

LAW ON AUDIOVISUAL GOODS
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I. GENERAL PROVISIONS
Subject of the regulation
Article 1

This law shall regulate the conditions and the manner of operation of film archives, the film archive activities, their establishment, types of film archives, organization, coordination, rights and obligations of the holders of the audiovisual goods, supervision, professional titles and other issues of significance for the performance of the activity of protection of audiovisual goods.

Audiovisual goods

Article 2

Audiovisual goods in accordance with this law shall mean:

- audiovisual goods (source material and a tone copy of a feature, documentary, animated, experimental and an alternative film, as well as another audiovisual work expressed in the form of related motion pictures with or without tone, irrespective of the type of fixation containing them, with a purpose of public broadcasting) and
- the ancillary materials related to motion pictures, such as written documentation, scenarios, recording books, script and costume sketches, costumes, script props, microfilms, slides, posters and other propaganda materials.

Protected audiovisual goods

Article 3

(1) The audiovisual goods stipulated in article 2 of this law, which, because of their values, properties, content or functions, have cultural, scientific or historic significance and are recorded in the inventory book of a public film archive or if they are otherwise protected, shall be protected as cultural heritage, in accordance with this law and the Law on Protection of Cultural Heritage.

(2) The mandatory copy that is submitted to the Film Archives of Macedonia, specified by this law, shall be considered as cultural heritage of great significance and protected by law, in accordance with the Law on Protection of Cultural Heritage.

Meaning of certain terms used in this law

Article 4

(1) Archive copy, within the meaning of this law shall be a tone copy of an audiovisual good, intended for safekeeping and protection for cultural, scientific and historic needs.

(2) Source material, within the meaning of this law shall mean all records of picture and tone which represent the basis for creating an audiovisual good.

(3) A producer, within the meaning of this law, shall be a producer registered in the Central Registry of the Republic of Macedonia which has the activity of film production under the category of predominant activity.

Film archives

Article 5

(1) Film archives shall be a non-profitable institution in the area of culture.

(2) The film archives shall perform research, collection, recording, cataloguing, technical and scientific processing, safekeeping, protection and presentation of the audiovisual goods.

Audiovisual goods protection activity

Article 6

- (1) The audiovisual goods protection activity shall be an activity of public interest.
- (2) The audiovisual goods protection activity, in accordance with the provisions of this law, shall be performed by the film archives and the individual audiovisual collections, provided that they are registered to perform the audiovisual goods protection activities (hereinafter in the text: film archives).
- (3) The audiovisual goods protection activity can also be performed by other legal entities, provided that they are registered for the audiovisual goods protection activity and that they perform this activity in a specially organized part and under conditions specified in this and other laws, as film archives within.

Application of other regulations

Article 7

- (1) The provisions of the Law on Culture shall apply to the establishment, work and the termination of film archives, management, administration, decision making, financing and the administrative supervision, unless otherwise specified by other laws.
- (2) The protection of audiovisual goods shall be performed in accordance with this law, the Law on Protection of Cultural Heritage.
- (3) The Law on Copyright and Related Rights shall apply to the performance of the protection of audiovisual goods activity.

II. TYPES OF FILM ARCHIVES AND ESTABLISHMENT

Types of film archives according to the founder

Article 8

- (1) The film archives, according to the founder can be public (national and local) and private.
- (2) A national film archive can be established by the Government of the Republic of Macedonia, and a local film archive can be established by the municipalities, the city of Skopje and the municipalities within the city of Skopje.
- (3) A private film archive can be established by a domestic or foreign legal entity or natural person, in a manner and under conditions specified with this and other laws.

Special conditions for starting the work of the film archive

Article 9

- (1) A film archive, in accordance with the law may start working if it fulfills the following special conditions:
 - 1) the start up funds should be secured;
 - 2) funds that will ensure sustainable performance of the activity should be secured;
 - 3) a report for the establishment of the film archive should exist;
 - 4) appropriate premises and equipment for safekeeping and utilization of the audiovisual goods should be provided for;
 - 5) appropriate fund of audiovisual goods should be provided for and
 - 6) appropriate professional staff should be employed.
- (2) The minister managing the state administration authority responsible for handling matters in the field of culture (hereinafter in the text: minister) shall enact a decision

regarding the fulfillment of the conditions stipulated in paragraph (1) of this article, after having obtained a previous opinion from the competent main film archive stipulated in article 17 of this law.

(3) An appeal may be lodged against the decision stipulated in paragraph (2) of this article to the commission at the Government of the Republic of Macedonia. The appeal shall not suspend the enforcement of the decision.

(4) The standards for determining the types of film archives, their work, accommodation and safekeeping of the audiovisual goods, shall be prescribed by the minister.

III. ESTABLISHMENT, MANAGEMENT, ADMINISTRATION, AND FINANCING OF LOCAL AND PRIVATE FILM ARCHIVES

Establishment of local film archives

Article 10

(1) The council of the municipalities, the city of Skopje and the municipalities within the city of Skopje, shall enact a decision to establish a local film archive in accordance with the conditions and standards specified by this law.

(2) The local film archive shall have a statute which shall regulate the work and the organization of the film archive, the name, the headquarters, the scope of work and other issues significant to the work of the film archive, determined with this or other laws.

(3) The council of the municipalities, the city of Skopje or the municipalities in the city of Skopje shall provide their agreement to the statute.

Administration of local film archive

Article 11

(1) The local film archive shall be administered by a director.

(2) The mayor shall select and dismiss the director of the film archive.

(3) The director of the film archive shall be selected by way of a public competition published in the means for public information, no later than three months before the expiration of the term of office of the previous director. The competition shall be published by the Mayor.

(4) The candidates shall submit the necessary documents in accordance with the requirements of the competition to the Management Board of the film archive. The director candidates shall also submit their proposed program for the development of the film archive.

(5) The documents received shall be reviewed by a three member committee formed by the management board of the film archive. The committee shall be obligated to review the submitted documents within five days after the end of the competition.

(6) The committee shall submit a proposal short list of candidates to the mayor.

(7) The mayor shall select the director within 15 days from the day when he/she received the proposed short list.

(8) The director shall be selected for a term of office of four years.

(9) The candidates that were not selected shall have the right to file an appeal within eight days from the day when they received the decision of the mayor, with reference to the implementation of the procedure for selection of a director, to the Second Instance Committee at the Government of the Republic of Macedonia responsible for resolving matters from the area of labor relations matters.

(10) Against the decision of the Committee stipulated in paragraph (9) of this article, the candidate shall have the right to file a complaint to the competent basic court.

(11) The special conditions and the procedure for selection and dismissal of the director shall be regulated with the statute of the film archive.

(12) In the event when a director of the film archive has not been selected or if his/her term of office ended prematurely, the mayor shall immediately appoint an acting director, without a competition, from the pool of employees. The acting director shall be appointed

for the time period until the selection of the director of the film archive, but not for a period longer than six months.

(13) The acting director shall have all the right and obligations of the director of the film archive.

Management of local film archives

Article 12

(1) The management authority of a local film archive shall be the management board.

(2) The management board shall comprise five representatives that shall be appointed by the council of the municipalities, the city of Skopje or the municipalities within the city of Skopje, of which three representatives shall come from the pool of renowned individuals in the area of culture and two representatives shall come from the pool of employees in the film archive.

(3) The management board of the film archive shall enact the statute of the film archive, shall determine the policies and the principles for the development of the film archive, shall propose the annual work program, the financial plan and the annual financial account of the film archive and shall perform other matters specified in the establishment act and the statute of the film archive.

Financing of local film archives

Article 13

(1) The funds for financing the activity of the local film archives shall be provided in a manner and procedure specified by law.

(2) The film archives shall submit to the council of the municipalities, the city of Skopje or the municipalities within the city of Skopje an annual work program, a performance report and a financial plan, for their adoption.

(3) The funds for the establishment and work of the local film archives shall be provided from the budget of the municipality.

Establishment of private film archives

Article 14

(1) A private film archive can be established by a domestic or a foreign legal entity or a natural person, under the conditions stipulated with this and other laws.

(2) The film archive fund of a private museum shall acquire the status of a protected good, if after implementing the procedure specified in the Law on Protection of Cultural Heritage, an appropriate protection act is enacted with reference to that film archive fund.

(3) In the events specified in paragraph (2) of this article, the work of the private film archives shall be subject to the provisions applicable to the holders of protected goods, in accordance with the Law on Protection of Cultural Heritage.

IV. WORK OF FILM ARCHIVES

Work of film archives

Article 15

The film archives shall perform the following activities, in particular:

- collect, safekeep and present audiovisual goods,
- collect and safekeep of technical objects and materials that refer to the audiovisual goods,
- undertake technical and protective measures for protection of the audiovisual equipment for presentation of audiovisual goods on different media,
- undertake measures for protection of the audiovisual goods on newly established media,

- create funds and collections of audiovisual goods of domestic and foreign origin,
- keep records and documentation for the audiovisual goods and form and maintain a database,
- issue bibliographical records,
- catalogue the audiovisual goods in accordance to international standards,
- enable access to their collections for citizens, cultural and educational institutions, scientific institutions, associations of citizens and other legal entities for the purpose of utilizing the audiovisual collections for scientific, educational and cultural purposes,
- promote the audiovisual heritage as a way to affirm cultural diversity,
- organize public presentation of the audiovisual goods,
- publish information related to its work through publications and
- perform other activities specified by law and statute.

Main film archives

Article 16

For the purpose of promotion and coordination of the work of the museums on the Territory of the Republic of Macedonia, this law and the Law on Protection of Cultural Heritage shall provide for a main film archive. The National Institution – Film Archive of Macedonia (hereinafter in the text: Film Archives of Macedonia) shall be determined as the central national institution with the function of a main institution.

Work of the Film Archive of Macedonia

Article 17

(1) The film archive of Macedonia shall perform the following works:

- collecting, safekeeping, restoring and presentation of audiovisual goods of domestic and foreign origin and audiovisual documentation of cultural, artistic, historic or scientific interest,
- collection, safekeeping and restoration of technical objects and materials that relate to the audiovisual goods, and that are of cultural, scientific and historic significance,
- undertaking of technical and protection measures for protection of the audiovisual equipment for presentation of the audiovisual goods on different media,
- undertaking of measures for protection of audiovisual goods on newly established media,
- organization of the cooperation between the film archives in the Republic of Macedonia;
- coordination of the work of the film archives,
- provision of an opinion to the minister about the fulfillment of the conditions stipulated in article 9 of this law,
- creation of funds and collections of audiovisual goods of domestic and foreign origin,
- keeping records and documentation for the audiovisual goods and formation and maintenance of a database,
- publication of bibliographic records,
- cataloguing of the audiovisual goods in accordance with international standards,
- studying, researching and scientifically processing the issues from the area of audiovisual goods protection,
- provision of technical assistance to the holders of the audiovisual goods,
- enabling access to its collections for the citizens, the cultural and educational institutions, scientific institutions, associations of citizens and other legal entities for the purpose of using the audiovisual collections for scientific, educational and cultural purposes,
- promotion of the audiovisual heritage as a way to affirm the cultural diversity,
- organization of public presentations of audiovisual goods,
- publication of information related to its work through publications, magazines, exhibitions and creation of a web site,
- provision of initiatives for enactment of regulations and measures for promotion of the audiovisual goods protection activity,
- participation in international programs for cooperation and exchange of information on 5

- the method and the techniques for preservation of the audiovisual goods,
- membership in the appropriate international associations,
 - supervise the submission of the mandatory copy,
 - monitor the circumstances in the audiovisual goods protection activity,
 - caring about the professional education and training of the professional staff in the activity,
 - undertaking of measures for networking with the European centers for protection of audiovisual goods, as relevant associations in this area and
 - performing of other activities specified by the law and the statute.

Other activities of the film archives

Article 18

- (1) When performing their predominant activities as well as the related activities, the film archives shall also perform activities of interest for science and education.
- (2) The film archives shall develop forms for popularization of the significance of the cultural and scientific values of the audiovisual goods.
- (3) The film archives shall present the technical objects and ancillary materials by organizing permanent and temporary exhibitions.

Collection of audiovisual goods

Article 19

- (1) The film archives shall acquire audiovisual goods through voluntary copy, purchasing, gifts, exchanges, legates, endowments, , as well as through relinquishing and receiving objects from other legal entities and natural persons.
- (2) In addition to the methods for collection stipulated in paragraph (1) of this article, the Film Archive of Macedonia shall also collect audiovisual goods through the submission of the mandatory copy.
- (3) The provisions of the Law on Copyright and Related Rights shall apply to the collection of the audiovisual goods.

Mandatory copy

Article 20

- (1) For the purposes of protection, safekeeping and utilization of the audiovisual goods, a mandatory copy shall be submitted to the Film Archive of Macedonia in accordance with this law.
- (2) The producer of audiovisual goods (feature, documentary, experimental and alternative film), immediately after the realization, shall submit to the Film Archives of Macedonia an unused tone copy of the audiovisual good, irrespective of the fixture, together with the accompanying documentation.
- (3) The producer stipulated in paragraph (2) of this article, for the audiovisual goods financed with funds from the Budget of the Republic of Macedonia, two years after their premiere presentation, shall submit to the Film Archive of Macedonia the source material or the audiovisual goods.
- (4) A producer from the Republic of Macedonia, participating in the coproduction of an audiovisual good, which used funds from the Budget of the Republic of Macedonia, shall, immediately after the realization, submit an unused tone copy of the audiovisual good to the Film Archive of Macedonia.
- (5) A producer from the Republic of Macedonia, which participated with funds from the Budget of the Republic of Macedonia in the majority of the coproduction of the audiovisual good, within two years from the premiere presentation shall submit the source material of the audiovisual good to the Film Archive of the Republic of Macedonia.
- (6) The distributes of audiovisual goods intended for presentation in cinemas, after the expiration of the license for presentation on the territory of the Republic of Macedonia shall

submit to the Film Archive of the Republic of Macedonia one, most preserved copy of each audiovisual good.

(7) The producers of broadcasting programs of public interest, financed with funds from the broadcasting fess, shall submit an unused copy to the Film Archive of the Republic of Macedonia.

Voluntary copy

Article 21

(1) The broadcasting organization, upon a request from the film archives, may submit an unused copy of their own feature, documentary or animated television production.

(2) The holders of audiovisual goods, upon a request from the film archives may submit a copy of the audiovisual goods.

(3) The film archives may, upon a request from the Film Archive of Macedonia, submit a copy of the audiovisual goods.

(4) The costs for depositing and manufacturing of the copy shall be covered by the entity requesting it.

Agreement for accessibility and utilization of the deposited copy

Article 22

(1) The Film Archive of Macedonia and the entities stipulated in article 20 of this law, as well as the entities stipulated in article 21 of this law, shall sign agreements regulating the rights to access and use of the audiovisual goods, in accordance with the Law on Copyright and Related Rights.

(2) The film archives can allow the depositor to make a copy of the deposited material at his/her expense, if this is allowed by the regime of protection of the good and if the copyright and related rights have been regulated.

Accessibility and utilization of the audiovisual goods

Article 23

(1) The audiovisual goods deposited in the film archives shall be accessible to the public and can be used for cultural, scientific, educational and commercial purposes, under conditions determined with the regime of protection of the goods and in accordance with the Law on Copyright and Related Rights.

(2) The archive copy and the source materials of the audiovisual goods shall not be used.

(3) Notwithstanding, the objects stipulated in paragraph (2) of this article can be used if this is necessary for the purpose of making new copies, in order to ensure protection and for the needs of the holders of the copyright and the related rights.

(4) If the requested audiovisual goods are insufficiently protected or have been seriously damaged during use, the film archives shall offer to the user copies of the audiovisual good transferred onto a digital medium, microfilm or otherwise protected.

(5) The following audiovisual goods shall not be available for use:

- if they are being professionally and scientifically processed or if the deadline for scientific ownership has not expired,
- if they are damaged to such an extent which precludes their use,
- if they are momentarily unavailable for other reasons and
- contain information that have been classified.

(6) The film archives shall be obligated to explain the reasons why the requested audiovisual goods cannot be used and to provide information when these goods will be available for use.

Obligations of the users

Article 24

- (1) The users of services shall be obligated to comply with the rules for use of audiovisual goods in accordance with the law and the acts of the film archives.
- (2) The film archives shall be obligated to announce the rules for their rights and obligations to the users in an appropriate and transparent way.
- (3) The user that does not comply with the prescribed rules may be prevented from further use of the audiovisual goods.
- (4) The user that, while using the audiovisual goods, caused damages to the goods, shall be obligated to cover the costs for the conservation or restoration of the good.
- (5) The user shall be obligated not to abuse the personal information protected by law and the information protected by the Law on Copyright and Related Rights.
- (6) The user shall be obligated to use the goods in accordance with the Law on Copyright and Related Rights.

Approval to use

Article 25

- (1) The film archives, within eight days from the day when they receive the request from the interested party, shall issue an approval to use the audiovisual goods.
- (2) The request should contain the following information:
 - personal information about the user,
 - information about the audiovisual goods that the user needs to use,
 - purposes for using the audiovisual goods and
 - topic, area that the user wants to explore.
- (3) The approval stipulated in paragraph (1) of this article shall indicate the time, the place and the methods of use.
- (4) If the film archives, within eight days from the day when they receive the request from an interested party, fail to issue an approval to use the audiovisual goods, it shall be considered that a positive approval was issued.

Fee for the use

Article 26

- (1) The use of the audiovisual goods shall be without any fee.
- (2) The film archives shall determine an appropriate fee for performing special services related to the use of the audiovisual goods (photocopying, microfilming, scanning, photographing and other forms of reproduction, copying on magnet, optical and other media, conservation and restoration of the audiovisual goods etc).
- (3) The film archives shall determine the type of services and the level of fee with a general act.
- (4) The level of the fee shall be determine on the basis of the complexity of the requested service, the use of technical means, exploitation of the audiovisual good, the technical work required, as well as the objectives the service is required to fulfill.

Exchange and relinquishing

Article 27

The audiovisual goods of the film archives, for the purposes of filling collections or achieving an efficient protection and improved presentation, can be exchanged or temporarily or permanently relinquished to other public institutions for protection of cultural heritage and other holders of audiovisual collections in a procedure prescribed by the Law on Protection of Cultural Heritage and in accordance with the Law on Copyright and Related Rights.

Safekeeping of audiovisual goods

Article 28

For the purpose of permanent maintenance and utilization of the audiovisual goods, the film archives shall be obligated to keep such goods in standardized conditions and using modern technical means that provide for complex and efficient protection.

Revision of the audiovisual goods

Article 29

- (1) The film archives shall be obligated to review the status of the audiovisual goods.
- (2) The revision shall determine the condition of the audiovisual goods and the need to undertake appropriate measures in order to ensure efficient protection.
- (3) The revision of the audiovisual goods shall be performed at least once every five years.

Removing the audiovisual goods from the records

Article 30

- (1) Audiovisual goods in film archives can be removed from the records in the inventory book on the basis of an act for termination of protection, in a manner and procedure prescribed with the Law on Protection of Cultural Heritage or other laws.
- (2) The removal of the audiovisual goods that are not recorded in the inventory book shall be performed in a manner and procedure determined with the statute of the film archives.

V. RIGHTS AND OBLIGATIONS OF HOLDERS OF AUDIOVISUAL GOODS

Holders of audiovisual goods

Article 31

- (1) Holders of audiovisual goods, within the meaning of this law, shall be legal entities or natural persons that, on the basis of any legal grounds, possess audiovisual goods and that have not been registered to perform the audiovisual goods protection activity.
- (2) Holders of audiovisual goods, within the meaning of paragraph (1) of this article shall also be legal entities registered to perform the broadcasting activity, which create funds of audiovisual goods.
- (3) The holders stipulated in paragraphs (1) and (2) of this law, for audiovisual goods for which there is a reasonable assumption that they are cultural heritage, shall be obligated to allow the Film Archive of Macedonia to make the necessary examinations and investigations of the goods in order to establish a regime of protection.
- (4) The holders stipulated in paragraphs (1) and (2) of this article that create audiovisual goods of their own production, for which there are reasonable assumptions that they have cultural, historic, scientific etc., significance, and that, objectively are not able to provide proper spatial and technical conditions for safekeeping of these goods, can transfer these goods to the Film Archives of Macedonia for protection.
- (5) The Film Archive shall be obligated to receive the goods stipulated in paragraph (4) of this article.
- (6) The holders stipulated in paragraphs (1) and (2) of this article shall have the right to seek technical assistance from the Film Archive of Macedonia, free of charge, with respect to the safekeeping, usage and protection of the audiovisual goods.
- (7) The Film Archives of Macedonia shall be obligated to provide the requested technical assistance.

VI. RECORDS, DOCUMENTATION, AND MAINTENANCE OF A REGISTER

Records and documentation for audiovisual goods

Article 32

- (1) The film archives shall be obligated to keep museum records and audiovisual goods documentation.
- (2) The film archive records shall comprise an entry ledger, inventory book, exit ledger, index of audiovisual goods, catalogue of audiovisual goods, electronic database and other types of records.
- (3) The audiovisual goods documentation contains data about audiovisual goods, which are necessary for the technical processing, identification, method and state of acquisition, any changes, the processing processes of the objects etc.
- (4) The technical processing of the audiovisual goods shall be performed within one year from the day when it was registered in the entry ledger and until it is registered in the inventory book.
- (5) The Minister shall prescribe the form, content and method of registration in the entry ledger, the inventory book, the exit ledger, the index and other types of records and documentation.

Central registry of published audiovisual goods

Article 33

- (1) The Film Archive of Macedonia shall maintain a central registry of published audiovisual goods.
- (2) The film archives and the holders of audiovisual goods, stipulated in article 31 of this Law shall be obligated to submit information to the Film Archive u1085 of Macedonia for the purposes of the Central Registry stipulated in paragraph (1) of this article.
- (3) The Minister shall prescribe the content, the maintenance, safekeeping and utilization of the data of the Central Registry stipulated in paragraph (1) of this article.

VII. PROFESSIONAL TITLES

Performance of professional activities in the film archives

Article 34

The professional activities in film archives shall be performed by employees with elective professional titles, with non-elective professional titles and employees with other professional and scientific titles.

Elective professional titles

Article 35

The professional activities in a film archive shall be performed by employees with the following elective titles:

- senior filmologist and
- filmologist advisor.

Special conditions for selection of senior filmologist

Article 36

- (1) The following persons can be elected to the position of a senior filmologist:
 - 1) A person with a master degree from the appropriate area and three years of working experience as a filmologist or at least ten years of working experience as a filmologist;
 - 2) A person who has published and realized projects of significance for the promotion of the

audiovisual goods protection activity and

3) A person capable of independently organizing the technical part of the work.

(2) Elections for the position stipulated in paragraph (1) of this article shall be held once every five years.

Special conditions for selection of a filmologist advisor

Article 37

(1) The following persons can be elected to the position of a filmologist advisor:

1) A person that has a doctoral degree from the appropriate area and three years of working experience as a senior filmologist or at least ten years of working experience as a senior filmologist;

2) A person that has published and realized professional projects of special significance for the promotion of the protection of audiovisual goods activity in the narrow area for which he/she is elected and

3) A person that is highly independent when organizing the technical part of the work.

(2) The person elected to the position stipulated in paragraph (1) of this article can be reelected after the expiration of every fifth year.

(3) The person elected to the position stipulated in paragraph (1) of this article shall not be reelected after the first reelection.

Competence and procedure for election and reelection to a professional position

Article 38

(1) The election and reelection to elective professional titles stipulated in articles 36 and 37 of this law shall be performed by the Minister, in accordance with the Law on Protection of Cultural Heritage, on the basis of an assessment of the review committee.

(2) The procedure for election and reelection to a professional position shall be instigated upon a request from the interested professional employee. The procedure for reelection can also be initiated by the director of the film archive or by the management authority of the film archive, no later than three months before the expiration of the deadline for reelection.

(3) The review commission stipulated in paragraph (1) of this article shall comprise of at least three members, selected from the pool of persons that have at least the same title as the title which is being elected or reelected, or which have an appropriate scientific title. More than half for the members of the Commission shall be people from the same professional area as the candidate which is being elected.

(4) The review commission shall submit a written a time period specified in the act with which the commission is formed.

(5) The report stipulated in paragraph (4) of this article shall contain biographical information about the candidate, overview and assessment of his/her work and an evaluation whether the candidate has fulfilled the conditions for election or reelection.

(6) The procedure for election and reelection to a professional position shall last for at most three months.

Non-elective professional titles

Article 39

The technical activities in the museum shall be performed by employees with non-elective professional titles that have completed the appropriate secondary education for the profession of a film technician, appropriate higher education for the title of senior film technician, and appropriate university education for the title filmologist, in accordance with the general acts of the film archives.

Other titles

Article 40

Certain technical activities in museums can be performed by employees that have scientific titles, as well as professional titles in the area of protection of cultural heritage, the archives material and other employees in accordance with the general acts of the film archive.

VIII. SUPERVISION

Performance of supervision

Article 41

(1) The Ministry of Culture shall supervise the implementation of this Law.

(2) During the supervision of the work of the municipal authorities, the Ministry shall perform the following activities:

1) Monitor the legality of the work of the municipal authorities and shall undertake measures and activities and shall initiate the realization of the competences of the municipality in accordance with this law;

2) Assess whether the municipal authorities ensure that the municipal competences are performed in accordance with the standards and procedures determined with this law;

3) Provide recommendations regarding the consistent implementation of the municipal competences within the frameworks determined by this law, upon a request from the municipal authorities;

4) Monitor the legality of the decisions enacted by the mayor with reference to the resolution of individual rights during the process of selecting a film archive director and

5) Provide timely information to the municipal authorities about the conclusions made by the supervision regarding the work of the municipal authorities and about the undertaken measures.

(3) The Ministry of Culture shall perform inspection supervision over the implementation of this law through the inspectorates of culture in accordance with the Law on Culture and the Cultural Heritage Protection Office in accordance with the Law on Protection of Cultural Heritage.

IX. MISDEMEANOR PROVISIONS

Misdemeanor sanctions

Article 42

(1) A fine in the amount of the MKD equivalent of 1,500 to 2,000 EUR shall be imposed for a misdemeanor against the legal entity if:

1) it performs the activity without a decision that it fulfills the conditions to start working as a film archive (article 9, paragraph (2));

2) it fails to submit to the Film Archive of Macedonia an unused tone copy of the good, immediately after the good is completed (article 20, paragraph (2));

3) it fails to submit to the Film Archive of Macedonia the source material of the audiovisual good two years after its premiere presentation (article 20, paragraph (3));

4) it fails to submit to the Film Archive of Macedonia an unused tone copy of the good, immediately after the good is completed (article 20, paragraph (4));

5) it fails to submit to the Film Archive of Macedonia the source material of the audiovisual good two years after its premiere presentation (article 20, paragraph(5));

6) it fails to submit to the Film Archive of Macedonia the most preserved copy of each audiovisual good, after the expiration of the license for presentation of the good on the territory of the Republic of Macedonia (article 20, paragraph (6));

7) it fails to submit to the Film Archive of Macedonia an unused copy (article 20, paragraph (7));

- 8) it fails to keep records and documentation of the audiovisual goods (article 32);
 - 9) it fails to review the audiovisual goods (article 29) and
 - 10) it fails to technically process the audiovisual good within the specified time period (article 32, paragraph (4)).
- (2) For the actions stipulated in paragraph (1) of this article, a fine in the amount of the MKD equivalent of 500 to 800 EUR shall be imposed against the responsible person within the legal entity.

Settlement

Article 43

- (1) For the misdemeanors stipulated in article 42 of this law, the cultural heritage inspectors shall be obligated to propose to the perpetrator of the misdemeanor, a procedure for settlement before filing a request for instigation of a misdemeanor procedure.
- (2) When the perpetrator of the misdemeanor shall agree to the implementation of the settlement procedure, the culture inspector shall prepare minutes which shall indicate the important elements of the misdemeanor, the time, the place and the manner in which the misdemeanor was perpetrated, the description of the actions leading to the misdemeanor and the persons that were found on site.
- (3) The minutes shall also determine the method in which the adverse consequences should be removed, as well as the method in which the consequences arising from the perpetration of the misdemeanor shall be overcome.
- (4) The culture inspector can give a payment order to the perpetrator of the misdemeanor within the framework of the settlement procedure.
- (5) If the perpetrator receives the payment order, then he/she shall be obligated to sign it. The fact that the perpetrator of the misdemeanor received the payment order shall be noted in the minutes.
- (6) When the perpetrator of a misdemeanor is a legal entity, the minutes and the payment order shall be signed by an official or a responsible person that was found on site during the inspection supervision or another official person or responsible person that stated that he/she has the authority to sign the minutes and receive the payment order.
- (7) The statement stipulated in paragraph 6 of this article shall be noted in the minutes.
- (8) The culture inspectors shall be obligated to keep records about the instigated settlement procedures and their outcomes.

Court competence

Article 44

The misdemeanor procedure for the misdemeanors stipulated in article 42 of this law shall be implemented by the competent court.

X. TRANSITIONAL AND FINAL PROVISIONS

Bylaws

Article 45

The regulations that have to be enacted in accordance with this law shall be enacted within at most six months after the day when this law becomes legally effective.

Harmonization of the work

Article 46

The Film Archive of Macedonia shall harmonize its work and the general acts with the provisions of this law within six months from the day of legal effectuation of this law.

Professional titles

Article 47

(1) The persons that have acquired the titles of a senior filmologist and filmologist advisor in accordance with the regulations for protection of cultural heritage, before this law starts to apply, shall have their titles recognized.

(2) The procedures for acquiring the titles of senior filmologist and filmologist advisor, begun in accordance to the regulations for protection of cultural heritage shall be finished in accordance to the provisions of this law.

Renaming of the main film archive

Article 48

On the day when this law becomes legally effective, the National Institution – Film Archive of Republic of Macedonia shall become the National Institution – Film Archive of Macedonia.

Termination of the existing law and termination of the validity of provisions

Article 49

The Law on Establishment of the Film Archives of the Socialist Republic of Macedonia (“Official Gazette of the Republic of Macedonia” no. 20/74) and the provisions of the Law on Mandatory Copy (“Official Gazette of the Republic of Macedonia” no. 11/94) referring to the submission of the mandatory copy to the Film Archive of the Republic of Macedonia shall cease to apply on the day when this law starts to appl.

Legal effectuation of the Law

Article 50

This law shall become legally effective on the eighth day after the day of publication in the “Official Gazette of the Republic of Macedonia”.