of war;
 - arranging the territory for the needs of the defense;
 - organization and functions of the system for surveillance, informing and alerting in the Republic;

- organization and functions of communications for command;
- organization and functions of the system for crypto-protection;
- anti-electronic security;
- procedures for use of data and information which are processed within the communication-information system in the defense area;
- criteria for evacuation of the population.
- decides on the following:
 - methods for accomplishment of the defense preparations;
 - establishing Civil Protection units and commands;
 - establishing training center for the defense;
 - determining facilities and areas of importance for the defense as well as restricted areas.

5. Ministry of Defense

Article 20

In the area of defense the Ministry of Defense accomplishes the following:

- creates a Defense Strategy of the Republic;
- makes assessment of possible military and other threats which threaten the sovereignty, independence and territorial integrity of the Republic as well as of threats to the territory of natural disasters and other accidents;
- organizes and prepares the Defense system and proposes measures for its development and improvement;
- creates the Defense Plan of the Republic;
- organizes and supervises transferring and carrying out of the order for taking measures for readiness;
- organizes and carries out planning in defense;
- plans the needs of the defense and creates financial plans and programs for the needs of the defense;
- allocates funds for the defense in accordance with the Budget of the Republic;
- performs control over execution of the funds allocated for the needs of the defense;
- plans materiel reserves for the needs of the defense in a state of war;
- plans and organizes materiel support for the needs of the defense;
- organizes and performs health care for the needs of the defense;
- proposes the organization and the formation of the Armed Forces;
- performs manning of the Armed Forces;
- organizes and performs mobilization of the Armed Forces;
- performs control and evaluation of the combat readiness of the Armed Forces;
- approves the annual plan for exercising activities of the Armed Forces;
- approves the annual plan for education and advanced training of the employees in the Armed Forces and the Ministry of Defense as a portion of the general training plan;
- appoints military officers to initial rank;
- appoints, promotes and discharges officers to positions for which a rank from major up to a colonel is planned;
- carries out expert and managing activities regarding construction of military and other facilities of importance for the defense as well as investment facilities for the needs of the Armed Forces;
- organizes and accomplishes exercising activities of the agencies of the Government, local self-management units, trade companies and public enterprises, institutions and services;
- performs equipping of the agencies of the Government for work in a state of war;
- plans and organizes arranging of the territory for the needs of the defense;
- organizes and prepares monitoring, informing and alerting;
- organizes and prepares command communications for the needs of the defense in state of war and a state of emergency;
- organizes, prepares and accomplishes crypto-protection of secret data in the area of the defense;
- performs frequency management in radio-communications for the needs of the defense;
- organizes and provides functions of integrated communication and information system;
- organizes and prepares the Civil Protection;
- performs manning of the Civil Protection Forces created by the Republic;

- organizes and performs mobilization of the units and staffs of the Civil Protection created by the Republic;
- organizes detection and destruction of unexploded ordnance;
- organizes intelligence and counter-intelligence activities for the needs of the defense;
- organizes and carries out prevention and detection of criminal activities from Article 135 of this Law;
- controls accomplishing the protection of the secrecy of data of importance for the defense;
- organizes and carries out defense training;
- creates curriculums and programs for defense training;
- organizes functions of the Defense Training Center;
- carries out administrative procedures which regulate carrying out rights and duties of citizens in the area of defense;'
- makes personnel policies;
- takes care of the ethnic structure of the key leaders and other personnel in the Armed Forces with maintaining the necessary expert level;
- organizes and carries out public relations activities;
- organizes and carries out publishing activities;
- establishes standards and other documents for standardization for the needs of the defense , in accordance with a law;
- controls the application of this Law and other regulations in the area of defense;
- organizes scientific research for the needs of the defense;
- organizes scientific and technological cooperation in the area of defense with institutions outside the Republic;
- plans accomplishing international cooperation in the area of defense;
- organizes visits of Parliament Members to the Ministry of Defense and the Armed Forces;
- approves regulations for recruiting and manning of the active component of the Armed Forces, education and advanced training of the employees of the Armed Forces and other regulations which pertain to the service in the Armed Forces;
- approves regulations regarding the education and advanced training for the MOD employees;
- approves instructions in the area of defense.

In a state of war the Ministry of Defense carries out command and other activities for the needs of the President of the Republic.

6. Government Agencies

Article 21

The Ministries and the other agencies and administrative organizations prepare to accomplish their functions in the area of defense in a state of war and participate in the creation of the Defense Plan of the Republic.

In order to accomplish the activities mentioned in Paragraph 1 of this Article, the ministries and other Government organs and administrative organizations accomplish the following activities in accordance with their competence:

- monitor, direct, supervise and take measures for accomplishment of the defense preparations;
- create documents for functioning in a state of war;
- recommend measures for coordinating the documents of the Defense Plan of the Republic;
- take measures for readiness;
- carry out measures for protection and rescuing of workers and assets;
- create expert instructions for accomplishment of defense preparations;
- accomplish other activities in the area of defense in accordance with the law. Ministries and other agencies and administrative organizations in a state of war monitor the realization of the documents for functioning within their competence and take measures and perform activities for their accomplishment.

The provisions from Paragraphs 1,2 and 3 of this Article apply accordingly to courts, the Public Prosecutor, Constitutional Court of the Republic of Macedonia, the Ombudsman and other agencies and organs of the Republic as well as to the National bank of the Republic of Macedonia.

Chapter IV: Armed Forces Of The Republic Of Macedonia

1. Mutual regulations

Article 22

The Armed Forces are armed force of all citizens of the Republic.

There are Active Forces and Reserve Forces.

Article 23

The Armed Forces are organized, prepared and capable of conducting armed combat and combat and other activities for the purpose of performing its constitutional function of defense of the Republic.

Article 24

The Armed Forces structure elements are: units, commands, staffs and institutions.

The organization of the units, commands, staffs and institutions as well as their size, structure, number, composition and purpose are determined by the organization and formation of the Armed Forces.

The Armed Forces consist of: services, branches and technical services.

Services are: Land Forces, Air Defense and Military Aviation

Services consist of branches and technical services.

The President of the Republic determines branches and technical services and the Ministry of Defense determines their purpose and specialties.

3. General Staff

Article 25

Operational and expert activities for organizing, preparing and commanding the Armed Forces, in the Ministry of Defense, are accomplished by the General Staff being the highest expert body within the Ministry of Defense, on issues related to the Armed Forces.

For the purpose of accomplishing the activities from Paragraph 1 of this Article, the General Staff proposes to the Ministry of Defense:

- 1) organization and formation of the Armed Forces;
- 2) plan for deployment of the Armed Forces;
- 3) measures for increase of the combat readiness of the Armed Forces;
- 4) annual financial plan for the needs of the defense;
- 5) annual program for equipping the Armed Forces;
- 6) annual plan for exercise activities of the Armed Forces;
- 7) appointing, promoting and discharging officers on positions for which a rank of a major or higher is planned;
- 8) annual plan for education and advanced training of the employees in the Armed Forces;
- 9) list of names for education and advanced training of the employees in the Armed Forces;
- 10) decisions on decorating and awarding for special results of members of the Armed Forces in the area of defense.

Article 26

For the purpose of accomplishing the activities from Article 25, Paragraph 1 of this Law, the General Staff of the Armed Forces accomplishes the following:

- 1) accomplishes the annual financial plan for the requirements of the Armed Forces approved by the Ministry of Defense and supervises the efficiency and the execution of the funds in accordance with the regulations approved by the Minister of Defense;
- 2) supervises the combat readiness of the Armed Forces and takes measures for improvement;
- 3) organizes and supervises taking measures for readiness of the Armed Forces and takes measures for their execution;
- 4) performs mobilization of the Armed Forces;
- 5) performs exercise and other activities for making the Armed Forces capable, in accordance with the annual plan;
- 6) carries out logistic support for the Armed Forces;
- 7) accomplishes personnel management in the Armed Forces in accordance with the personnel policy of the Ministry of Defense;
- 8) plans, organizes and accomplishes training activities for the Armed Forces;
- 9) organizes and accomplishes communications for the command and control in the Armed Forces;
- 10) plans and accomplishes activities for crypto-protection of the secret data of importance for the Armed Forces;
- 11) organizes and accomplishes activities for anti-electronic security;
- 12) organizes and accomplishes reconnaissance, control and security of the sovereignty of the air space of the Republic;
- 13) organizes and accomplishes intelligence and counter-intelligence activities in the Armed Forces;
- 14) organizes and accomplishes activities for protection of forces in the Armed Forces;
- 15) organizes and accomplishes detection and prevention of criminal activities in the Armed Forces;
- 16) arranges the territory for the needs of the Armed Forces;
- 17) accomplishes cooperation with the armed forces of foreign countries in accordance with the plan of the Ministry of Defense;
- 18) appoints, promotes and discharges military officers and NCOs up to a rank of a senior captain;
- 19) appoints NCOs to initial rank;
- 20) approves instructions and rules for use of the military units, order and relations in the service and other instructions and rules of importance for the service in the Armed Forces;
- 21) accomplishes other activities in accordance with this Law and Lists of Regulations for service in the Armed Forces.

Article 27

The Chief manages the General Staff of the Armed Forces, who is appointed and discharged by the President of the Republic .

The Chief of the General Staff reports to the President of the Republic and to the Minister of Defense.

3. Command in the Armed Forces

Article 28

The President of the Republic is Supreme Commander of the Armed Forces.

The President of the Republic carries out command through the Minister of Defense in accordance with the Constitution and this Law.

Immediate command with the Armed Forces is carried out by the Chief of the General Staff and commanders of the military units and institutions in accordance with the regulations approved by the President of the Republic.

Command in the Armed Forces is based on the principles of unity of command, subordination and a single chain of command in the use of forces and assets.

Orders issued by a superior commander are not to be carried out if their execution represents a criminal activity.

4. Manning of the Armed Forces

Article 29

The manning of the Armed Forces is carried out in accordance with the organization and the formation of the Armed Forces.

The manning of the Active Component of the Armed Forces is carried out with conscripts, professional soldiers, military officers, NCOs and civilians employed in the Armed Forces, as well as materiel assets.

The manning of the Reserve Component is carried out with military obligors in reserve.

The manning of the Reserve Component of the Armed Forces with assets in state of war is carried out with assets included in the materiel liability mentioned in Articles 14 and 15 of this Law.

5. Readiness and mobilization of the Armed Forces

Article 30

Readiness of the Armed Forces encompasses undertaking organizational, security, military-expertise and other types of measures and procedures necessary for carrying out the combat missions.

Article 31

With the process of mobilization, the Armed Forces are brought up to a state of readiness for performing combat missions in accordance with the documents for use of the Armed Forces.

Article 32

The mobilization of the Armed Forces can be general and partial.

The general mobilization encompasses the complete Armed Forces and the partial encompasses only certain formation components.

Article 33

The mobilization of the Armed Forces is organized in accordance with the documents for its use, and is performed in accordance with the documents for mobilization.

Article 34

The persons responsible for preparation and execution of the mobilization are:

- 1) the Minister of Defense – to organize and carry out the mobilization of the Armed Forces;
- 2) the Chief of General Staff – to prepare and execute the mobilization;
- 3) the military officers and NCOs in the active component of the Armed Forces – to prepare and execute the mobilization of the formations they command with.

Article 35

For the purpose of testing the mobilization and combat readiness of the Armed Forces or for training, in accordance with the exercise activities plan of the Armed Forces, certain components of the Armed Forces may be mobilized in peacetime.

6. Materiel support for the Armed Forces

Article 36

According to this Law, materiel support for the Armed Forces means supplying of the Armed Forces with combat and other types of assets and equipment, food, medical and veterinarian support and other kinds of logistic support.

Article 37

Material support of the Armed Forces is planned and organized by the Ministry of Defense and it is accomplished by the General Staff in accordance with the plan for equipping of the Armed Forces.

Article 38

For the purpose of providing materiel for the Armed Forces, required reserves of this materiel are stored.

The type and quantity of the reserves are determined by a List of Regulations issued by the Minister of Defense.

7. Communication for Command and Control, crypto protection and anti-electronic security

Article 39

For the requirements of the Armed Forces, communications for Command and Control are organized and prepared and measures for crypto-protection, anti-electronic security and others are taken.

The communications for Command and Control, as well as the measures for crypto -protection and anti-electronic security measures from Paragraph 1 of this Article are an integral part of the communications of the leadership for the needs of the defense.

8. Participation of the Armed Forces in dealing with the consequences of an emergency situation

Article 40

The Armed Forces may participate in dealing with the consequences of an emergency situation.

The order for participation of the Armed Forces in dealing with the consequences of an emergency situation is issued by the President of the Republic.

Instructions for participation of the Armed Forces in dealing with the consequences of an emergency situation, is given by the Minister of Defense.

9. Participation of the Armed Forces outside the territory of the Republic

Article 41

In accordance with the ratified international agreements, the active and the reserve Armed Forces, as well as military officers and civilians employed in the Armed Forces and Ministry of Defense may participate in exercise and training activities as well as humanitarian and peacekeeping operations outside the territory of the Republic.

The decision for deploying units outside the territory of the Republic for participation in exercise and training activities and humanitarian operations is made by the Government.

The decision for deploying units outside the territory of the Republic for participation in peacekeeping operations is made by the Parliament.

The decision for deploying Ministry of Defense employees outside the territory of the Republic in cases of Paragraph 1 of this Article is made by the Minister of Defense.

Article 42

Conscripts during their service in the Armed Forces may not be assigned to active units of the Armed Forces deployed outside the territory of the Republic for participation in exercising and training activities, humanitarian or peacekeeping operations.

Article 43

Military obligors of the Reserve units of the Armed Forces may be assigned in the units of the Armed Forces outside the territory of the Republic if they volunteer.

While being assigned outside the territory of the Republic, military obligors from the Reserve units of the Armed Forces have a status of professional soldiers or military officers or NCOs from the active units of the Armed Forces.

Article 44

The rights and responsibilities of conscripts from Article 43 of this Law, as well as of the employees of the Ministry of defense who have been sent outside the territory of the Republic in cases from Paragraph 1 Article 41 of this Law, are regulated by a contract, signed with the Ministry of Defense.

10. Uniform and insignia of military persons and flags of military units of the Armed Forces

Article 45

Military persons wear uniforms.

On the uniform they wear the unique mark of belonging to the Armed Forces, rank, mark of the branch or technical service and mark of the unit of the Armed Forces that they belong to, as well as the flag of the Republic being a state symbol.

The units of the Armed Forces have their own flags.

The unique mark of belonging to the Armed Forces, the types of the uniform, marks of ranks, marks of branches and technical services, flags and marks of units as well as the manner and conditions in which they are worn are issued by regulations of the President of the Republic.

11. Service in the Armed Forces

Article 46

Service in the Armed Forces is regulated by a Law.

12. Political association

Article 47

Within the Armed Forces, political parties or citizen associations may not be organized or functional.

Military personnel while performing their service may not be guided by their political affiliation, nor can they express or represent those in the course of their duties or influence other persons.

Membership in a political party must not influence appointments, promotions, evaluation, education, additional training, rewarding and other rights of military persons and civilians employed in the Armed Forces.

Military persons may not attend and participate in political gatherings and rallies wearing their uniforms nor may they use party symbols or other marks of political parties.

13. Strike

Article 48

A strike in the Armed Forces is forbidden in a state of war and in a state of emergency as well as during participation of the units in exercise and training activities and peacekeeping and humanitarian operations in the Republic or abroad.

The right to strike in the Armed Forces may be exercised only in conditions in which the combat readiness of the Armed Forces and the life and health of the members of the Armed Forces are not endangered.

For preventing certain consequences on the combat readiness of the Armed Forces as well as the lives and health of the members of the Armed Forces during the strike, the Minister of Defense and the Chief of General Staff are obligated to maintain accomplishment of the vital functions of the Armed Forces.

During the strike, the participants are obligated to stay at their positions and accomplish activities necessary for maintaining the vital functions of the Armed Forces.

The strike must be announced 10 days before its start. The strike may not include more than 10% of the total number of employees of the Armed Forces and may not last longer than 3 days.

14. Trade unions

Article 49

Organizing and functioning of trade unions in the Armed Forces in a state of war and a state of emergency is forbidden.

Chapter V: Military Obligation

Article 50

The person subject to military service is a military obligor.

During the military service, the military obligor is:

- 1) draftee – during the time of the recruiting procedures;
- 2) conscript– during the service of the conscript service;
- 3) military obligor in reserve – after finishing the conscript service

1. Conscript obligation

Article 51

The conscript obligation consists of the obligation to respond to the general call up or individual draft call, concerning the inclusion of the person in the military records, medical and other examinations and psychological tests, recruitment and serving the conscript service.

Article 52

Once the conscript is officially accepted in the Armed Forces, he becomes a soldier and his serving time begins.

Article 53

Medical and other examinations and psychological tests are performed in order to establish the capability for military service of a person, and by the institutions from the area of health care, determined by the Minister of Defense in coordination with the Minister of Health.

Medical and other examinations and psychological tests of conscripts for the purpose of determining the capability for conscript service may be performed also by a recruitment center created by the Minister of Defense.

The results from the medical and other examinations and psychological tests are recorded in the Health Card of the conscript.

The form of the Health Card of the conscript is determined by the Minister of Defense in coordination with the Minister of Health.

Article 54

The recruiting is performed after the conscript turns 18 years of age.

The recruiting is performed by draft boards.

The draft boards are created by the Minister of Defense. The document for creating a draft board includes the composition, premises and the working procedures of the draft board.

Article 55

Capability of the conscript for military service is evaluated by the draft board according to the results of the previously accomplished medical and other examinations and psychological tests, in accordance with the List of regulations of criteria for evaluation of health capability for military service, approved by the Minister of Defense.

The evaluation of the draft board can be one of the following:

- 1) capable of carrying out conscript service;
- 2) limited capability for conscript service;
- 3) temporary incapable of carrying out conscript service;
- 4) incapable of carrying out conscript service.

Article 56

For a conscript evaluated as capable and with limited capability for conscript service, a draft board determines the branch and the technical service.

The branch or the technical service is determined according to a List of Regulations for MOSs approved by the Minister of Defense.

The branch, technical service and MOS of the conscript is determined according to health condition and psychophysical capabilities, type and level of education, profession, skills and sports activities of importance for the Armed Forces.

Criteria from Paragraph 3 of this Article for determining the branch or technical service are determined by a List of Regulations issued by the Minister of Defense.

The manner of serving the conscript service by the conscript evaluated with limited capability is regulated by a List of Regulations approved by the Minister of Defense

Article 57

A draft board evaluates capability of a conscript for conscript service and makes a decision on the branch and the technical service.

A conscript is entitled to make an appeal to a secondary board from Article 10 Paragraph 3 of this Law, against the decision from Paragraph 1 of this Article within 15 days from the day he/she has received it.

Article 58

The conscript evaluated as temporary incapable for military service is subject to second recruiting prior to his 27th year of age.

On each recruiting, the temporary incapability can be determined in the span of 1 to 4 years. As an exception, for a recruit who is at the age of 26, one year temporary incapability may be determined. The duration of the temporary incapability may not exceed the time which goes past the conscript's 27th year of age.

The duration of the temporary incapability of the conscript and the time of his second recruiting are determined by the draft board from Article 54 of this Law.

The conscript can be evaluated as temporary incapable only twice. On the third recruiting the draft board makes a final decision on his capability for conscript service.

Article 59

A person whose military obligation ceases due to the fact that he has been evaluated incapable of performing conscript service may be subjected to a revision examination of his capability for conscript service.

The revision examination from Paragraph 1 of this Article can be performed if the person evaluated as incapable has not turned 40 years of age.

The person from Paragraph 2 of this Article who has been evaluated as capable of military service after the revision examination, becomes a military obligor and is a subject to serving in the Armed Forces prior to the end of the calendar year in which one turns 27 years of age, and if that year has passed, one is subject to serving in the reserve component of the Armed Forces.

A decision for performing a revision examination on persons from one or several years of birth is made by the Government, and for individuals, the decision is made by the Minister of Defense.

The revision examination is performed in a medical facility, by a board formed by the Government.

The evaluation of the capability for conscript service after the revision examinations is given by the draft boards from Article 54 of this law.

The way and the procedures of carrying out the revision examination is determined by a List of Regulations approved by the Minister of Defense.

Article 60

The evaluation of the capability of the conscript for conscript service and his branch or technical service is recorded in his draft card.

The form of the draft card is issued by the Minister of Defense.

Article 61

The evaluation of the capability, as well as the branch or technical service determined during the recruiting process, can be changed by the draft board, for the needs of the Armed Forces or upon a request by the conscript.

Provisions of Article 57 of this Law are applicable in the case from Paragraph 1 of this Law.

2. Conscript obligation

Article 62

The conscripts are sent to serve in the military after they turn 19 years of age.

The conscript who volunteers to serve his military service will be sent 3 months after the arrival of his application, if he has turned 18 years of age.

The individual draft call for military service is submitted to the conscript at least 30 days before sending the conscript to serve in the military.

Article 63

The conscript service may be postponed upon a request from the conscript if:

- 1) enrolled at a faculty or other equivalent and higher educational institution or post graduate studies – until the end of his studies, at the faculty or other equivalent or higher educational institutions or post graduate studies, the latest being at his 26th year of age;
- 2) a student in a high school, and has not finished his secondary education after his 19th year of age – until finishing his high school education and before he turns 21 years of age;
- 3) in accordance with the regulations for the rights of family members who have a guardian serving in the military, who has gained the right as the only guardian of the family and with his sending to serve in the military his family is in serious financial situation – until those circumstances are in effect, or the latest until September of the calendar year in which he turns 27 years of age;
- 4) a member of his family is sent or is already serving in the military at the same time as he is – until the other family member doesn't complete his serving or from other reasons is released

from the Armed Forces, or the latest until September of the calendar year in which he turns 27 years of age;

- 5) travelling or temporarily staying in a foreign country for medical treatment, education purposes, carrying out official work, real estate, family and other types of relations, or departing with his parents abroad officially or for a new job – the latest until the calendar year in which he turns 26 years of age;
- 6) gets employed by an international organization created by the UN, the latest by the end of the calendar year in which he turns 26 years of age.

Article 64

As an exception, serving in the military may be postponed upon request from a conscript for at least a year if:

- 1) his presence is necessary in order to resolve the housing issue of his family for which he asked a postponement of conscript service;
- 2) he has returned from a foreign country in order to serve in the military, but has been unable to settle his family before the day determined for his departure;
- 3) beside him, there is no other member in his family who is able to work, and there is a necessity of doing agricultural work, which without his presence will not be completed without serious damage done for the family's existence;
- 4) has not finished his studies at the faculty which last 9 or more semesters, or the post graduate studies within the first year after he has attended all classes;
- 5) has started a job as an apprentice – until the apprenticeship period is over;
- 6) there are members in his family who require aid and care from another person in order to fulfill their necessary life needs;
- 7) he has gotten married immediately before being draft called and sent to serve in the military;
- 8) because of death or serious illness within his family or because of a natural disaster and his sending for conscript service would deter the difficult situation for his family;
- 9) has been selected as a member of a national team of the Republic for competing at a regional, European or world level competition or at the Olympic Games.

The request for postponement of conscript service time from Item 9 of this Article must be submitted by the conscript and the Association for physical culture of the Republic of Macedonia.

Article 65

The request for postponement of the conscript service time with the sufficient evidence is submitted within 8 days after receiving the draft call, with the exception if the postponement is required because of the reasons stated in Article 64, Item 8 of this Law, when those reasons have actually occurred.

Article 66

The conscript who has not been sent to serve his conscript service time for any reason is sent to do so at the end of the calendar year in which he turns 27 years of age.

With the exception of Paragraph 1 of this Article, the conscript for whom it is confirmed that has not been fulfilling his obligations given in this Law, and because of that has not been serving his conscript service time in the calendar year when he turns 27 years of age, will be sent to serving his military service time by the end of the calendar year in which he turns 30 years of age.

The conscript who has not been sent to serve his conscript service time before the timelines set in this Article, and has been evaluated as capable or with limited capability will be transferred to the Reserve Component of the Armed Forces.

Article 67

The conscript who intends to travel to a foreign country on a permanent or temporary basis longer than 3 months, is required to inform the Ministry of Defense about his intentions.

Article 68

The conscript service time will not be accomplished:

- 1) by a conscript who is sent to serve time by a court of law in a juvenile prison institution or prison without the possibility of parole – until he serves his punishment or is not released on a parole;
- 2) by a conscript who has been given a pedagogic measure or safety measure of obligatory psychiatric treatment and care in a health institution – until the applied measure is still in effect;
- 3) by a conscript who has criminal charges brought up against him for a criminal act for which is prosecuted in line of duty, and the sentence he is facing if found guilty is not less than 5 years of prison time – until the legal proceeding is effectively completed.

The conscripts who from the reasons mentioned in Paragraph 1 of this Article are not sent to serve their conscript service, are sent to serve, or complete their conscript service after their sentence is served, after being released on parole, after the applied pedagogic or safety measure is out of effect or after the legal proceeding is effectively completed, and the latest before the end of the calendar year in which they turn 30 years of age.

Persons sent to serve time in a juvenile prison institution or prison without the possibility of parole, in case of a wartime situation can be sent to serve their conscript service time if their punishment is postponed.

Article 69

A person is released from the obligation for conscript service if:

- 1) he has been evaluated as incapable for conscript service;
- 2) he has acquired Macedonian citizenship by being adopted, married or based on international agreements, and if he has already served his conscript service time in the country of his previous citizenship, or if he turned 27 years of age before becoming a Macedonian citizen;
- 3) beside the Macedonian citizenship, the person has acquired another country's citizenship by the time he has turned 27 years of age, and has regulated his conscript service in the country of his second citizenship or has regulated the issue of conscript service in another way before he has turned 27 years of age;
- 4) the death of his spouse (wife) would jeopardize the bringing up and the education of his children, unless he enters into a new marriage before the end of the calendar year in which he turns 27 years of age at the latest;
- 5) he has acquired a status of a military officer in the active component of the Armed Forces;
- 6) he has become a policeman or a guard at an imprisonment facility and has performed that duty for at least 1 year.

Article 70

The time that the cadet spends at the Military Academy will be counted as his conscript service time.

If the cadet interrupts attending the Military Academy for any reason, the first year of his time in the Military Academy will not be counted as his conscript service time.

Article 71

The time that a person spends on expert training and improving his skills for military officers in the active component of the Armed Forces is accounted as serving his conscript service time.

The person mentioned in Paragraph 1 of this Article to whom the expert training and improving skills for military officers will be interrupted and stopped for any reason before nine months have passed, will be sent to complete his conscript service time.

Article 72

A decision on postponement of a conscript service, extending of conscript obligation up to age of 30 as well as release from conscript service obligation is made by the Minister of Defense.

An appeal may be made to a secondary board from Article 10 Paragraph 3 of this Law against the decision from Paragraph 1 of this Article within 15 days from the day he received the decision.

Article 73

Serving of a soldier conscript service time may be interrupted if:

- 1) he is evaluated as temporary incapable for military service;
- 2) he is convicted and sentenced for over 6 months of imprisonment by a court of law;
- 3) he has been charged with crime committed before the start of the conscript service and prosecuted in line of duty and the penalty for that criminal activity is over 3 years of imprisonment;
- 4) he has been accepted as a cadet at the Military Academy;
- 5) he has been accepted for advanced training for officers at the Military Academy;
- 6) he has been chosen as a candidate for advanced training for NCOs.

As an exception of Paragraph 1 of this Article, serving of the conscript service is not interrupted for a conscript who has been convicted and sentenced by a Court of Law to a 2 years imprisonment in a juvenile prison or 2 years prison time without the possibility of a parole, if he has less than 4 and a half months of conscript service time remaining.

Article 74

The serving of a soldier conscript service may be interrupted upon his request if there is a case of death or serious illness in his family, or if his family is in difficult situation caused by a natural disaster, and his absence only worsens the situation while these reasons exist and up to a year.

The serving of the soldier conscript service may be interrupted upon his request and upon the request of the Association for physical culture of the Republic of Macedonia, for his participation in the national team who is to compete at a regional, European or world level competition or Olympic Games if he is not using absence time for these sport events.

A soldier whose serving in the military has been interrupted from the reasons mentioned in Paragraph 2 of this Article, is sent to complete his serving time during the calendar year when the competition ended and latest before the end of the calendar year in which he turns 27 years of age.

Article 75

The conscript whose conscript service has been interrupted becomes a recruit and is sent to complete his conscript service after the reasons for the interruption have ceased, the latest being the calendar year in which he turns 27 or 30 years of age, respectively.

The conscript whose serving of the conscript service has been interrupted is not sent to complete his conscript service if he has 30 or less days remaining of his conscript service time.

Article 76

The time spent in the following places for the following reasons will not be calculated as conscript service time:

- medical treatment or sick leave caused by an injury or other disability resulting from a deliberate action for avoiding conscript service or with the intent of being transferred to an easier duty if this is determined by an effective verdict;
- if the soldier has distanced himself or escaped from the Armed Forces in the duration more than 24 hours; and
- if he has been temporarily arrested and a criminal charge has been brought up against him, and this time is calculated in the sentence determined by a court of law.

The time of the conscript service is extended for the period of time from the Paragraph 1 of this Article.

Article 77

The document concerning the cessation of a soldiers conscript service and the document for completion of the conscript service is issued by the commanding officer of the unit or the institution, at a level of an independent battalion or higher.

A person is entitled to make an appeal to a secondary board from Article 10 Paragraph 3 against the decision from Paragraph 1 of this Law, within 8 days from the day he received the decision.

Official appeal does not prevent the document from being executed.

Article 78

Evaluation of a soldier's capability for conscript service during his time in the military is done by a military medical board formed by the Minister of Defense, in accordance with the List of Regulations from Article 56 Paragraph 1 of this Law.

The working procedures of the military medical board from Paragraph 1 of this Article is regulated by a List of Regulations issued by the Minister of Defense.

Article 79

A conscript evaluated during his service as temporary incapable for conscript service, may postpone his service due to this reason only once.

A conscript who has been evaluated during his service as temporary incapable of conscript service for the second time is released from the Armed Forces and transferred into the Reserve Component.

Article 80

The timing and the manner of sending the conscripts to serve their conscript service time, the postponement and the procedures for interruption of their service as well as their releasing from the Armed Forces is regulated by a List of Regulations issued by the Minister of Defense.

3. Obligation for service in the Reserve Component

Article 81

The following military obligors are subject to serving in the Reserve Component of the Armed Forces of the Republic of Macedonia:

- 1) who have completed their military service time, from the day their conscript service started;
- 2) who in accordance with the regulations set by this Law have fulfilled their obligation of serving in the military in a different way, from the day the fulfillment started.

Article 82

During a state of war the President of the Republic may prolong the service of male citizens in the Reserve Component until they reach the age of 60.

Article 83

The obligation for service in the Reserve Component of the Armed Forces is fulfilled by participation of the obligors on military exercises and other forms of training, and during a state of war with performing of other required military duties.

The total time of participation of the obligors on the military exercises and other forms of training may not exceed 30 days per calendar year.

Article 84

The call to report for military exercise is submitted to the military obligor 30 days before the beginning of the exercise.

Article 85

The military obligor in the Reserve Component of the Armed Forces, upon his request is released from his obligation for participation in military exercise, only for the following reasons:

- 1) illness of the obligor;
- 2) death or serious illness in the family;
- 3) participation in a military exercise of two or more members from the same family;
- 4) taking an exam at the same time as the exercise is being held;
- 5) natural disaster which has threatened the property of the family;
- 6) marriage of the obligor or a member of his family;
- 7) performing religious acts as an official religious person or as a person designated to perform religious acts at the same time as the exercise is being held;
- 8) travel or temporary stay in a foreign country for the purpose of medical treatment, solving real estate, family and similar issues immediately before being called up for a military exercise or during carrying out a military exercise.

An agricultural laborer or a citizen performing an individual or a professional activity, is released from participation in a military exercise which lasts more than 3 days if there is no other member of the family capable of working as well as a military obligor who has a member of his family who needs permanent care by another person.

The request for releasing the person from the obligation of participation at a military exercise with the necessary evidence is submitted 3 days before the accepting of the call/order for participation at a military exercise, with an exception if the reasons are regulated with Paragraph 1 item 2 and 5 of this Article, when the request with the necessary evidence may be submitted when those circumstances occur, the latest being the start of the military exercise.

A decision for the request from Paragraph 3 of this Article is approved by the Minister of Defense.

A person is entitled to make an appeal to a secondary board from Article 10 Paragraph 3 of this Law, against the decision from Paragraph 4 of this Law within 8 days from the day he received it.

Article 86

Medical and other examinations and psychological tests for determining the capability for military service and evaluation of the health status of the military obligors in the Reserve Component of the Armed Forces are done with the same procedures as for the conscripts.

Article 87

The manner of fulfilling the obligation for service in the Reserve Component of the Armed Forces is regulated by a List of Regulations approved by the Minister of Defense.

4. Keeping records on the military obligors

Article 88

Records are being kept on the military obligors. The creation of a military record is done after a person turns 17 years of age. Keeping records is under the responsibilities of the Ministry of Defense.

On request by the Ministry of Defense, the agencies of the Government, trade companies, public companies, institutions, services and local self-management units are required to give to the Ministry of Defense information necessary for keeping the military records.

The military obligors are required to report any change of data important for the military record to the Ministry of Defense, within 8 days from the day the change occurred.

Procedures on keeping records on military obligors are regulated by a provision approved by the Government.

Article 89

The citizens called by an authorized organ for fulfilling their rights and obligations from Article 2 of this Law are required to respond to the organ, at the time and place stated in the individual draft call or general draft call.

Chapter VI: Obligations Of Trade Companies, Public Enterprises And Services And Local Self-Management Units

4. Obligations of trade companies and public enterprises

Article 90

In state of war, trade companies and public enterprises are obligated to take measures for protection of the workers and materiel assets from war destruction and natural disasters and other accidents and to deal with the consequences.

Article 91

In state of war, public enterprises and trade companies of special importance for the defense are obligated to continue production of goods and performing services.

Trade companies of special importance for the defense are determined by a Government regulation.

Article 92

Public enterprises and trade companies of special importance for the defense are obligated to prepare for production and performing services in state of war.

Article 93

Public enterprises and trade companies of special importance for the defense are obligated to participate in exercise activities.

For participation in exercise activities public enterprises and trade companies of special importance for the defense are entitled to compensation.

Participation in exercise activities and the extent of the compensation are determined by an agreement with the Ministry of Defense.

Article 94

In state of war, as an exception, trade companies are obligated to continue production of goods and perform services on request by the Government in accordance with a mutual agreement between them.

Article 95

In state of war, public enterprises and trade companies that deal in the area of power resources, transportation, communications, construction and maintenance public services are obligated to give priority to meeting the needs of the Armed Forces, Government agencies, Civil Protection Forces established by the Republic, trade companies, public enterprises and services of special importance for the defense.

In accordance with the Paragraph 1 of this Article priorities are more specifically determined by a Regulation issued by the Government.

5. Obligations of public institutions and services

Article 96

In state of war public services are obligated to take measures for protection and rescuing of their workers, users of their services who may be found in their premises as well as the assets, from war destruction, natural disasters and other accidents and to deal with the consequences.

Article 97

In state of war public services that deal in the area of health protection, social care and primary education are obligated to continue their work.

In state of war, those public services that deal in the area of higher levels of education, science and culture which are determined by a Regulation of the Government as services of special importance for the defense, are also obligated to continue their work.

Article 98

Public services from Article 97 of this Law are obligated to prepare to continue their work in state of war.

Article 99

Public services from Article 97 of this Law are obligated to participate in exercise activities.

For participation in exercise activities public services from Paragraph 1 of this Article are entitled to compensation.

Participation and the extent of the compensation are determined by an agreement with the Ministry of Defense.

6. Obligations of local self-management units and the City of Skopje

Article 100

In state of war, the organs of local self-management units continue to accomplish their missions determined by law and are obligated to take measures for protection and rescuing of citizens and assets in their area from war destruction, natural disasters and other accidents and to deal with the consequences.

Local self-management units are obligated to prepare for fulfilling obligations from Paragraph 1 of this Article according to procedures determined by their status.

Chapter VII: Communications For Leadership And Crypto-Protection

Article 101

The Ministry of Defense organizes and prepares communications for leadership and crypto-protection in state of emergency and state of war for the Government agencies, trade companies, public enterprises, institutions and services, local self-management units, Civil Protection Forces and surveillance, reconnaissance and alert system.

The Ministry of Defense performs leadership communications through existing telecommunication capacities in the Republic, integrated system for communications and information of the Ministry of Defense as well as separately organized signal system.

The Ministry of Defense organizes crypto-protection for the needs of the military representatives of the Republic abroad, in cooperation with the Ministry of Foreign Affairs.

Article 102

The users of the communication systems through which transmission of data and documents of importance for the defense is performed, are obligated to take measures for crypto-protection, anti-electronic security and other measures for protection.

Chapter VIII: Surveillance, Informing And Alerting System

Article 103

For the purpose of detection and surveillance of the danger of war destruction, natural disasters, epidemics, technological accidents and other accidents which may threaten the population and assets as well as alerting the population, a system for surveillance, reconnaissance and alerting is organized in the Republic.

Article 104

Surveillance and alerting is organized and prepared by the Ministry of Defense.

Agencies of the Government, local self-management units, trade companies and public institutions and services are obligated to inform the Ministry of Defense about possible danger and threats from Article 103 of this Law.

Alerting of the population may also be performed by the Ministry of Defense.

Article 105

The Ministry of Defense conducts the alerting of the population, by using alert signals.

The alert signs are unique and issued by a regulation of the Government.

Article 106

Owners of facilities are obligated to permit installation and operation of surveillance and alerting devices in the facilities, for the purpose of alerting of the population and on request by the Ministry of Defense.

Funds for installation and operation costs as well compensation for the possible damage done are provided by the Ministry of Defense.

Chapter IX: Civil Protection

Article 107

The Civil Protection is organized and prepared as part of the defense of the Republic for protection and rescuing of the population and material goods from war destruction and consequences and other danger in a wartime conditions as well as from natural disasters, epidemics and technical-technological and other disasters in peacetime.

Article 108

The protection and rescue form natural disasters, epidemics and technical-technological and other disasters in peacetime is conducted in accordance with the laws and regulations that regulate the activities of the authorized organs.

In cases explained in Paragraph 1 of this Article, the Civil Protection Forces can be deployed on a request of the authorized organs.

1. Protection and rescuing measures *1.1. Evacuation of population*

Article 109

In wartime, evacuation of population is performed by organized movement of population from endangered areas and facilities to less dangerous, for the purpose of protection and rescuing.

Evacuation of population may also be performed in peacetime, in cases of natural disasters, epidemics, technical and other accidents.

1.2. Sheltering

Article 110

Sheltering encompasses planning, construction, maintenance and use of shelters and other facilities for protection in peacetime and wartime.

Shelters and other facilities for protection of the population are built in residences, working facilities and public facilities, as public shelters.

Article 111

Requirements for shelters and other facilities for protection are planned in accordance with the regulations for town-planning.

Investors who construct facilities in endangered areas have obligation for construction of shelters and other facilities for protection in residences and working facilities and the Republic has obligation for construction of public shelters.

Endangered areas from Paragraph 2 of this Article are determined by the Government.

The Ministry of Defense organizes construction of public shelters.

Regulations on the manner of construction, maintenance and use of shelters and facilities for protection are approved by the Government.

Article 112

Investors who constructs facilities within endangered area are released from obligation to construct a shelter if:

- construction of a shelter is impossible due to geology and hydrology features of the terrain or due to possible increase of construction costs;
- there are natural or artificial facilities suitable to be used as shelters or for public protection;
- shelter construction is not planned by the town planning procedures; capacity of the existing shelters meets the needs.

1.3. Disaster relief

Article 113

Disaster relief encompasses accommodation of endangered population and providing elementary living conditions.

1.4 Black out

Article 114

Black out means turning off or shading sources of light in living, working and public facilities as well as in means of transportation in wartime.

Black out is performed on a given air-raid alarm.

1.5 NBC protection

Article 115

NBC protection encompasses detection and control over NBC threats, taking measures for protection and dealing with consequences.

1.6 Rescue from debris

Article 116

Rescue from debris encompasses activities for protection and rescue of population and assets from war destruction, natural disasters and technical accidents.

1.7 Protection and rescue from floods

Article 117

Protection and rescue from floods encompasses preventive and operational measures for protection and rescue of population and assets from floods caused by heavy rains and demolition of dams.

1.8 Protection and rescue from fire

Article 118

Protection and rescue from floods encompasses control over application of technical and other regulations for prevention and protection from fire in the area of town planning, construction and technical procedures: creation and equipping of sufficient number of fire protection units, activities for organizing volunteer fire companies, preparation of citizens for use of devices and assets and participation in extinguishing and bringing fires under control, managing of fire protection units in settlements and in the open air, as well as training of Civil Protection Forces for extinguishing and bringing fires under control.

1.9 Detection and destruction of unexploded ordnance

Article 119

Protection from unexploded ordnance encompasses detecting, collecting and destroying unexploded ordnance.

These activities are accomplished by the Armed Forces, Civil Protection Forces created by the Republic and experts - pyro-technicians.

1.10 First aid

Article 120

First aid encompasses activities and missions for giving first aid to wounded and sick persons and their transport to the nearest medical institution.

1.11. Protection and rescue of animals and products of animal origin

Article 121

Protection and rescue of animals and products of animal origin encompasses giving first veterinarian aid to wounded, sick or contaminated animals and dealing with the consequences from war destruction, natural disasters or technical -technological accidents.

1.12. Protection and rescue of plants and products of herbal origin

Article 122

Protection and rescue of plants and products of herbal origin encompasses protection from plant diseases, weed, pest and results from war destruction, natural disasters or technical-technological accidents.

1.13. Cleaning up the terrain

Article 123

Cleaning up the terrain encompasses technical and hygienic and other measures and activities for prevention from epidemics and other results from war destruction, natural disasters, epidemics, technical-technological and other accidents.

Article 124

Measures for protection and rescue are planned and organized by:

- agencies of the Government in areas and zones under their authority as well as Civil Protection Forces created by the Republic for its own requirements;
- trade companies, public institutions and services as well as the local self-management units for their own requirements.

Measures for protection and rescue are taken by: trade companies, public institutions and services by using forces and assets for regular activities, local self-management units and Civil Protection Forces as well as agencies of the Government using adequate equipment and assets.

Humanitarian organizations may also participate in taking measures for protection and rescue.

Subjects from Paragraph 1 of this Article are obligated to cooperate during accomplishing planning and organizing activities related to protection and rescue.

Regulations for planning and organizing activities and taking measures for protection and rescue are approved by the Government.

2. Civil Protection Forces

Article 125

Civil Protection Forces are organized in units and headquarters.

Civil Protection Forces units and headquarters for protection and rescue of population and materiel assets, are created by the Republic.

Trade companies, public institutions and services and local self-management units create their own units and headquarters for Civil Protection for their own requirements.

Creation, preparation and use of Civil Protection Forces are regulated by a List of Regulation approved by the Government.

Article 126

The Ministry of Defense keeps records on the members of the Civil Protection Forces created by the Government.

Procedures for keeping records on members of the Civil Protection Forces from Paragraph 1 of this Article are regulated by a List of Regulations approved by the Government.

Citizens assigned to the Civil Protection forces created by the Government have the same rights and responsibilities as members of Reserve Component Forces of the Armed Forces

Chapter X: Training For Defense

Article 127

Training in Defense encompasses activities for gaining the necessary, military-expert and other skills for participation of the citizens, agencies of the Government, public enterprises, trade companies and public institutions and services of importance for the defense, as well as the local self-management units in the defense of the Republic.

Article 128

Training of the citizens for defense is organized and conducted by the Armed Forces, the training center and military education institutions.

Article 129

Training in the Armed Forces is regulated by a List of Regulations approved by the Minister of Defense.

Article 130

Training in the training center is organized and conducted for training of personnel for the needs of the defense, Civil Protection Forces and military obligors who have not been assigned for service in the Reserve Component.

Conducting training at the Training Center is regulated by a List of Regulations approved by the Minister of Defense.

Article 131

The contents and type of conduction of defense training at the education institutions is done in accordance with the teaching plans and programs approved by the Minister of Defense and Minister of Education.

Article 132

For the purpose of accomplishing training activities of the Reserve Component, the Ministry of Defense may cooperate with associations of military officers.

Chapter XI: Intelligence, Counter-Intelligence, Prevention And Detection Of Criminal Activities And Protection Of The Forces And Secret Data In The Area Of Defense

Article 133

Intelligence in defense encompasses measures, activities and procedures undertaken for collecting, recording and analyzing of intelligence data of importance for the defense of the Republic.

Activities of Paragraph 1 of this Article are accomplished by authorized persons in the Ministry of Defense appointed by the Minister of Defense.

The authorized persons have the same rights and responsibilities as persons employed in the National Intelligence Agency.

Article 134

Counterintelligence in the Armed Forces encompasses measures, activities and procedures undertaken for:

- 1) detecting and preventing an intelligence or other type of subversive activity of foreign military intelligence and intelligence agencies being done in or out of the country, directed against the defense of the republic;
- 2) detecting and preventing all forms of terrorist activities directed against the defense of the Republic;
- 3) taking counter-intelligence protection measures of the tasks and the plans, documents, materiel and technical assets, regions, areas and facilities of importance for the defense of the Republic.

Activities of Paragraph 1 of this Article are accomplished by authorized persons in the Ministry of Defense appointed by the Minister of Defense.

The authorized persons from Paragraph 2 of this Article have the same rights and responsibilities as persons employed in the Ministry of Interior.

Article 135

Prevention and detection of criminal activities in military units and institutions, military camp sites and areas where exercising activities are accomplished as well as areas and facilities determined by the Government, encompasses measures, activities and procedures undertaken to prevent criminal activities as well as detection and apprehension of criminals and their turning over to authorized organs.

Activities from Paragraph 1 of this Article are accomplished by official persons in the Ministry of Defense appointed by the Minister of Defense.

The authorized persons have the following rights and responsibilities in accomplishing activities from Paragraph 1 of this Law:

- 1) to establish identity of persons by asking them to show their identity card;
- 2) to block the approach and to disable leaving a certain area until necessary activities are accomplished;
- 3) to check and search vehicles , persons and luggage;
- 4) to remove a person by force from a certain area as well as a person who does not act in accordance with the order by an authorized official person;
- 5) to use weapons if no other means is available to protect lives; to repulse an immediate attack threatening his/her life, to repulse an attack over a person or facility being secured or to prevent escape of a person caught in act of committing a crime for which imprisonment punishment of at least 5 years may be pronounced.

Authorized persons of the Military Police determined by the Minister of Defense also take part in accomplishing activities from Paragraph 1 of this Article.

Article 136

The authorized persons from Articles 134, 135 and 136 have Identification Cards.

The form and the manner of issuing the identification cards are issued by the Minister of Defense.

More detailed regulations on accomplishment of activities from Articles 134, 135 and 136 of this Law are approved by the Minister of Defense.

Article 137

Protection of the forces in military units and institutions, military camp sites and areas where exercising activities are accomplished as well as areas and facilities determined by the Government encompasses measures, activities and procedures undertaken for:

- 1) maintaining military order and discipline;
- 2) providing security for personnel, commands and facilities designated by the Minister of Defense;
- 3) regulating and control of Military traffic;
- 4) participating in combat against diversion, terrorist or other armed groups.

The activities from Paragraph 1 of this Article are accomplished by the Military Police.

Detailed regulations on the activities of the Military Police are approved by the Minister of Defense.

Article 138

Protection of secret data encompasses measures, activities and procedures undertaken for protection of the secrecy of data, information and documents from the area of defense.

Citizens, trade companies, public institutions and services of special importance for the defense, the units of local self-management and agencies of the Government responsible to keep and protect the secret data of the defense and perform the measures determined for protection of secret data.

Criteria and measures for protection of the secrecy of data of importance for the defense are issued by a Government regulation.

Article 139

The members of the Armed Forces are obligated to keep and protect the secret data of importance for the Armed Forces and perform the measures determined for their protection.

Criteria for determining the secret data for the Armed Forces which have to be kept secret and measures for their protection are regulated by a List of Regulations issued by the Minister of Defense.

Article 140

For the purpose of protecting the security of the Republic in the areas which are arranged for the requirements of the defense according to the Defense Plan or their arrangement is planned, movement and residing may be restricted.

A decision on determination of these areas is made by the Government.

Article 141

Air-photographing and other types of research for making cartographic publications may be done only by judicial persons who receive a letter of approval from the Government.

Physical and judicial persons may not perform photographing, scientific and other types of research in facilities or zones of importance for the defense, as well as in the zones in which movement and residing is restricted without an approval of the Minister of Defense.

Chapter XII: Planning

Article 142

A system for planning, programming and budgeting of the defense is introduced for the purpose of achieving systematic and rational development in the defense of the Republic.

The Ministry of Defense is responsible for organization and realization of the system for planning, programming and budgeting of the defense.

Article 143

Planning in the defense is accomplished as development planning, operational and current planning.

The defense planning is a continuous process and it is organized and accomplished as a long term, mid and short term processes.

Article 144

Planning is accomplished through basic and special plans, programs, sub-programs, activities and necessary resources for their realization.

The number, type, contents, title and the manner of creating and accomplishing the plans and programs are determined by the Minister of Defense.

Chapter XIII: Financing

Article 145

Funds for the needs of the Ministry of Defense are provided by the Budget of the Republic.

Funds for the needs of the Ministry of Defense may be also provided from other sources in accordance with the Law.

Funds for the agencies of the state power for the needs of the defense are provided from the Budget of the Republic, within the funds of those organs.

Funds for the local self-management units for the needs of the defense are provided from their budgets and the funds of the Republic in accordance with the law.

Trade companies, public institutions and services of special importance for the defense provide funds for the needs of the defense from their own sources as well as funds of the Republic.

Article 146

A plan for funds necessary for the Ministry of Defense provided from the Budget of the Republic is created by the Ministry of Defense.

The financial plan from Paragraph 1 of this Article shows the necessary funds by programs, sub-programs, purpose, tasks and dynamics for the purpose of accomplishing functions of the units, commands and institutions of the Armed Forces, Civil Protection Forces and other activities of the Ministry of Defense.

The manner and the procedures for creation of the plan from Paragraph 1 of this Article are determined by a List of Regulations approved by the Minister of Defense.

Article 147

The Parliament of the Republic decides on the extent of the funds in the budget of the Republic for the needs of the defense.

In accordance with the Budget of the Republic, the Ministry of Defense allocates the approved funds by programs and sub-programs and when necessary controls their realization.

The Ministry of Defense informs the Government and the Parliament on the manner of realization of the funds from Paragraph 2 of this Article.

Chapter XIV: Compensations For Carrying Out Rights And Duties Of Citizens In Defense

Article 148

Citizens called up to carry out rights and duties in the area of defense related to fulfilling military obligation, participation in the Civil Protection Forces created by the Republic, fulfilling working and materiel obligation, training for defense and detecting and destroying unexploded ordnance are entitled to compensation regulated by this Law.

Article 149

Citizens from Article 148 of this Law are entitled to the following kinds of compensation:

- salary, pension or other income;
- transportation, accommodation and food costs;
- additional engagement compensation;
- compensation for death, injury or damage of the body, paid only once;
- real funeral costs;
- defense training costs;

- costs for detecting and destroying unexploded ordnance.

Article 150

Citizens who are employed or self-employed or receive compensation for unemployment or pension, are entitled to compensation and paid working insurance amount equal to the amount of the salary, compensation or pension paid in the previous month.

Citizens who are unemployed or do not receive compensation for unemployment or pension, are entitled to compensation amount equal to a net average monthly salary of the Republic paid in the previous month and announced by the Institution for Statistics (in further text: average monthly salary).

Article 151

Citizens assigned to duties in the Reserve Component Forces are also entitled to additional compensation amount which is equal to the difference between the compensation amount from Paragraph 1 of Article 149 of this Law and the salary of a military person on active duty assigned to the same duty, if the compensation is lower.

Article 152

Citizens assigned to the Civil Protection Forces created by the Republic are also entitled to additional compensation amount which is equal to the difference between the compensation amount from Paragraph 1 of Article 149 and the compensation for carrying out duties in the Civil Protection Forces, if the compensation is lower than the one for carrying out duties in the Civil Protection Forces.

The extent of compensation for carrying out duties in the Civil Protection Forces created by the Republic is determined by the Government and may not be higher than 3 average monthly salaries.

Article 153

Conscripts are entitled to a monthly salary up to 10% of the average monthly salary during the conscript service. The percentage depends on the rank and the duty.

Article 154

Citizens are entitled to compensation for transportation, accommodation and food costs if they are not provided for free during carrying out rights and duties in the area of the defense.

Compensation amount for transportation is the same as the price of the ticket of the public transportation if the residence of the citizen is more than 2,5km away from the meeting point.

As an exception from Paragraph 2 of this Article, if there is no public transportation available, compensation amount for transportation is 30% of the price for 1l gasoline per kilometer when the citizen uses his/her personal vehicle.

Compensation amount for daily costs for food is 5% of the average monthly salary, if the citizen was engaged less than 8 hours and 8% of the average monthly salary if the citizen was engaged longer than 8 hours.

As an exception from Paragraph 4 of this Article, citizens-recruits while being medically and psychologically examined as well as citizens engaged for training for defense are entitled to 50% of the compensation amount from Paragraph 4 of this Article if they spend not longer than 8 hours.

In cases when citizens are called to carry out a certain duty in the area of defense out of the place of residence and no free accommodation is provided, the amount for compensation is equal to the real costs for accommodation and it is reimbursed on a receipt from a hotel up to a "B" category.

Article 155

If free transportation, food and accommodation is provided for citizens called up to carry out duties in the area of the defense in the Reserve Component Forces and the Civil Protection Forces created by the Republic, they are entitled to compensation for additional engagement as follows:

- military officers and NCOs in the Armed Forces and leaders in the Civil Protection Forces – 5% of the average monthly salary;
- soldiers in the Armed Forces and members of the Civil Protection Forces – 3% of the average monthly salary.

Article 156

Extent of the compensation paid only once, for the family of the citizen in case of death while carrying out duties in the area of the defense is equal to the amount of 5 average monthly salaries.

Article 157

Extent of the compensation paid only once in case of injury or damage of the body of at least 20% while carrying out military duties is 50% of the average monthly salary.

Article 158

Extent of compensation for funeral and other costs (coffin and accessories), costs for transportation of the deceased citizen from the place of death to the place of residence and other costs for performing traditional customs during the funeral is equal to the amount of 5 average monthly salaries.

Article 159

Extent of compensation for citizens engaged as teachers for defense training is 30% of the per diem amount for trips abroad determined for the employees in the agencies of the Government.

Citizens employed in the Ministry of Defense and the Armed Forces are not entitled to compensation from Paragraph 1 of this Article when engaged as teachers for defense training.

Extent of compensation for scientists and experts engaged as teachers in defense training is determined by a contract with the Ministry of Defense.

Article 160

Citizens - pyro-technicians and assistants engaged for search of the terrain for the purpose of detecting unexploded ordnance are entitled to compensation of 0,2% of the average monthly salary per cubic meter of the searched terrain.

Citizens - pyro-technicians and assistants engaged to perform destroy of detected unexploded ordnance, are entitled to compensation up to 20% of the monthly average salary depending on the number of pieces, the weight and the type of unexploded ordnance.

Article 161

Funds for compensations for carrying out rights and duties of the citizens in the area of defense are provided by the funds of the Ministry of Defense.

The extent of the compensations and other details are regulated by a List of Regulations approved by the Government.

Chapter XV: Inspection In Defense

Article 162

Inspection of the application of this Law and other regulations in the area of Defense is done by inspectors for defense in the Ministry of Defense.

The inspection from Paragraph 1 of this Article in the agencies of the Government, Armed Forces, trade companies, public companies, institutions and services of special importance for the defense as well as local self-management units is accomplished in accordance with this Law.

Article 163

Inspector for defense may be a person with adequate university level education and at least 4 years experience in the area of defense.

Inspectors for defense have Identification Cards.

The form and the procedure for issuing the Identification Cards are issued by the Minister of Defense.

Article 164

While performing the inspection from Article 162 of this Law, the inspectors are authorized:

- to perform insight in the application of this Law and other regulations in the area of defense;
- to suggest measures for eliminating the determined irregularities and weaknesses in a certain period of time.

The inspector is obligated to support the subjects from Article 162 Paragraph 2 of this Law in carrying out the laws and other regulations in the area of defense.

Article 165

Inspectors are obligated to write a report on the accomplished inspection activities and to submit it to the authorized person of the institution in which those activities have been accomplished as well as to the Minister of Defense.

The report includes the inspected state and the suggested measures and timelines for elimination of the faults and irregularities.

The authorized person from Paragraph 1 of this Article is obligated to act according to the report and to notify the inspector about the undertaken measures.

If the violations of regulations is a criminal offense or misdemeanor, the inspector is obligated to submit a request for initiating an adequate legal procedure.

Article 166

Supplemental regulations on the procedures for carrying out inspection are approved by the Minister of Defense.

Chapter XVI: Special Regulation

Article 167

Some of the positions in the MOD and in the Armed Forces Active Component, where the difficulties of the work and special conditions under which it is carried out essentially influence as reducing of the working capability, are regulated by regulations issued by the Government.

Government may determine other positions similar to the positions explained in the Paragraph 1 of this Article.

Salaries of the employees on the positions from Paragraph 1 and 2 of this Article may be higher not more than 30% of the salaries of other employees with adequate qualifications.

Chapter XVII: Penal Regulations

Article 168

Citizen is fined with 5,000 to 30,000 denars or sentenced to imprisonment up to 60 days in case he/she:

- 1) does not make his/her assets and animals available on the basis of the materiel obligation or if he/she does not provide information pertaining to them (Article 14);
- 2) does not notify the Ministry of Defense about his/her intention for traveling abroad (Article 67);
- 3) does not notify the Ministry of Defense about any change of data important for keeping the military records (Article 88 Paragraph 3);
- 4) does not respond to the call from the authorized organ (Article 89);
- 5) does not allow installation and operation of public alerting devices (Article 106 Paragraph 1);
- 6) does not build a shelter (Article 111, Paragraph 2);
- 7) does not keep and protect the secret data of the defense or does not perform the measures determined for protection of secret data (Article 138, Paragraph 2);
- 8) performs air-photographing or scientific and other types of research without an approval by the Ministry of Defense (Article 141, Paragraph 2).

The punishment from Paragraph 1 of this Article pertains to a foreign citizen as well, if he/she does not provide assets and animals according to the materiel obligation (Article 15).

Article 169

Military person will be punished for offence with 20,000 to 50,000 denars fine or imprisonment up to 90 days if he organizes a political party or citizen association within the Armed Forces, if he is guided by his political affiliation while performing his service in the Army or if he wears his uniform or uses party symbols or other signs of political parties during political gatherings and rallies (Article 47).

Article 170

A trade company, public enterprise, institution or service will be punished with 100,000 to 300,000 denars fine for offence if it:

- 1) does not provide free accommodation, food and salary to the soldier who serves his civil conscript service (Article 9, Paragraph 3 and Article 153);
- 2) does not make its assets and animals available on the basis of the materiel obligation or if it does not provide information pertaining to them (Article 14);
- 3) does not provide data for the military obligors important for keeping military records (Article 88, Paragraph 2);
- 4) does not take measures for protection and rescue of its workers, materiel assets and users of its services in state of war (Article 90 and Article 96);
- 5) does not continue with production and performing of services in state of war (Article 91 and Article 97);
- 6) does not prepare for production and performing of services in state of war (Article 92 and Article 98);
- 7) does not participate in the exercise activities (Article 93, Paragraph 1 and Article 99, Paragraph 1);
- 8) does not give priority to meeting the needs of the Armed Forces, Government agencies, Civil Protection Forces established by the Republic, trade companies, public enterprises, institutions and services of importance to the defense in state of war (Article 95, Paragraph 1);
- 9) does not apply measures of crypto-protection, anti-electronic security and other measures for protection (Article 102);
- 10) does not inform the population and the Ministry of Defense about the danger of war operations, natural disasters, epidemics, technical catastrophes and other accidents which can endanger people and materiel assets (Article 104, Paragraph 2);
- 11) does not permit installation and operation of public alerting devices (Article 106, Paragraph 1);
- 12) does not build shelter and other facilities for protection (Article 111, Paragraph 2);
- 13) does not keep secret data of the defense and perform the measures determined for protection of the secret data (Article 138, Paragraph 2);

14) performs air-photographing and other types of research without a letter of approval by the Government or the Ministry of Defense (Article 141).

The authorized person of the trade company, public enterprise, institution or service will be punished with 5000 to 30,000 denars fine or imprisonment up to 60 days for breaching Paragraph 1 of this Article.

A foreign trade company or business-individual will be punished with the punishment from Paragraph 1 of this Article if he fails to make his assets or animals available based on the materiel obligation.

Article 171

The authorized person of the local self-management unit will be punished with 5000 to 30,000 denars fine or imprisonment up to 60 days if he he/she fails to take measures for protection and rescue of citizens and assets and prepare for fulfilling his/her obligations in the area of defense (Article 100).

Chapter XVIII: Transitional And Final Regulations

Article 172

Regulations issuing of which is foreseen by this Law will be issued in period of one year from the day it is put in effect, except for the Articles 142,143 and 144 - Chapter 12 Planning, which will be passed in 2 years at the most.

Article 173

The Defense Law (Official Register of the Republic of Macedonia No. 8/92 and 30/95) is no longer in effect the moment this Law is put in effect.

Supplemental regulations issued in accordance with the Law from Paragraph 1 will be valid until provisions of Article 172 of this Law are put in effect, if not in collision with the provisions of this Law.

Article 174

This Law is put in effect the eight day from its publication in the Official register of the Republic of Macedonia.