

LAW ON FOREIGN TRADE

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I. GENERAL PROVISIONS

Article 1

This Law shall apply to the importation of goods and services from foreign countries and to the exportation of goods and services to foreign countries.

Article 2

For the purposes of this Law:

- ***threat of serious injury*** - shall be understood to mean serious injury to the position of the domestic industry that is clearly imminent.
- ***serious injury*** – shall be understood to mean a significant overall impairment in the position of a domestic industry.
- ***injury*** – shall be understood to mean material injury to a domestic industry, threat of material

Article 3

Trade companies and other legal entities (hereinafter referred to as “company(ies)”) registered for trading may engage in foreign trade and commercial activities abroad.

Article 4

The right to conduct foreign trade operations shall be acquired by virtue of entering a company into the Trade Registry on the date of such registration.

II. TERMS FOR CONDUCT OF FOREIGN TRADE OPERATIONS

Types of Imports and Exports

Article 5

personal consumption in compliance with the regulations governing trade in goods on domestic markets, over a period of not less than three years.

The companies referred to in paragraph 1 of this Article may entrust the provision of services with other domestic companies or entrepreneurs.

A company engaging in provision of services in the foreign trade may represent foreign persons for the type of services that it provides in the foreign trade without being registered in the trade Registry for representation of foreign persons.

The Government prescribes in detail the terms for the conduct of the activities referred to in paragraph 1 of this Article.

Intermediation

Article 8

A company may freely purchase goods abroad and import or temporarily import such goods for the purpose of re-export, or directly trade with such goods abroad (intermediation).

The Ministry of Economy shall approve the activities referred to in paragraph 1 of this Article provided that they do not disturb the regular export of goods, or they ensure higher use of the production capacities, or operations under international agreements, or provide increased inflow of foreign currencies traded on the foreign exchange market, or decrease the due outstanding claims of certain countries, or balance the trade.

III. IMPORT AND EXPORT SAFEGUARD MEASURES

Measures Introduced to Protect Domestic Production Against Increased Imports

Article 9

If in a short period of time the imports of particular products increases, in volume or in relation to the domestic production, and if such increase causes injury or threatens to cause serious injury to the domestic production of that or like products, the Government shall apply appropriate safeguard measures (hereinafter referred to as “measures”) in order to remedy the injury and distortions caused by such imports .

Measures referred to in paragraph 1 of this Article shall be applied to all imported products irrespective of the country of their origin or the country from which they were imported.

Measures referred to in paragraph 1 of this Article may only be applied if the existence of

Should the investigation referred to in paragraph 3 of this Article determine that the injury to the domestic industry was caused by factors other than the increased imports of certain products effected at such time, the measures referred to in paragraph 1 of this Article may not be applied.

The investigation referred to in paragraph 3 of this Article shall be administered by the Ministry of Economy. All parties concerned – importers and exporters shall be invited to

The duration of the provisional measure referred to in paragraph 1 of this Article shall not exceed 200 days. During that period, the Ministry of Economy shall initiate an investigation in conformity with Article 9 of this Law.

If subsequent investigation does not determine that the increased imports have caused

In exceptional cases, the Government may prescribe again safeguard measures with duration of 180 days or less to the import of a product if at least one year has elapsed since the date of the introduction of a safeguard measure on the import of that product and if such safeguard measure has not been prescribed on the same product more than twice in the preceding five year period.

Article 13

In case of introduction of measures under Article 9 of this Law, the Government may, on request from the exporting country, agree to grant such country adequate trade compensation for the adverse effects that the application or the extension of a safeguard measure in the Republic of Macedonia may have on the trade of such country.

Article 14

The Minister of Economy shall prescribe in detail the manner, procedure and terms for the implementation of the measures under Articles 9, 10, 11 and 12 of this Law.

Quantitative Restrictions or Restrictions in Value

Article 15

If it is determined that the increased import of certain goods may disturb the balance of payments of the Republic of Macedonia, or if such increased imports cause or threaten to cause serious injury to the domestic industry, the Government may, upon a proposal by the Ministry of Economy, impose safeguard measures in the form of quantitative restrictions or restrictions in value on the import of such goods.

Article 16

The Government may, upon a proposal of the Ministry of Economy, impose safeguard measures in the form of quantitative restrictions or restrictions in value, when the increased

Notwithstanding paragraph 2 of this Article, the Government may change the manner of

Applicants shall be informed about the results of the distribution.

Applicants who have been denied licenses shall be informed, in writing, 4c6p19

- the causal link between dumped imports and the injury caused by such imports to the domestic industry.

The Ministry of Economy may carry out the procedure without the written request by the producers, if there is enough evidence for the existence of dumped imports, as well as for injury to the domestic industry caused by the imports and for the existence of the causal link between the dumped imports and the injury, justifying the procedure.

The anti-dumping duty referred to in Article 19 of this Law may not be higher than the dumping margin. The anti-dumping duty may be lower than the dumping margin if such lesser duty would be adequate to remove the injury to the domestic industry.

The anti-dumping duty shall remain in force for the period necessary to prevent the dumping which caused injury to the domestic industry. The Ministry of Economy shall review, after a certain period of time, the need for the application of such anti-dumping duty, upon its own initiative or upon request by an interested party, if such party can justify the request for review of the anti-dumping duty.

The Government of the Republic of Macedonia shall prescribe the procedure and manner of determining an anti-dumping duty.

Measures Against Subsidized Imports

Article 21

The Government may, upon a proposal by the Ministry of Economy, impose a countervailing duty on an imported product if:

- the product has benefited from a production or export subsidy in the country of origin or country of exportation, except in situations where the subsidy in question is non-actionable in accordance with the relevant international agreement ratified by the Republic of Macedonia,
- the subsidized imports cause or threaten to cause material injury to a domestic industry or may hamper the economic development.

In the context of this Article, countervailing duty means the special duty levied for the purpose of offsetting any subsidy bestowed directly or indirectly upon the manufacture, production or export of any merchandise.

Article 22

A request for imposition of a countervailing duty shall be made by all domestic producers of certain product or by the producers whose collective output constitutes the major part of the total domestic production of such product.

The request in a written form shall be submitted to the Ministry of Economy. An investigation shall not be initiated unless the Ministry has determined that the request was made

by or on behalf of the domestic producers of the like product in the Republic of Macedonia referred to in paragraph 1 of this Article.

The request referred to in paragraph 1 shall include sufficient evidence of:

- the existence of a subsidy and, if possible its amount;
- the injury to domestic production within the meaning of Article VI of GATT 1994
- the causal link between the subsidized imports and the alleged injury to domestic production.

The Ministry of Economy may decide to initiate the investigation referred to in paragraph 1 of this Article without having received a written request by or on behalf of the producers suffering the alleged injury, if it has sufficient evidence of the existence of a subsidy, injury and causal link to justify the initiation of an investigation.

The Ministry of Economy shall, after the completion of the investigation, determine whether there are sufficient grounds to impose a countervailing duty and shall determine the amount of such duty corresponding to the amount of the subsidy. The amount of the countervailing duty may be lower if such lesser duty would be adequate to remove the injury to the domestic industry.

The countervailing duty shall remain in force for the period necessary to remedy the injury caused to domestic production. The Ministry of Economy shall review, after a certain period of time, the need for maintaining the application of the countervailing duty, on its own initiative or upon request by an interested party which has justified the need to review such countervailing duty.

The Government shall regulate the procedure and manner of determining the countervailing duty.

IV. SURVEILLANCE OF IMPLEMENTATION

Article 23

Surveillance of the implementation of this Law and the regulations thereof shall be carried out by the Ministry of Economy.

The surveillance of the implementation of the provisions of this Law shall be carried out by the State Market Inspectorate and other inspection and customs bodies, pursuant to their authority as provided by law.

V. PENALTY PROVISIONS

Article 24

A legal entity shall be levied with a fine amounting from 80.000 to 250.000 MKD for an offence, if:

- it engages in foreign trade activities without being registered in the Trade Registry (Article 4);

- when engaging in imports and exports, it does not conform to the regulation of the Government of the Republic of Macedonia for the classification of goods by types of import and export (Article 6);
- it does not conform to the terms and conditions of a concluded agreement (Article 7);
- in its imports of goods, it does not conform to the safeguard, provisional, extended and re-introduced safeguard measures introduced for the purpose of eliminating the distortion (Articles 9, 10, 11 and 12);
- it conducts imports and exports of goods inconsistent with Articles 15, 16 and 17.

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