

Emerging MACEDONIA

MAGAZINE

SPRING 2015 ISSUE 45
PRICE 300 MKD

WWW.AMCHAM.COM.MK

*of the American Chamber of Commerce
in Macedonia*

Pro-Competition/Anti-Trust Measures: What Companies Need to Know

Photo by: Maja Janevska-Ilieva

Also in this issue:

Macedonia's Recent Social Contributions Fiasco
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AmChams Want Renewal of U.S. Presidential Trade Promotion Authority





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Dear AmCham Macedonia members and friends –

Welcome to the spring 2015 edition of *Emerging Macedonia*. This issue highlights competition regulation trends in the world and in Macedonia, with contributions from two law office members: Karanovic & Nikolic and Cakmakova Advocates in addition to an interview with the Direction of the State Commission on Competition. I hope you'll find it informative and interesting,

It's certainly been a busy period for our organization, with the launch of our Business Visa Program in January, hosting a customer service seminar in February, carrying out an extensive procurement speaker program and hosting a CSR training in March, organizing training for IPR enforcement personnel in April and, most recently, training for tax inspectors on transfer pricing. Not one of these activities would have been possible without the impressive member support and volunteerism that makes our organization unique.

While the country grapples with difficult political challenges this spring and summer, AmCham will continue to serve its membership with networking and learning opportunities, including the launch of a new meeting format called the *Member to Member Learning Series*. These sessions will be both educational and promotional opportunities for our members. AmCham will host 1-2 such sessions per month in its new premises, recruit relevant attendees and cover all logistics and related costs. Presenting members just need to come prepared to share their knowledge, strengthen their network and build their brand profile. Please contact the Executive Office if you're interested!

With best wishes for a beautiful summer,

Michelle Osmanli

Executive Director

Diverging EU and American Views on Competition

Author: Chris Deliso

EU and U.S. approaches to anti-trust laws set the tone globally when it comes to safeguarding competition in these markets and beyond. Thus, the Macedonian business community should keep its eye on both systems. Given Macedonia's EU candidate status, local laws already essentially mirror Brussels' view on anti-trust law, however the country has a very small implementation track record. As U.S. investment increases in Macedonia, it is also more likely that American anti-trust legislation could impact local competition.

Anti-trust Legislation in the European Context

The EU's anti-trust commissioner, Margrethe Vestager, doesn't shy away from tough cases. The European Commission's Directorate General for Competition has been repeatedly grabbing international headlines, including a high-profile case against Google brewing for some time and the recent pronouncement that Russia's Gazprom was being investigated for monopolistic behavior.

But it's not only huge corporations that are targets for anti-competitive and monopolistic practices in the EU. Throughout 2013, some 122 anti-trust cases were investigated in Brussels, while member states tackled another 665. According to Vestager, this indicates "a genuine European system of competition control. The companies that are considering breaking the law should look at these figures and reconsider."

EU anti-trust law derives from the Treaty on the Functioning of the European Union (TFEU).¹ The four pillars of EU policy developed from the TFEU are: control of collusion/cartels (i.e., stopping anti-competitive practices); market dominance controls (preventing firms from exploiting any dominant market positions); mergers,

acquisitions and joint ventures, and control of state aid and subsidies provided (or proposed) by EU states.

The EU differs from the US in this final pillar. As a bloc of sovereign states, the EU requires a certain internal disciplinary capacity to make the European single market actually work. Still, member states do attempt to nefariously skirt the subsidies regulations to support their own national industries. However, Brussels is serious about confronting states on violations. Here, the European Commission's Directorate General for Competition is responsible for overseeing compliance, in cooperation with other Directorates General. One example that involving an organization working in Macedonia was when one of the Directorates ordering a Member State to repay subsidies paid to Malev Hungarian Airlines in 2012.

The American Context

Being a federal republic, the United States has never encountered the EU's existential economic issues. The national economy is inherently one-unlike the forcefully-created EU economic zone.

Throughout 2013, some 122 anti-trust cases were investigated in Brussels, while member states tackled another 665.

American anti-trust legislation itself has different roots, emerging from the late 19th-century 'Age of Industrialization.' The Sherman Act (1890) is described by the Federal Trade Commission as a "comprehensive charter of economic liberty aimed at preserving free and unfettered competition as the rule of trade."² Two

¹ The treaty is available on the official EU website here: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012E/TXT>

² See "The Antitrust Laws," Federal Trade Commission. Available at <https://www.ftc.gov/tips-advice/competition-guidance/guide-antitrust-laws/antitrust-laws>

subsequent laws passed by Congress were the 1914 Federal Trade Commission Act (which created the FTC), and the Clayton Act (which specifies prohibited conduct related to the Sherman Act's ban on cartels and monopolies). However, despite amendments made since, American

There is a cultural divide between US practices and what Europeans consider 'unrestrained' American capitalism. American consumers also seem to have a higher tolerance for monopoly practice than do Europeans. However, this has sparked debate, as with a 2014

This example indicates that European consumer assumptions about regulators' role in protecting consumers are quite different across the Atlantic. Unsurprisingly, American executives would generally not like to see a shift toward the EU approach. A recent op-ed in the Huffington Post exemplified this attitude, in discussing the EU case against Google.

Corporate challenges to US anti-trust legislation have even gone before the Supreme Court.

anti-trust law remains essentially a relic from the Model-T Ford era. This helps explain differences with the EU's approach.

Corporate challenges to US anti-trust legislation have even gone before the Supreme Court. This indicates another factor distinguishing American anti-trust law. Since the courts can adjudicate, European-style strong federal control is limited. This has meant that corporate challenges to such legislation have also been exerted through politics and well-funded lobbyists. A certain semantic aspect also makes US anti-trust legislation more malleable than European: as the FTC notes, "the Supreme Court decided that the Sherman Act does not prohibit every restraint of trade, only those that are *unreasonable*... an agreement between two individuals to form a partnership restrains trade, but may not do so unreasonably, and thus may be lawful under the antitrust laws." In addition, most states have their own anti-trust laws, enforced by local courts.

Where the Two Collide: Differing Conceptions of Trusts and their Effects

The EU's more unique conception of anti-trust legislation has often left American businessmen fuming.

New Yorker article about telecom giant Comcast's desire to buy rival Time-Warner, which would create a virtual monopoly in many areas, affecting consumer broadband pricing. The magazine noted that EU consumers get better prices and broadband speed due to their regulatory practices.

"Why are things so different, and so expensive, in the United States?" mused the *New Yorker*. "There are various answers, but by far the

Google may have manipulated search results, the EU argues, to the detriment of other online companies. The article dismisses this as "just the last episode of a war waged many years ago by European authorities against the U.S. high-tech giants."⁴ Beyond the issues of 'unfair' dominance in search and publishing, the Google debate in Italy involved a possible "Google Tax" law, stipulating that "services and products sold over the Internet can only be purchased by companies with a VAT account registered in Italy." While similar sentiment can be found in other EU states, legislation has not yet appeared.

There is a cultural divide between US practices and what Europeans consider 'unrestrained' American capitalism.

most important ones are competition and competition policy. In countries like the U.K., regulators forced incumbent cable and telephone operators to lease their networks to competitors at cost, which enabled new providers to enter the market and brought down prices dramatically."³

However, as these recent high-profile cases show, the EU-US legislative divide on market competition runs deep. At heart, it reflects different conceptions of the state's role in business as well as society as a whole.

³ See John Cassidy, "We Need Real Competition, Not a Cable-Internet Monopoly," *The New Yorker*, February 13, 2014. Available at <http://www.newyorker.com/news/daily-comment/we-need-real-competition-not-a-cable-internet-monopoly>

⁴ See Andrea Stroppa, "Google Antitrust Case: Can European Institutions Do Anything Other Than Investigate U.S. Tech Companies?" Available at http://www.huffingtonpost.com/andrea-stroppa/google-antitrust-case_b_6999466.html

Pan-European Infringements:

Authors: Leonid Ristev, Attorney of Law in cooperation with Karanović & Nikolić and Božidar Milošević, Associate

Just because you can't see anti-competitive behavior doesn't mean it isn't there. On the contrary, secrecy is a key element for the existence of cartels and an impediment to eliminating them. For this reason, competition authorities are constantly trying to find mechanisms that will enable effective cartel detection. In this regard, the European Commission ("Commission"), the authority charged with enforcing EU competition rules,

outlines its "leniency policy" as a very successful tool for this purpose.

The leniency policy is the possibility for involved companies to report a competition infringement to the Commission (or to another competent authority in another jurisdiction) in exchange for full immunity or at least a reduction of the potential fine. Only one leniency applicant can benefit from full immunity of the fine, in most cases, the first company that provides sufficient information and evidence for initiating an investigation or proving the infringement (in case an investigation is already underway).

As companies pursue cross-border activities beyond EU jurisdiction, primarily into neighboring countries aspiring toward membership ("Accession Countries")¹, alleged infringements are increasing likely to affect these markets as well. Thus, in the case of transnational cartels, potential "whistle blowers" must file leniency applications with the EU Commission and with the competent authority in any affected non-EU jurisdiction. In other words, a competition infringement can easily spill-over, while an EU Commission leniency application might not.

Pan-European Impacts

Considering that anti-competitive behavior among companies is hard to identify and prove, over the last 10 years the Commission intensified its promotion of the leniency policy on both the EU and national levels. In line with the promotion, the Commission presented the European Competition Network Model Leniency Program, a document designed to provide legal certainty to leniency applicants despite dealing with different competition regulators. More practical in its approach, the Model Program introduced a uniform summary application system which enables involved companies within the program's scope to file a full-form leniency application to the Commission and a short-form application to the relevant Member State authority.

¹ For the purposes of this article, the term "Accession Countries" encompasses the countries that showed willingness to become Member States of the EU by fulfilment of the Copenhagen criteria. This includes, inter alia, Bosnia and Herzegovina, Macedonia, Montenegro, Serbia and Turkey.



Spill-over to Accession Countries

Macedonian lawmakers also recognized the need for an effective leniency program and in early 2014, they went beyond the ability to award only legal entities with immunity or reduce fines. Specifically, the Criminal Code was changed to allow legal representatives of involved companies to be released from punishment if s/he significantly contributes to the discovery of prohibited market practices.

In terms of protection of competition within the EU, the strings between the Commission and the respective authorities of Accession Countries are well tied. However, national regulators of the Accession Countries are separate and a very important piece of the competition puzzle concerning transnational cartels that affect their jurisdiction. Subsequently, when it comes to enforcing leniency policy on international cartels, these competition authorities act independently within their jurisdictions.

If an Accession Country's competition authority becomes aware that the Commission sanctioned a cartel that also operated in their jurisdiction, they are likely to launch an investigation. Such an operation would likely have EU practice and know-how behind it, even if the specific details of the case would not be shared. Further, the respective authority would likely obtain information and evidence regarding the cartel in question that would enable them to pursue an efficient and effective misdemeanor procedure.

For example, the Toshiba case – which took place before the Czech Republic acceded to the EU – involved separate prosecution by the Commission and the Czech Competition Authority². In that case, both the Commission and the Czech Competition Authority sanctioned the involved companies to pay fines totaling roughly EUR 790 million.

Conclusion

There is no 'one-stop leniency shop' for competition infringements that affect both EU and Accession Countries. If a company is ready to expose an infringement

² The judgement of the European Court of Justice (Grand Chamber) is available at: http://curia.europa.eu/juris/document/document_print.jsf?doclang=EN&text=&part=1&docid=119427&cid=996212



to the Commission, it should be prepared to file leniency applications simultaneously with all the relevant authorities, lest other parties beat them to it. If the leniency applicant omits this step, the consequences of any potential proceedings before the authorities of affected Accession Countries would not only be counterproductive, but potentially very painful.

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Време добро поминајќо

Control of Concentrations Under Macedonia's Competition Legislation

Author: Vesna Gavriloska, Partner/Attorney at Law in CAKMAKOVA Advocates

An important part of Macedonia's competition legislation¹ and structuring of legal transactions is the control of concentrations, performed by the Commission for Protection of Competition (CPC). The CPC assesses and declares whether a concentration is compliant with the Law or not (guided by the criteria detailed in article 17 of the LPC and the "Guidelines on the term concentration"). As a rule: consumers must benefit from concentration; it should not create obstacles to competition.

Concentrations lead to a change of control on a lasting basis. Practically, concentration arises in each case of e.g. share transfer or even a property transfer (in form of transfer of the ownership right or the right to use all or part of the assets of an undertaking²) or concluding agreements or granting rights or any other means which, either separately or in combination, and considering the actual or legal condition, allow one party to exercise decisive influence over the undertaking (including through the composition, voting or decision-making of the bodies of the undertaking affected).

A merger of two or more previously independent undertakings or parts of undertakings, as well as the creation of a joint venture performing on a long-lasting basis the functions of an autonomous economic entity are other types of concentration.

Parties involved in the concentration need to enter into an agreement (such as merger or share/property transfer agreement) and to announce a public bid for their intention to purchase or acquire a controlling interest in the nominal capital of another undertaking. Parties may also notify the CPC of their serious intention to conclude an agreement.

One important factor in deciding whether the concentration should be reported to the CPC is whether any of the LPC's material thresholds are met: on the value of the annual turnover of participants in the concentration on a global or a relevant product market in RM, and the market share of participant(s) in the concentration. If any of these thresholds (as defined in article 14 of LPC) are met, the CPC must be notified and clearance obtained before closing. This also holds true for



ANALYSIS

transactions where all participants are foreign undertakings.

Defining the relevant market (product and geographical market) is an important step in the notification process which significantly affects the time needed to prepare the notification and the duration of CPC review process itself. The practice and track record of the European Commission Directorate General for Competition (and the CPC, to some extent) is extremely helpful in identifying relevant market segments.

In cases where concentrations are carried out without CPC notification or without being declared legally compliant, the CPC may impose temporary, behavioural and structural measures aimed at restoring competition on the affected relevant market.

Failure to obtain CPC clearance for a transaction can result in serious legal sanctions. Parties in such cases



Photo by: Maja Janevska-Ilieva

will be ordered to sell or transfer the stocks or shares in question or the CPC could prohibit or restrict the exercise of voting rights related with the stocks or shares of the participants in the concentration. It could also order the termination of the joint venture or other forms of acquiring control. Parties also face misdemeanour sanctions and fines of up to 10% of the aggregate annual income of the undertaking in the business year preceding to the year when the misdemeanour was com-

mitted. A temporary ban may also be imposed on the performance of a specific business activity as well as individual bans on practicing one's profession.

For all of these reasons, a professional analysis by competition experts on the need for CPC approval is highly important when structuring any legal transaction, particularly with respect to its legal perfection and maintaining timelines for its successful closing.

1 Due to the obligations undertaken with the Stabilisation and Association Agreement between the Republic of Macedonia (RM) and the European Communities (EC) and their member states and the ongoing process of harmonisation of the Macedonian legislation with the EU acquis, the Macedonian Law on the Protection of Competition (LPC) entered into force on 13 November 2010 (Official Gazette of the RM No. 145/10), as the country's primary source of competition regulation. Its purpose is to ensure free competition on the domestic market to stimulate economic efficiency and consumer welfare. The Law applies to all forms of prevention, restriction or distortion of competition that affect the territory of the RM, even when they are caused by activity outside of the territory of the RM. Further, EU competition criteria are used to assess competition distortions that may affect trade between RM and EC.

2 "Undertaking" refers to any type of business venture, regardless of the manner of its organisation or the form of its management (trade company, sole proprietor, public undertaking, cooperative undertaking, association of undertakings, etc.), freelance professions (attorneys-at-law, doctors, architects, accountants, notaries public, etc.), public undertakings established for performing activities from public interest as well as any other natural or legal person or state authority performing economic activities, regardless whether they are considered traders or not.

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Euroins Insurance S.C. Skopje was established in 1995 under the name of Makosped Insurance AD Skopje. In 2008, over 90% of the entity was acquired by Euroins Insurance Group Bulgaria (EIG). As a member of multinational group, our main goal is to be client-oriented, an example of good practices. The company operates in the non-life insurance segment providing services in over 12 classes of insurance, mainly in motor insurance (over 75% share of the total portfolio), property, accident, cargo and liability insurance.



KEMET Electronics Corporation is a leading global supplier of electronic components. We offer our customers the broadest selection of capacitor technologies in the industry, along with an expanding range of electromechanical devices, electromagnetic compatibility solutions and super capacitors. Kemet's investment in Macedonia is worth USD 25 million and employs 260 people.



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Macedonia's State Commission for

Interview with Blagoj Churlinov, President

EM: Please tell us more about Commission's main activities and areas of operation. How does your organization affect other State institutions regarding the protection of competition?

Churlinov: The protection of the competition in the Republic of Macedonia, started in 1999 when the Monopoly Authority was established as part of the Ministry of Economy. With the Protection of Competition Law adopted in 2005, the Monopoly Authority was transformed into the Commission for protection of competition as an independent body.

The Commission for Protection of Competition monitors and analyzes market conditions to ensure the development of free and efficient competition. We continuously adopt measures and rules necessary to maintain this primary goal. Our work centers around administrative procedures (anti-competitive agreements, abuse of a dominant position and evaluation of concentrations) and misdemeanor procedures, but we also issue opinions on laws drafted by other State institutions that could affect the free market and endanger competition. Signing Memorandums of Understanding with several State agencies was another step forward in our cooperation. We also issue expert opinions on the award of State aid from a market distortion perspective.

EM: How many cases does the Commission review annually? Can you tell us something about recent trends?

Churlinov: In 2014, the Commission issued decisions in 41 administrative procedures, 30 regarding market concentration and 11 on State aid; we also issued decisions in 10 misdemeanor cases. Further, the Commission issued

4 opinions in line with the Law on Protection of Competition and 19 opinions connected with State Aid Law.



Protection of Competition

More details about our activities in previous years are available at: www.kzk.gov.mk.

I believe that market players are not sufficiently familiar with the Law and its implementation. Mostly, in Macedonia illegal activities are related to price fixing in the area of anti-competitive agreements and the abuse of a dominant market position.

There are no specific sectors on which the Commission pays more or special attention, because the Law on Protection of Competition applies to all forms of prevention, restriction or distortion of competition.

EM: Do you think that the Commission is helping the business community to create a more competitive environment without creating unnecessary bureaucratic burden?

Churlinov: In my opinion, the Commission does not place an unnecessary bureaucratic burden on businesses, since we aim to ensure free competition on the domestic market, stimulate economic efficiency and consumer welfare. According to the Law, any company can seek protection from anti-competitive activity by filing a misdemeanor procedure with the Commission.

EM: The Commission recently finalized a twinning project with the British government; what were the main results from the project?

Churlinov: In January 2014, the twinning project was funded through IPA Component

I and we developed and adopted several legal acts necessary for our work, organized capacity building trainings for Commission employees and other stakeholders such as State institutions, courts, business people and journalists.

Also in June 2014, we began another project funded by the British Embassy in Macedonia that is closing at the end of April 2015. Here we organized more concrete trainings for Commission employees on the EU's "leniency policy", conducting investigations, collecting evidence as well as monitoring and evaluating of State aid. We also delivered training to economic chambers to ensure business people's awareness of their rights and responsibilities in this area.



NEW MEMBER



МИ-ДА ГРАНД МОТОРС

MI-DA Grand Motors is the exclusive distributor, dealer and service maintainer of Ford motor vehicles in Macedonia. It's mission is to provide high-quality services in our everyday customer. MI-DA Grand Motors was founded in 2011 by Grand Automotive L.L.P Israel and Mr. Marjan Minovski from Macedonia. Its predecessor company, MI-DA Motors, had already operated successfully in Macedonia for over 20 years. The company employs approximately 50 people. MI-DA Grand Motors is proud of its trained staff who are fully dedicated to carry out their core business and meet Ford standards in sales and aftersales services. Furthermore, MI-DA Grand Motors has established a dealer network of agents in the larger cities in Macedonia: Bitola, Prilep, Tetovo, Stip, and Gevgelija.



Macedonia's Recent Social Contributions Fiasco

Last July, the Macedonian government began amending laws to introduce mandatory social and pension contributions on virtually all non-employment related income (e.g., freelancing) starting January 1st of this year. Officials billed it as a necessary step toward reducing the grey labor economy and unemployment. However, the move was made without meaningful involvement of the general public or the business sector and sparked a series of protests, particularly from freelance interpreters, consultants and the like. Protesters argued that it was unfair for pension and healthcare benefits to remain fixed, while their contributions could rise indefinitely. Others argued that temporary employees – who until now received the same benefits as other employees – could now be forced to sign contracting agreements, thereby losing their right to paid vacations, maternity leaves and more. It should be noted that while official data is lacking, the biggest single user of temporary employment contracts is widely accepted to be the state administration itself.

Perhaps the icing on the cake was that the amendments rather cynically exempted earnings made by public officials and judges. In contrast, even foreign citizens who earn honoraria in Macedonia (e.g., for speaking engagements) are now required to set up a state pension account here and pay social contributions in line with their earnings.

Companies were also surprised by the change, since it appeared they would be responsible for a host of new reporting requirements. Also, they would either swallow a

24% increase in contractor-related costs or make their contractors unhappy by reducing net payments to them by the same margin.

While contractors, foreigners and companies weren't consulted, it was perhaps most worrying to see that the state institutions responsible for implementing this radical change were caught unprepared. Even with the 6 months notice given to adapt their internal procedures and systems, mass confusion ensued as the first freelancers attempted to pay contributions on their non-employment related income. None of the key institutions had published definitive instructions for public use by the time the law came into force on January 1st. The pension fund published one set of instructions on their web site in November 2014, then removed them without explanation prior to year end.



Photo by: Vanco Dzambaski

Continued on page 18

... Social Contributions Fiasco
continued from page 17

In January, the Government began tweaking these policies again. They doubled the amount of contributions-free monthly freelance income to about 300 euros per month and proceeded to completely remove the ~3.000 euro cap on gross salaries above which social contributions were not owed. The latter move met with uproar from the business community and prompted a third change, returning the cap to 6.100 euros. AmCham Macedonia made an official request to the Public Revenue Office inquiring as to how many people in Macedonia collect a monthly gross salary higher than 6.100 euros, but has not received a response. Informed estimates range from about 20 – 50 people in total.

Today, 5 months after the first changes came into force, and after 3 legislative amendments and the delayed release of detailed instructions and procedures by the responsible state institutions, the dust seems to be settling on this issue. Companies are now required to report on all payments made to contractors on a monthly – rather than an annual – basis. They are not required to make social contribution payments on their contractors' behalf, as initially feared.

Unfortunately, contractors who have paid social contributions on their non-employment related income have yet to receive any official statement from the Pension Fund confirming the existence and status of their accounts. Starting in January this year, the Pension Fund began issuing regular contributions reports to all payers (employers and individuals). Unfortunately, the first reports unleashed a wave of complaints due to their inaccuracy. The Fund recently announced that its next reports – due out in June – will be better, since in the meantime it worked to improve its reporting system.

Other impacts – such as those promised by officials and those feared by protestors from the beginning – are still unclear. However, it is telling that a number of government programs now release employers from the obligation to pay social contributions on their employees' behalf (e.g., the Employment Services Agency program encouraging employment of 18-25 year olds). Thus, indirectly, they recognize that paying 24% of every salary toward social contributions can actually discourage legitimate employment.

Unfortunately, the social contributions fiasco is part of an increasing trend of laws being adopted with substantial financial impact on companies accompanied by little or no public consultation or warning. While officials probably anticipated a big reaction to this change, it didn't have to be so painful. Most business people accept that tax rates are a political decision made by government in relation to state budget needs – this is the “why” part of the equation. Involving companies in the “how” part of law formulation is critical to ensuring the resulting law is functional when it comes into force.



Photo by: Vanco Dzambaski

NEW MEMBER



TDK Computers is a trade company focused on the distribution and wholesale of computers (notebooks and desktops) and components including design and implementation of enterprise solutions, with a strong distribution network in Albania, Kosovo and Bulgaria. TDK Computers communicates with many brands and vendors. For most of them, we are an authorized partner for Macedonia and with the others has stable fast-growing distributor's relationship. From the beginnings, our basic goal was to offer our partners the best global brands in computer components for the best price. We were one of the first on the market to develop a B2B portal, allowing 24/7 access to our stock, prices, ordering and full control of the process. We work to solve any and all problems our customers encounter, including a “door to door” distribution approach.

TDK has team of highly capable sales people and product managers with training and experience in providing technical, presale, sale and post-sale service for all of our products.

Amphenol's Kocani Operations

AmCham talks with Sashko Nakov, Plant Manager, Amphenol Technology Macedonia Ltd. Kocani

EM: Please tell us a bit about your organization generally as well as Amphenol's investment in Macedonia.

Nakov: Amphenol Technology Macedonia (ATM) started its operation in Macedonia in October 2013 as a part of Amphenol Corporation - USA. Our production lines are divided into production of harnesses for the automotive industry as part of Amphenol Automotive Sensors Products Group (subcontracting for ATE, FILEC and KFE) and production of antennas as part of Amphenol Antenna Solutions. We mainly serve European customers due to our advantageous location. The Kocani plant is strictly for manufacturing, thus currently has no support functions such as sales, purchasing, marketing and R&D. We currently have 410 employees and plan to increase to about 560 by the end of

EM: What were the key factors that led to Amphenol's decision to invest in Macedonia?

Nakov: ATM's decision was motivated by the country's very competitive labor cost, its business friendliness, political stability, and compliance with EU regulations. The high level of engagement and support given by local authorities at the beginning of the project was also important.

EM: How would you describe the labor market in the Kocani area? What have been some of your recruitment challenges and successes?

Nakov: We're satisfied with our operators' and technicians' technical knowledge and high motivation. It would be easy to increase our headcount, if needed. On the other hand, it is a challenge to find

EM: Your main innovation hub appears to be in Germany. What would take for Macedonia to position itself as a potential innovation hub? What role does technological innovation play in your industry?

Nakov: Amphenol focuses on a highly innovative niche. Creating an innovation hub in Macedonia would be difficult because of its small population and limited pool of people able to support real research and development when compared with countries such as China and India. Also the sub-supplier network here is limited when compared to those in big countries.

EM: Tell us something about your career and background.

Nakov: I am mechanical engineer, specialized for industrial management. I completed my bachelor degree and postgraduate studies in industrial management at the Saints Cyril and Methodius University in Skopje. I had the opportunity to work with a French expert from Valeo for 3 years and cooperate with worldwide automotive companies as a supplier, which helped me a lot. My entire career has been linked with automotive in different sectors as clutches, gearboxes and harness assembly. I started as young engineer in a clutch manufacturing company and continued in other automotive companies as a project manager, in purchasing and logistics, operations as well as general and plant manager.



this year. We are currently operating in a space this is 2,750 square meters in size, but will expand another 1,600 square meters when we finish a second building this August.

suitable executive-level profiles on the local market; for those profiles, companies need to expand their search across the whole country.

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AmChams Want Renewal of U.S. Presidential Trade Promotion Authority

The U.S. Senate is about to take a stance on renewing Presidential Trade Promotion Authority (TPA), which is necessary for a U.S. President to negotiate trade agreements such as the Transatlantic Trade and Investment Partnership (TTIP). A Senate move on renewal is expected in early May and will be followed shortly thereafter by a decision in the House of Representatives.

While every U.S. President since Franklin D. Roosevelt has had TPA, AmChams in Europe wrote to all 535 members of the U.S. Congress to urge them to renew it for President Obama. The letter demonstrates how TPA is vital to the United States, to U.S. global leadership and to our member organizations, because it enables the United States to expand global trade via new trade agreements. Perhaps most critically for our region, the United States is negotiating the TTIP with the European Union and its 28 member states right now. Congressional failure to renew TPA would derail this landmark opportunity.

The TTIP will bring hundreds of billions of dollars to the United States and to its European allies, allies that share its commitment to open markets as well as strong labor and environmental protections. The United States already enjoy an unparalleled trade and investment relationship with Europe. EU companies have invested \$1.7 trillion into the United States and directly employ over 4 million workers, while U.S. firms have invested \$2.3 trillion in the EU. This unique investment-based relationship generates over \$5 trillion of sales in the two



partners each year, including over \$1 trillion in trade in goods and services.

While this impressive relationship is based on largely open markets in both the United States and the EU, many significant barriers remain. And with nearly 40% of trade being intra-firm, eliminating the remaining barriers to transatlantic trade will significantly boost the global competitiveness of all firms, furthering their ability to generate growth and jobs on both sides of the Atlantic, including in non-EU countries in Europe.

For more than a century, AmChams in Europe have been the most influential voice of U.S. business in Europe. Together, the 44 AmChams represent the interests of more than 17,000 American and European companies and account for more than \$1.1 trillion in investment on both sides of the Atlantic.

Roundtable discussion on Trends Procurement Profession in

This March, AmCham had the honor of hosting Mr. Daniel Gordon, a global procurement expert, for a full program of interactive events and meetings, enabling direct communication with over 150 representatives of the private, public and educational sector in Macedonia. He delivered in depth training for public procurement professionals from several state institutions entitled, "International trends in public procurement" and also met with high state officials in the procurement field, held lectures at several universities and met with NGOs.



► Daniel Gordon, Senior Adviser, George Washington University Law School's Government Procurement Law Program

& Challenges in the Macedonia



▲ From left: Daniel Gordon, George Washington University; Peter Stefan, EVN Macedonia; Aleksandar Argirovski, Public Procurement Bureau

AmCham's main event with businesspeople was on March 4th, 2015 and focused on Trends & Challenges in the Procurement Profession in Macedonia. With over 60 participants from the business community, the roundtable discussion was perhaps the first gathering of local private sector procurement professionals. In addition to Mr. Gordon, **Mr. Stefan Peter**, President of the Management board of EVN Macedonia and **Mr. Aleksandar Argirovski**, Director of the Public Procurement Bureau shared their insights as professionals with extensive procurement backgrounds.



▲ Jess L. Baily, Ambassador, U.S. Embassy Skopje

The discussion underscored that the procurement work in the public and private spheres is similar but goals and approaches could be quite distinct. For example, in public procurement, negotiations are usually impossible due to fears that direct contact encourages corruption. In the private sector, purchasing goods and services without direct contact and negotiations is practically unthinkable.

All present agreed that fear of punishment cannot motivate current procurement professionals and is more likely to discourage young people from entering the profession.

Event participants gave the event high rating and pointed out that only stable, determine and top employees should work in procurement, whether in the public or private sectors.

CSR Project Management & Design Workshop

In late March, AmCham Macedonia welcomed Ms. Lisa McIlvenna, a corporate social responsibility (CSR) expert brought by AmCham member, Konekt, and the US Embassy's Speaker Program, to share her knowledge on CSR project management. After an official opening by Valerie Colby, Public Relations Officer at the U.S. Embassy and Nikica Kusinikova, Konekt's Executive Director, over 45 members took part in a half-day workshop where they analyzed their companies' current CSR approach and took advantage of Ms. McIlvenna's vast design and implementation experience.

Ms. Lisa McIlvenna is Deputy Managing Director of the Business in Community, Northern Ireland. She has advised hundreds of organizations on their CSR activities, ranging from small, micro-organizations to large, global companies such as BT, PricewaterhouseCoopers, Marks and Spencer, B/E Aerospace, Bombardier, Caterpillar and Citi.

During the workshop, she emphasized that when companies design a CSR project, they must focus on striking the right balance between societal impact and business benefit. She gave examples of projects that damaged a company's public image, since the business benefit was high and the societal impact low. She then explained that programs with high societal impact paired with low business benefit are unsustainable. Finally, she said that projects that have low business and societal impact are "simply a waste of resources".



Lisa McIlvenna, Deputy Managing Director, Business in the Community





▲ Nikica Kusinikova,
Executive Director, Konekt



▼ Valerie Colby, Public Relations Officer,
U.S. Embassy Skopje





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Customer Service as a Marketing Tool Seminar

Our first event in 2015 featured Barbara Operschall, longtime CEO of Best Western for Central Europe. For many years, her role in this globally recognized hotel was as the "regional link" between the US-based headquarters and hoteliers in Central Europe, implementing and overseeing global standards applied throughout the region.

Ms. Operschall offered insights gained from her professional experience during this half day seminar, including the organizational and training approaches that are

required to encourage staff to strive for service excellence and how companies can exceed expectations and surprise their customers. Ms. Operschall also offered advice on how to set up procedures that will turn a complaining customer into a loyal, happy one and how to implement structures and tools to monitor customer service quality. She emphasized that delivering and then promoting excellent customer service – especially in the social media age – can become the company's most effective marketing tool.



Continued on page 28

▲ Barbara Operschall, CEO, Speech Code

*Customer Service...
continued from page 27*

The event was part of AmCham Macedonia's promotion of best practices among its membership and the broader local business community. The gathering attracted over 80 participants from a variety of industries. We would like to thank Board member, Mirjana Tanevska-Efremova, for connecting us with Ms. Operschall!



▲ Miroslav Marcev, President, AmCham Board of Directors

COMMITTEE NEWS

“Open a Door” Internship Program



The development of an internship program was a step forward into the realization of AmCham's 2013-15 goal on increasing the number of quality internships.

This April, in cooperation with our CSR Committee, we launched our first “Open a Door” internship program, designed for students from low income households. Over 25 member companies showed interest to accept at least one intern engaged through this program. For its promotion, we communicated with over 15 state and private universities and student organizations in the country. The announcement was published on various web portals, Facebook pages, student blogs and websites.

Our first matchmaking event was organized on Thursday, May 21, 2015 in Pivara Skopje's Training facilities. During the event, representatives of 10 member companies and 18 students also participated on a short workshop hosted by Motiva on building mutual trust. AmCham would like to thank its members Pivara Skopje and Motiva for extraordinary support of the event.

We expect, in the June – December period, 35 students to use the internship opportunities offered by our member companies.

Intellectual Property Rights Enforcement Personnel Training

While the legislative framework handling the protection of intellectual property rights (IPRs) has progressed over the last several years, implementation and enforcement of these laws has been inconsistent. That's why our IPR committee members decided recently to lead a half day training for State Market Inspectors and Economic Police.

The event was officially opened by Kiril Minoski, Director of the State Market Inspectorate and Biljana Janeva, President of AmCham's IPR Committee. In his opening speech Mr. Minoski pointed out that better IPR protection would improve the local business environment and that capacity building in this field is necessary for efficient enforcement. Ms. Janeva added that all interested parties had to discredit the common local attitude that counterfeits save consumers money and don't hurt anyone.



▲ From left: Michelle Osmanli, AmCham Macedonia; Biljana Janeva, Microsoft Macedonia; Kiril Minoski, State Market Inspectorate

The event continued with a lively discussion on how local right holder representatives (law offices) and enforcement personnel could improve their cooperation. Attendees received a quick reference sheet, including a list of many protected brand names and their local representative's contact details. Other presentations touched on challenges more specific to the apparel, footwear, grocery and tobacco industries. The group

also explored the online sales of counterfeit goods and heard from the national Consumer Protection Organization on common consumer complaints related to counterfeits.

Participants agreed that training and regular communication between the public and private stakeholders is needed to make mutually-beneficial progress.

Thanks again to our speakers!

- Ljupka Noveska, Attorney at Law, Karanovic & Nikolic;



▲ Ljupka Noveska, Attorney at Law, Karanovic & Nikolic



Continued on page 30

*Intellectual Property Rights...
continued from page 29*

- Eli Mufishovski, Branch Office Manager, SNB React;
- Marko Mihalic, ITS&P Investigations Manager; Dilyana Yakova, Manager of Regulatory Affairs, Philip Morris International;
- Rodoljub Stojanovic, Director of RICoM Publishing/Universal Music Publishing licensee for Serbia, Montenegro, Macedonia, B&H;
- Darko Bajalski, Associate, SD Petosevic; and
- Marijana Loncar Velkova, President, Consumer Protection Organization.



▲ Maja Jakimovska, Attorney at Law, Cakmakova Advocates



▲ Jana Dukovska Despotovska, Attorney at Law, Polenak Law Firm



▲ Rodoljub Stojanovic, RICoM Publishing/Universal Music Publishing licensee for Serbia, Montenegro, Macedonia, B&H



▲ Eli Mufisovski, Branch Office Manager, SNB React

Toward marking World IP Day (April 26th), AmCham published the following statement in a national newspaper:

Intellectual Property Deserves Protection

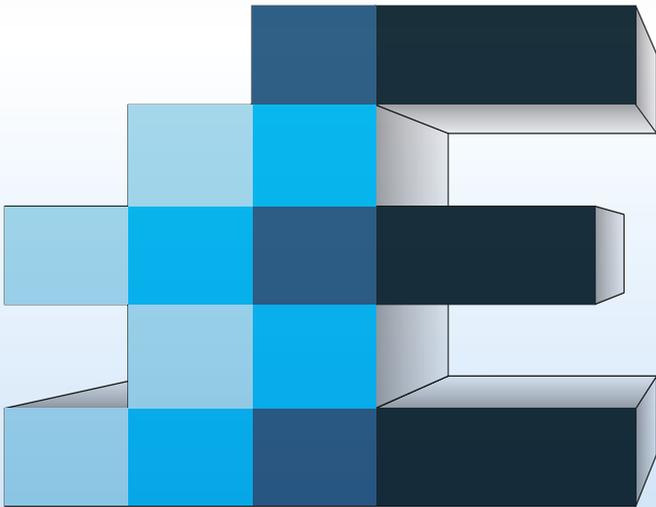
In honor of 2015 World Intellectual Property Day, the American Chamber of Commerce in Macedonia wishes to highlight the importance of full and consistent implementation of Macedonia's laws that protect intellectual property. Without effective protection, companies have no incentive to commit capital or creative energy to developing new products or services. Copyrights, trademarks, patents and trade secrets support creativity, entrepreneurship and innovation are all important drivers of domestic competitiveness and global economic growth.

For the last 6 years, AmCham Macedonia's IPR committee has helped encourage the protection of IPR by supporting the improvement of IPR-related policies as well as a variety of educational, training and information sharing events for all groups and institutions involved in IPR protection such as judges, prosecutors, market inspectors, customs and police officers from across the country.

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*New Member

AmCham Advantage Program

Member to Member Discounts

The AmCham Advantage Program offers valuable discounts to members in good standing at AmCham member establishment. Detailed information about the program and updated information on discounts is available on the AmCham Macedonia website: www.amcham.com.mk (under Membership>Advantage Program).

If you are interested in participating in this program, please email info@amcham.com.mk



NEW MEMBER



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Architectural studio EDNA was founded in 2009 by architect, Andrijana Savic. The studio has developed a significant number of projects in different fields and has won a number of competitions, the most important of which was the first prize award at the competition for the Macedonian Pavilion for the Expo2010 in Shanghai, China.

Our main goal is to offer clients all-inclusive services from fresh new ideas, contemporary designs to management of the complete construction process in cooperation with our construction partners.



NORA is a nonprofit, nongovernmental, civil society organization that advocates for the rights of people suffering from rheumatic, musculoskeletal and autoimmune diseases (RMDs). Since 2008, we've worked on patient education, policy making, development of the rheumatology field, as well as development of the public healthcare system as a whole. In Macedonia, there are over 200.000 people suffering from RMDs.

NORA is a patient-led organization. We transfer our personal experience from the problems we face into our work. That may explain why NORA is one of the largest health NGOs in the country, with a constantly growing membership that currently numbers 1.105 and a strong following on Facebook (over 4.190 followers).

Our mission is to represent and educate people who are directly or indirectly affected by RMDs. The complexity of these diseases require education, support, raising public awareness and healthcare policy making, thus NORA ensures that the voice of the people that are affected by the RMDs will be heard and represented.



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