



## LAW ON AMANDMENTS AND ADDENDA TO THE LAW ON REAL ESTATE CADASTRE

### Article 1

In the Law on Real Estate Cadastre („Official Gazette of R. Macedonia” no. 55/13 and 41/14), in article 2 point 6, after the word „borders“, the words „with one cadastre land use and class“ shall be added.

In point 27, the conjunction „and “at the end of the sentence shall be replaced with a semi-colon.

In point 28, the full stop at the end of the sentence shall be replaced with „semi-colon “and the article shall be supplemented with point 29 and point 30 and they shall read:

„29. „Interested entity“ is an entity/person who by proving its own legal interest for submitting an application for registration, besides the legal basis for registration and a geodetic report, shall submit a statement verified by a notary in which are contained the bases for the legal interest, and

„30. „Fictitious recordings “are recordings of areas of a cadastre parcel which were not drawn up on the cadastre map, but have been recorded in the cadastre registry book.

### Article 2

In article 4 paragraph (2), the word „four“ shall be replaced with the word „three“, while after the word „amended i.e. supplemented“ a full stop shall be placed. The remaining words till the end of the sentence shall be deleted.

### Article 3

In article 8 paragraph (1), after the point 11, a new point 12 shall be added and shall read:

„Administering a registry of prices and leases“.

Paragraph (2) shall be amended and shall read:

„The survey and the maintenance of the state borderline, the survey in service of registering real properties owned by the Republic of Macedonia, the geodetic works for special purposes of significance for Republic of Macedonia, the survey in service of updating the data for the real properties under ex officio procedure, the office geodetic works for special purposes, the survey in service of production of topographic maps, survey for recipients of social welfare and permanent financial aid and for the persons with low gross income up to 168.000,00 MKD annually under the procedure of determining the legal status of illegally built objects as well as other geodetic works prescribed with another law shall be performed by the Agency.“

In paragraph (3) after the words „are defined by “the following words shall be added:

„ the works from the survey in service of registering the real properties owned by the Republic of Macedonia as well as for defining of“.

After paragraph (3) shall be added a new paragraph (4) and the same shall read:

„(4) During the performance of the competences under this article, the Agency shall not charge any administrative fees.

### Article 4

In article 11, paragraph (1), point 11, after the word „confirming“, the new words: „and extension of “shall be added.

### Article 5

In article 27, paragraph (1), after the words „Spatial Unit Registry,“ the words „Register of prices and leases,“ shall be added.

#### Article 6

In article 68, paragraph (2), point 3, the conjunction „and “shall be replaced with a comma and a new point 4 shall be added and shall read:

„–data for the year of construction, year of reconstruction and construction material and“.

#### Article 7

In article 76 after paragraph (5) a new paragraph (6) shall be added and shall read:

„(6) Fertile land and natural unfertile land shall be classified as agricultural land while the artificial unfertile land shall be classified as construction land.“

Paragraph (6) and (7) shall become paragraph (7) and (8).

#### Article 8

In article 83 after paragraph (3) a new paragraph (4) shall be added and shall read:

„(4) During the digitalization of the cadastre maps, for the cadastre parcels for which the data for the real property right holders in the cadastre registry book are copied from the land cadastre on the basis of fictitious recordings, the area of the cadastre parcel shall be recorded as the area which results from the digitized cadastre map while the data for the right holders are to be recorded in an equally ideal part.“

Paragraphs (4), (5), (6) and (7) shall become paragraphs (5), (6), (7) and (8).

#### Article 9

In article 104, paragraphs (2) and (3) shall be deleted.

Paragraph (4) shall become paragraph (2).

#### Article 10

The title before article 108 and the article 108 shall be modified and shall read:

### **„Conditions for sitting the exam for acquiring a license for authorized surveyor**

#### Article 108

(1) Authorized surveyor may become any person that has passed the exam for acquiring a license for authorized surveyor.

(2) The exam for acquiring a license for authorized surveyor may be sited by the person meeting the following conditions:

- is a citizen of the Republic of Macedonia;
- have completed VII/1 level of geodesy studies or have obtained at least 300 credit points according to the European Credit Transfer System (ECTS) from the field of geodesy,
- have at least two years of work experience in the field of geodetic works after meeting the conditions in point 2 of this paragraph;

(3) The Agency shall record the licenses issued to the authorized surveyors in the Register of Authorized Surveyors administered by the Agency.

#### Article 11

After article 108, 12 new titles and 12 new articles shall be added: 108-a, 108-b, 108-c, 108-d, 108-e, 108-f, 108-g, 108-h, 108-i, 108-j, 108-k and 108-l and they shall read:

## **„Parts of the exam, areas and program**

### Article 108-a

- (1) The exam is comprised of two parts as follows:
- First part (theoretical part), to evaluate the theoretical knowledge of the candidates and
  - Second part (case study), to evaluate the capability of the candidates on the application of the laws in practice.
- (2) The first part of the exam stipulated in paragraph (1) of this article shall be sited by electronic means, by answering a number of questions in the form of electronic test sitting on a computer.
- (3) The first part of the exam shall refer to the following areas:
- 1) Basic geodetic works and cartography,
  - 2) Cadastre maps and maps of infrastructure objects,
  - 3) Survey, geodetic works for special purposes, geodetic reports and electronic log-book,
- and
- 4) real estate cadastre and arrangement and management of real properties.
- (4) The second part of the exam is consisted of:
- description of individual case from the area stipulated in paragraph (3) point 2) of this article (first case study) and from the area stipulated in paragraph (3) point 3) of this article (second case study), and
  - questions which the candidates needs to answer on the basis of the analysis of the case studies.
- (5) The exam can be sited at least twice a year according to the program which contains the curriculum, the provisions and the literature.

## **Establishment of database of questions for sitting the exam**

### Article 108-b

- (1) The databases of questions for the first and the data bases of the case studies for the second part of the exam stipulated in article 108-a of this law shall be produced by:
- two professors in the area of geodesy, Assigned by the Dean of the educational institution in the area of geodesy,
  - five persons employed in the Agency, assigned by the Director of the Agency, out of which:
    - three persons with completed VII/1 level of studies in geodesy or acquired at least 300 credits according to the ECTS in the area of geodesy, with licenses for authorized surveyors and with at least six years of working experience in geodesy, and
    - two persons with completed VII/1 level of studies in law or acquired at least 300 credits according to the ECTS in the area of law and with at least six years of working experience in the area of law.
- (2) The questions for the first part of the exam and the questions and the case studies from the second part of the exam shall be verified by a Commission comprised of:
- two representatives assigned by the Steering Board of the Chamber of sole proprietors-authorized surveyors and trade companies for geodetic works in the area of geodesy with completed VII/1 level of studies in geodesy or acquired at least 300 credits according to the ECTS in the area of geodesy.
  - three representatives from the Agency, out of which two with completed VII/1 level of studies in geodesy or acquired at least 300 credits according to the ECTS in the area of geodesy, with license for authorized surveyor and with at least ten years of working experience in geodesy and one representative with completed VII/1 level of studies in law or acquired at least 300 credits according to the ECTS in the area of law and at least 10 years of working experience in law, all assigned by the Director of the Agency.
- (3) During the establishment of the Commission stipulated in (2) of this article, the principle of adequate and just representation must be taken under consideration.
- (4) The commission stipulated in paragraph (2) of this article shall perform review and

updating of the databases of questions and the databases of case studies, at least once a year.

(5) During the review, the Commission shall take under special consideration the changes in the regulation i.e. provisions on which the question is based i.e. the case, the number of candidates which were answering the question, the success rate in answering the questions as well as other criteria which might influence the improvement of the quality of the databases of questions.

(6) On the basis of the performed review and updating the databases of questions and the databases of case studies, the Commission shall decide which questions and case studies might be modified or completely removed from the databases.

(7) The individuals stipulated in paragraph (1) of this article and the members of the Commission for verification stipulated in paragraph (2) of this article have right to financial compensation which is to be determined by the Steering Board of the Agency.

(8) The level of the financial compensation stipulated in paragraph (7) of this article shall be determined on the basis of the number of prepared questions and case studies as well as the complexity of the subject matter.

(9) The annual amount of the financial compensation stipulated in paragraph (7) of this article must not exceed the level of three average monthly gross salaries in Republic of Macedonia from the previous year, published by the State Statistics Office.

### **Application for sitting the exam and processing the application**

#### Article 108-c

(1) The application for sitting the exam shall be submitted by the candidate to the Agency.

(2) Along with the application for sitting the exam, the candidate is obliged to submit evidence for meeting the conditions for sitting the exam prescribed by this law.

(3) The Director of the Agency or an individual authorized by the Director shall enact a decision whether the candidate meets the conditions for sitting the exam.

(4) Against the decision which resulted in rejection of the application for sitting the exam, the candidate may initiate an administrative dispute before the relevant court with a period of 30 days from the receipt of the decision.

(5) The candidate whose application for sitting the exam has been approved shall be instructed on the time and the place of sitting the exam. The candidate shall be notified of the time and the place of sitting the exam within a period 8 days the latest prior sitting the exam.

(6) The candidate shall be enabled to take the exam on the next exam date following the day of the approval of the application for sitting the exam.

### **Works related to conducting the exam**

#### Article 108-d

(1) The expert and administrative works for the needs of conducting the exam shall be performed by the Agency while the exam in technical sense shall be conducted by a legal entity registered in the Central Registry, selected by the Agency.

(2) The exam shall be conducted in a room/facility for sitting exams, specially equipped with material-technical and IT equipment, internet connection and equipment for recording the actual sitting of the exam.

(3) The public shall be informed of the date and the time of sitting the exam at least three days before conducting of the exam.

(4) The sitting of the exam shall be recorded and shall be live broadcasted at the web-page of the Agency. If due to technical reasons the recording is interrupted, the tape of the entire sitting of the exam shall be uploaded on the web-page of the Agency.

(5) The room i.e. facility where the exam will be conducted shall be attended by two representatives of the Agency, one representative from the Chamber of sole proprietors authorized surveyors and trade companies for geodetic works, one representative from the Government of the Republic of Macedonia and one representative of the Ministry of Information Society and Administration (IT expert).

## **Manner of sitting the exam**

### **Article 108-e**

(1) Before the start of sitting of the exam, a representative from the Agency shall identify i.e. confirm the identity of the candidate by inspecting the Identification Card of the candidate.

(2) During the sitting of the first part of the exam, the candidate shall not be allowed to use laws, laws with comments and clarifications, mobile phones, hand-held computer devices and other technical and IT means, previously prepared objects and similar.

(3) During the sitting of the second part of the exam, the candidate shall be only allowed to use laws (without comments and clarifications) available in electronic version located in the personal computer on which the candidate will sit the exam.

(4) During the sitting of the first and second part of the exam, the candidate shall not be allowed to contact i.e. communicate with other candidates or persons, except with the IT expert stipulated in article 108-d paragraph (5) of this law, in case of technical issues with the personal computer.

(5) If the technical issues with the personal computer are rectified in a period of five minutes, the exam shall continue. However, if the technical issues are not rectified within the said period, the exam for this candidate shall be suspended and shall be held within a period of maximum three days from the suspension of the exam.

(6) If technical issues appear with more than five personal computers and the issues are not rectified within a period of 5 minutes, the exam shall be suspended for all candidates sitting the exam and the same will take place within a period of at least three days from the day of suspending the exam.

(7) During the exam of the first and the second part of the exam, if the candidate acts against the paragraphs (2), (3) and (4) of this article, he/she will not be allowed to continue with the sitting of the exam at the present date.

(8) In cases of paragraph (7) of this article, it shall be considered that the candidate has not passed the exam and the same shall be defined in the Minutes for the sitting of the exam.

(9) During the sitting of the exam, the authorized representatives stipulated in article 108-d paragraph (5) of this law are not allowed to stand next to the candidate for more than 5 seconds, except in case of rectifying technical issues when they are limited to 5 minutes.

## **Suspension and continuation of the exam**

### **Article 108 - f**

(1) During the sitting of the exam, if justifiable reasons occur due to which the candidate cannot continue with the sitting of the exam (illness, maternity leave, schooling abroad and similar), the exam will be suspended for indefinite time, which cannot be longer than six months.

(2) A decision for continuation of the exam shall be enacted by the Director of the Agency at the request of the candidate. An application/request is to be submitted within a period of eight days from the termination of the reasons for the suspension of the sitting of the exam, but within a period of six month the latest.

(3) If the candidate does not submit an application/request for continuation of the sitting of the exam within the deadline stipulated in paragraph (2) of this article, it shall be considered that the candidate failed to pass the exam.

(4) Against the decision enacted by the Director of the Agency stipulated in paragraph (2) of this article, the candidate can initiate an administrative dispute in front of the relevant court within a period of 30 days from the day of the receipt of the decision.

(5) During the continuation of the sitting of the exam, the candidate will not sit the part of the exam which he/she has already sited.

## **First and second part of the exam**

#### Article 108 - g

(1) The exam will start with the sitting of the first part (theoretical part) followed by the second part (case studies).

(2) The second part shall be sited within a period of at least 15 days after the successful sitting of the first part.

(3) The first part of the exam shall be sited for each of the areas stipulated in article 108-a of this law and shall contain at least 15 questions for each of the areas with five options to choose from, out of which one option is correct, two are similar, one is slightly incorrect (by choosing this option the candidate losses smaller number of points) and one option is completely incorrect (by choosing this option the candidate losses bigger number of points).

(4) Condition to sit the second part of the exam is for the candidate to pass the first part of the exam in maximum of three consecutive sessions.

(5) If the candidate has failed to pass the first part of the exam in compliance with paragraph (4) of this article, it shall be considered that the candidate has not passed the exam.

(6) The second part of the exam is comprised of two case studies based on the area or subject matter stipulated in article 108-a paragraph (3) point 2) of this law (first case study) and the area or subject matter stipulated in article 108-a paragraph (3) point 3) of this law (second case study).

(7) The questions which are an integral part of the case studies are from the area on which the case study is based on and they have ten possible options as answers out of which one is the correct one, five are similar and four are different.

(8) The candidate must pass the second part of the exam in two consecutive sessions after the completion of the first part of the exam.

(9) If the candidate has failed to pass the second part of the exam, it shall be considered that he/she has failed to pass the exam.

#### **Points awarded for the questions and sole electronic system for sitting the exam**

#### Article 108 - h

(1) The sitting of the first part of the exam shall be carried out by answering a certain number of questions in a form of solving an electronic test on a personal computer.

(2) The questions on the test, depending on their complexity, shall be awarded with points determined with the test.

(3) The sitting of the second part of the exam shall be carried out by analyzing case studies and by answering a certain number of questions resulting from the case studies, in form of an electronic software solution (hereinafter referred to as electronic case study).

(4) The questions from the case study, depending on their complexity, shall be awarded with points determined in the case study.

(5) The questions comprised in the tests for sitting the first part of the exam and their answers as well as the case studies and the questions resulting from the case studies and their answers shall be safe-kept in the sole electronic system for sitting the exam.

(6) The electronic system stipulated in paragraph (5) of this article also comprises publicly available database of at least 200 questions for each area as well as publicly available database of at least 50 case studies for the needs of the second part of the exam.

(7) The electronic system also comprises indications to the regulative/provisions and the literature which comprise the answers to the questions from the first part of the exam and the provisions for the second part of the exam.

(8) The number of questions and the case studies in the databases stipulated in paragraph (6) of this article shall be increased by 10 % on annual basis.

(9) The results from sitting the first part and the second part of the exam shall be made available to the candidate on the computer on which the candidate sited the exam, immediately

after completion of the exam.

### **Access code, suspension and continuation of the exam**

#### Article 108-i

(1) On the day of sitting the first i.e. the second part of the exam, representative of the Agency shall provide the candidate with an access code i.e. password which allows the candidate to access the electronic system stipulated on article 108-h paragraph (5) of this law.

(2) After obtaining access, the candidate will receive an electronic test for the first part of the exam i.e. electronic case studies for the second part of the exam which shall be computer generated and whose content by random choice is determined by the software of the electronic system stipulated in article 108-h paragraph (5) of this law, from the databases stipulated in article 108-h paragraph (6) of this law.

(3) The first and the second part of the exam contain a guideline for the manner of doing the test. A representative of the Agency, before the start of the exam, shall provide a clarification to all the candidates.

(4) The electronic system for sitting of the exam cannot allow the existence of an identical content of an electronic test for the first part of the exam i.e. an electronic study case for the second part of the exam in one session for more than one candidate.

(5) In case of inability to convey the first or the second part of the exam due to reasons which led to technical inability for the functioning of the electronic system stipulated in article 108-h paragraph (5) of this law, the sitting of the exam shall be terminated i.e. suspended.

(6) If the reasons stipulated in paragraph (5) of this article are rectified within a period of 60 minutes from the termination i.e. suspension of the exam, the same shall be continued immediately after the technical inability has been rectified.

(7) If the reasons stipulated in paragraph (5) of this article are not rectified within the deadline stipulated in paragraph (6) of this article, the exam shall be rescheduled for another date.

### **Duration of the exam**

#### Article 108-j

(1) The total time determined for answering the questions from the first part of the test for sitting of the exam shall be 45 minutes for each of the areas stated in article 108-a paragraph (3) of this law.

(2) It shall be considered that the candidate has passed the exam if he/she has answered accurately to the questions amounting at least 70% of the total number of foreseen positive points.

(3) The total time determined for answering the questions for each case study from the second part of the exam shall be 45 minutes.

(4) It shall be considered that the candidate has passed the exam if he/she has answered accurately to the questions from each of the case studies amounting at least 70% of the total number of foreseen positive points.

### **Authorization and audit of the carried out exams**

#### Article 108-k

(1) The candidates that have passed the exam shall be issued with an authorization within a period of 15 days from the day of completing the exam.

(2) At the request of the candidate, the Agency shall inform the candidate of the maid errors in the test while sitting the exam by giving the candidate a direct insight to the test.

(3) The tests and the case studies are used and are given to the candidate only during the time for sitting the exam.

(4) The materials from the held exams, especially paper versions from the tests and case studies for sitting the exam and the specimen for checking the accuracy of the answers on the test and the case studies as well as the recordings of the carried out exams are to be safe-kept in the Agency.

(5) The Director of the Agency shall establish a Commission for audit of the held exams. In its

work, the Commission shall use the materials stipulated in paragraph (4) of this article. The commission, besides the representative from the Agency, shall be comprised of a representative from the Chamber of sole proprietors – authorized surveyors and trade companies for geodetic works, a representative from the Government of R. Macedonia and an IT expert from the Ministry of Information Society and Administration, appointed by the Government of R. Macedonia.

(6) The commission stipulated in paragraph (5) of this article shall meet at least once a year and shall perform audit of the manner of conveying of at least two exams held in the current year.

(7) The commission has a right to perform audit also of the manner of conveying the exams held in the last 5 years from the day of holding the meeting of the commission, but not before the day of enforcement of this law.

(8) If the commission identifies irregularities in the conveyance of the exam by individuals in reference to article 108-e paragraph (2) of this law, the commission shall propose deprivation of the authorization stipulated in paragraph (1) of this article.

(9) The Director shall enact a Decision for deprivation of the authorization on the basis of the proposal by the Commission within a period of 3 days from the receipt of the proposal.

(10) Against the Decision stipulated in paragraph (9) of this article, the candidate can lodge an administrative dispute before the relevant court within a period of 30 days from the receipt of the decision.

### **Fees/costs for sitting the exam**

#### Article 108-l

(1) The fees/cost for sitting the exam shall be borne by the candidate.

(2) The amount of the fees/cost stipulated in paragraph (1) of this article shall be determined by the Steering Board of the Agency on the basis of the actually made costs for sitting the exam, necessary for conveyance of the first and the second part of the exam, the preparation of the databases of questions, the conveyance of the electronic test, the preparation of the materials and invitations and the preparation of the authorizations.

(3) The fees/costs for sitting of the exam shall be paid to the account of own resources of the Agency.

(4) If the fees/costs are not paid to the adequate account of the Agency at least 15 days before the day determined for sitting the exam, the candidate shall not be allowed to take the exam.

(5) If the candidate has not sited the exam within a period of one year from the day of paying the fees/costs, the paid resources shall be returned in accordance with the law.“

#### Article 12

In article 109 paragraph (3), the full stop at the end of the second sentence shall be replaced with a comma and the following words shall be added: „as well as evidence of paid fees for the continuation. The holder of the authorization employed at the Agency, instead of a certificate shall submit a confirmation note for employment in the Agency.“

In paragraph (7), after the word: „confirming“, the following words shall be added: „and for continuation“.

#### Article 13

In article 112 paragraph (1) point 9, the conjunction „and “at the end of the sentence shall be replaced with a comma.

In point 10, the full stop at the sentence shall be replaced with the conjunction „and“ and a new point 11 shall be added and shall read:

„-if identified that during the acquiring of the license-authorization the candidate has not meet the conditions in reference to the type and the level of education, citizenship and working experience, prescribed by law.“

#### Article 14

Article 113 shall be amended and shall read:



„(1) The authorized surveyor who has been deprived of its license in the case stipulated in article 112, paragraph 1, point 1, 2, 3, 4, 8 and 10 of this Law, cannot submit a request for sitting an exam before the expiration of the 5 year period from the date of such deprival, while the authorized surveyor who has been deprived of its license in the case stipulated in article 108-k, paragraph (8) and (9) and article 112, paragraph (1), point 11 of this law cannot submit a request for sitting an exam before the expiration of a one year period from the day of such deprival.

(2) In order to acquire a new license stipulated in paragraph 1 of this article, the person must again pass the exam for acquiring a license for authorized surveyor under the conditions prescribed by this Law.“

#### Article 15

Article 116 shall be amended and shall read:

„ The program for sitting the exam for license for authorized surveyor, the criteria in reference to the conditions of the facilities and the material-technical and IT equipment in the facilities for sitting the exam, the manner of awarding points for the first and the second part of the exam, the form and the content of the license for authorized surveyor as well as the form, the content and the manner of administering the Registry of authorized surveyors shall be prescribed by the Steering Board of the Agency.“

#### Article 16

In article 119 paragraph (1) point 1 , the word „/branch office“ shall be deleted.

#### Article 17

In article 121, in point 2, the conjunction „and“ at the end of the sentence shall be replaced with a comma and a new point 3 shall be added and shall read:

„- to place/put up the Tariff List stipulated in article 125 of this law at a visible place in their headquarters as well as in their branch office, if they have one and“.

#### Article 18

In article 123, paragraph (2), the words „for special purposes“ shall be deleted.

#### Article 19

In article 129, after point 4, two new points 5 and 6 shall be added and they shall read:

„-shall define the manner of processing the applications in cases when the sole proprietor-authorized surveyor i.e. the trade company for geodetic works shall be deleted from the Registry of sole proprietors – authorized surveyors and trade company for geodetic works,

- shall perform distribution of the unprocessed applications of the sole proprietors – authorized surveyors i.e. trade companies for geodetic works in case when they are deleted from the Registry of sole proprietors – authorized surveyors and trade company for geodetic works to sole proprietors – authorized surveyors and trade company for geodetic works which have the nearest headquarters with the headquarters of the sole proprietors – authorized surveyors and trade company for geodetic works which have been deleted from the Registry, taking into account equal distribution of the applications. “

#### Article 20

After article 141, three new titles and three new articles shall be added 141-a, 141-b and 141-b and they shall read:

#### **„Submission of applications for registration by entities who are conveying procedures related to real properties**

##### Article 141-a

The enforcement agents, lease creditors and authorized entities who carry out procedures related to real properties in compliance with law, may submit to the Agency an application for registration of real properties which during the establishment of the real estate cadastre remained

with unregistered rights.

The entities stipulated in paragraph (1) of this article, along with the application must submit a legal basis for registration, a geodetic report and evidence of paid fee for the registration.

### **Registration of cadastre parcels with multiple cadastre land uses and classes**

#### Article 141-b

The cadastre parcels which during the establishment of the real estate cadastre were registered with multiple land uses, during the maintenance of the real estate cadastre they shall be registered as cadastre parcels with a single sign for agricultural or construction land, depending on the manner of use.

The cadastre parcels which during the establishment of the real estate cadastre are registered with one cadastre land use but with more cadastre land classes, during the maintenance of the real estate cadastre they shall be registered as cadastre parcels with cadastre class that covers the biggest area of the cadastre parcel.

### **Obligation for electronic submission of applications and legal bases acquiring data**

#### Article 141-c

The courts, the ministries, the state administration bodies, the notaries, the enforcement agents and all other entities with transferred public authorizations, are obligated to deliver via electronic means to the Agency all documents containing legal basis used as basis for registration in the real estate cadastre along with the applications for registration and the evidence of paid fee.

The sole proprietors – authorized surveyors and trade companies for geodetic works are obliged to acquire the data needed for production of geodetic reports via electronic means.“

#### Article 21

In article 155 paragraph (1) after point 3 a new point 4 shall be added and shall read:

„-list for conditional registration of infrastructure object“.

In paragraph (2) the words „point 1, 2, 3, 4, 5, 10, 11 and 12“ shall be replaced with the words „points 1, 2, 3, 4, 5, 6, 11, 12 and 13“, while the words „points 6, 7, 8, 9, 13 and 14“ shall be replaced with the words „points 7, 8, 9, 10, 14 and 15“.

After paragraph (2) a new paragraph (3) shall be added and shall read:

„(3) The data stipulated in paragraph (1) point 1, 2, 3, 4, 5, 6, 9 and 11 of this article which also contain data for the sole identification number of the citizen (SINC) shall be issued in a manner where the data for the SINC should not be unnecessary visible, in compliance with the provisions on protection of personal data.“

#### Article 22

In article 158 paragraph (2) point 1, after the comma, the following words shall be added: „with their address data as well as data for the SINC i.e. SINE (sole identification number of the entity)“.

#### Article 23

After article 158, a new title and a new article 158-a shall be added and shall read:

### **„List for conditional registration of an infrastructure object**

#### Article 158-a

(1) List for conditional registration of an infrastructure object shall be issued for the conditionally registered right to ownership during a stage of construction.

(2) The list stipulated in paragraph (1) of this article shall contain:

-data for the individuals which have construction right in compliance with the construction permit, with their address data as well as data for the SINC i.e. SINE,

-data for the number of the infrastructure object copied from the basic design, verified by an

authorized entity,

-sole identifier,

-name of the infrastructure object,

-descriptive and spatial data for the beginning and the end of the infrastructure object and

-data for the lease right (mortgage) of the infrastructure object and of the other legal acts in

reference with the recorded conditional registration.

#### Article 24

In article 159 paragraph (1) point 3, the full stop shall be replaced with a comma and the following words shall be added: „with their address data as well as data for the SINS i.e. SINE. “

#### Article 25

In article 160 paragraph (1) point 3, the full stop shall be replaced with a comma and the following words shall be added: „ with their address data as well as data for the SINS i.e. SINE. “

#### Article 26

In article 163, after the words: „proves that the person“, the following words shall be added: „with data for the SINC i.e. SINE“.

#### Article 27

In article 171, paragraph (3) shall be amended and shall read:

„After the expiration of six months from the day of the performed conditional registration, the conditional registration shall not result in legal action and can be deleted at the request of the holder of the ownership right of the property on which the conditional registration has been performed.

After paragraph (3), a new paragraph (4) shall be added and shall read:

„(4)If the deletion of the conditional registration is not performed within the deadline stipulated in paragraph (3) of this article, the Agency, under ex officio procedure, shall delete the conditional registration.“

The paragraph (4) shall become paragraph (5).

#### Article 28

In article 172, paragraph (1) after the words :„which are in service of the separate part of the building“, the following words shall be added :„of the other objects and of infrastructure objects,“.

#### Article 29

In article 173 paragraph (1) after the words „in compliance with the law,“ the following words shall be added: „lifelong care contract, gift contract in case of death,“.

#### Article 30

In article 174 paragraph (1), in point 4 the conjunction „and“ shall be replaced with a comma. In point 5, the full stop at the end of the sentence shall be replaced with the conjunction „and“ and a new point 6 shall be added and shall read:

„-statements verified by a notary on the basis on which registration of real properties can be performed, whose submission is mandatory and prescribed with this or another law.“

In paragraph (2) after the words: „this article, the right to“ the word „ownership“ shall be added.

#### Article 31

In article 185 paragraph (3) shall be amended and shall read:

„During the comparison, if identified that there is a discrepancy in the data in compliance with article 175 paragraph (3) of this law, the application for registration shall be rejected with a notification for rejection while the infrastructure object shall be provisionally recorded in the cadastre of infrastructure objects. For the performed provisional recording, the applicant shall be notified with the notification for rejection. “

#### Article 32

Article 187 shall be amended and shall read:

„(1) The confirmations stipulated in article 152, 153 and 184 and article 185 paragraph (2) and (3) and the notifications stipulated in article 185 paragraph (4) of this law enacted on the basis of the applications and annexes submitted in electronic form to the Agency, shall be delivered to the applicants in electronic form.

(2) The delivery/submission stipulated in paragraph (1) of this article shall be performed via the electronic counter of the Agency.

(3) As time of a properly performed submission shall be considered the time when the notifications/confirmations stipulated in paragraph (1) of this article are enacted and became available to the applicants via the electronic counter.

(4) When the applications for registration/recording on the behalf and for the benefit of the holders of the property right are submitted to the Agency via electronic means by the courts, ministries, the state administration bodies, the local self-government units, the notaries, the enforcement agents and all other entities with transferred public authorizations, the confirmations/notifications submitted to them via electronic means, they are obliged within a period no longer than three working days to submit them to the holders of the property right on whose behalf the application has been submitted.

(5) When the applications and the annexes are submitted in paper form, the confirmations are submitted to the applicants by delivery from the Agency or via mail, within a period of three days from the day of the performed registration.

(6) In case of paragraph (5) of this article, if the confirmations/notifications cannot be submitted, the submission shall be performed with a publication of the confirmations/notification at the bulletin board of the Agency and on the web-page of the Agency. In this case, the data for the SINC shall not be published. It shall be considered that the submission has been properly performed after the expiry of eight days from the day of the publication on the bulletin board or at the web-page of the Agency.

(7) For the performed registration/rejection, the applicants shall be informed via sms or e-mail depending on what has been stated in the application.

#### Article 33

After article 195 a new title and a new article 195-a shall be added and shall read:

**„Registration of real properties for which fictitious recordings were present in the land cadastre**

#### Article 195-a

Upon submission of an application by a client which is to be supported by a geodetic report and a statement of consent for acceptance of the actual condition provided by the holders of the property rights which were recorded as a result of fictitious recordings in the land cadastre, verified by a notary, a registration of the real property rights can be performed in the real estate cadastre in real parts.“

#### Article 34

In article 196, the words „of changes“ shall be deleted.

After paragraph (1) a new paragraph (2) shall be added and shall read:

„(2) In case when the differences in the data for the area stipulated in paragraph (1) of this article are only due to a difference as a result of the final completion of the separate/common parts of the building (plastering, building isolation and similar), while at the same time the conditions for registration in the real estate cadastre prescribed with article 176 from the law are met and a geodetic report has been submitted, registration shall be performed for the decreased internal area contained in the geodetic report.“

#### Article 35

Article 199 shall be amended and shall read:

„ (1) The confirmations stipulated in article 192 and article 197 of this law shall be submitted to the applicants.

(2) When the confirmations for registration stipulated in article 197 paragraph (1) of this law are used to also perform changes to the data for the neighboring cadastre parcels in compliance with the provisions from article 194 paragraph (4) of this law, the confirmations shall be submitted also to the holders of the real property rights of the neighboring cadastre parcels.

(3) The submission of the confirmations stipulated in paragraph (1) and (2) of this article shall be performed in compliance with the provisions from article 187 of this law.“

#### Article 36

Article 207 paragraph (2), after the word „incompatibility,“ the following words shall be added : „ or there is no eligibility of the legal bases in compliance with article 176 from this law“.

After paragraph (4) a new paragraph (5) shall be added and shall read:

„ (5) The submission of the confirmations stipulated in article 206 of this law and the confirmations stipulated in paragraph (2) and (3) of this article shall be performed in compliance with the provisions of article 187 of this law.“

#### Article 37

After article 208, a new title and a new article 208-a shall be added and shall read:

#### **„Registration of changes of the performed registrations in the real estate cadastre as a result of fictitious recordings in the land cadastre**

##### Article 208 -a

Upon submission of an application by a client which is to be supported by a geodetic report and a statement of consent for acceptance of the actual condition provided by the right holders of the property registered in ideal parts in the real estate cadastre as a result of fictitious recordings from the land cadastre, verified by a notary, a change in the real estate cadastre can be made by registering the ownership right in real parts.“

#### Article 38

In article 209 paragraph (1) point 1, the conjunction „and“ shall be replaced with a comma and the following words shall be added: „error during the decoding of the real properties, error during delineation of the borderline of the cadastre parcel as well as error during delineation and calculation of the data for the infrastructure objects,“.

In point 2, the full stop at the end of the sentence shall be replaced with the conjunction „and“ and a new point 3 shall be added and shall read:

„-during the inserting of the data on the cadastre maps and in the electronic database.“

Paragraph (4) shall be amended and shall read:

„The confirmations enacted on the basis of the application shall be submitted to the applicant(s) as well as to the holders of the rights registered in the real estate cadastre to which the rectification of the error refers to, while the confirmations under ex officio procedure shall be submitted to the holders of the rights registered in the real estate cadastre to which the rectification of the error refers to. The submission of the confirmations shall be performed in compliance with the provisions from article 187 from this law.“

#### Article 39

In article 211 paragraph (2), in the second sentence, the full stop at the end of the sentence shall be replaced with a comma and the following words shall be added: „to the applicants as well as to the persons registering as right holders.“

#### Article 40

In article 212 after the paragraph (3) a new paragraph (4) shall be added and shall read:

„(4) When subject of updating are also the data for the internal area of buildings, separate and common parts of buildings and other objects for which data has not been collected during the real property survey, the geodetic report stipulated in paragraph (2) of this article shall not contain a statement verified by a notary.“

After paragraph (4) which shall become paragraph (5) a new paragraph (6) shall be added and shall read:

„(6) When the confirmations for updating are used also to perform changes to the data for the neighboring cadastre parcels in compliance with the provisions from paragraph (3) of this law, the confirmations shall be submitted also to the holders of the real property rights of the neighboring cadastre parcels.“

#### Article 41

After article 213 a new title and a new article 213 -a shall be added and shall read:

#### **„Data for the SINC i.e. SINE contained in the confirmations**

#### Article 213-a

The confirmations stipulated in article 83 paragraph (2), articles 152, 153, 184, article 185 paragraph (2) and (3), article 192, article 197 paragraph (1) and (2), article 206, article 207 paragraph (2) and (3), article 209 paragraph (3) and article 211 and 212 of this law shall contain data for the SINC i.e. SINE of the applicants for registration.

#### Article 42

In article 217, paragraph (3) shall be deleted.

#### Article 43

The title before article 218 and the article 218 shall be deleted.

#### Article 44

In article 220, the words „paragraph (3)“ shall be deleted.

#### Article 45

The title before article 221 and the article 221 shall be amended and shall read:

#### **„Registry of prices and leases**

#### Article 221

(1) For the conveyance of the mass valuation of the properties stipulated in article 216 of this law, the Agency shall establish a Registry of process and leases.

(2) Under ex officio procedure, in the Registry of prices and leases the Agency shall record the prices of the real properties contained in the legal basis for transaction of real properties which have been attached with the applications for registration i.e. the applications for processing of changes in the real estate cadastre.

(3) In the Registry stipulated in paragraph (1) of this article, the Agency shall also record the value of the real property on the basis of which the property transaction tax has been calculated, as well as other data for the real property contained in a statement provided by the seller, verified by a notary.

(4) The notaries are also obliged to submit the statement stipulated in paragraph (3) of this article along with the application and the documents for the legal basis stipulated in paragraph (2) of this article.

(5) In the Registry stipulated in paragraph (1) of this article, the Agency shall also perform recording of the value of the leases on the basis of the data contained in the documents for the legal basis which are used to establish the property lease.

(6) The bodies i.e. the entities authorized to make, verify or confirm documents for legal basis

which are used to establish the property lease are obliged to submit the same to the Agency for the purpose of recording of the lease in the real estate cadastre and for the purpose of recording the value of the leases in the Registry stipulated in paragraph (1) of this article.

(7) Along with the documents for the legal basis stipulated in paragraph (5) of this article, the bodies i.e. the entities shall also submit evidence of paid fee and an application for registration i.e. temporary registration of the lease in the real estate cadastre.

(8) The deletion of the temporary registered leases in the real estate cadastre shall be performed on the basis of documents for the legal basis in compliance with a law.

#### Article 46

Article 222 shall be amended and shall read:

„(1) The manner of performing mass valuation and modification of the recorded value shall be prescribed by the Government of Republic of Macedonia.

(2) The form and the content of the statement stipulated in article 221 paragraph (3) of this law, as well as the manner of administering, the form and the content of the Registry of prices and leases shall be prescribed by the Steering Board of the Agency.”

#### Article 47

In article 237, the words: „185 paragraph (2)“ shall be replaced with the words : „185 paragraph (2) and (3)“.

#### Article 48

In article 241 paragraph (2) in point 13, the conjunction „and“ at the end of the sentence shall be replaced with a semicolon.

In point 14, the full stop at the end of the sentence shall be replaced with the conjunction „and“ and a new point (15) shall be added and shall read:

„15) to place/put up the Tariff List stipulated in article 125 of this law at a visible place in their headquarters as well as in their branch office, if they have one.“

#### Член 49

In article 243, paragraph (3) shall be amended and shall read:

„If during the performance of the works stipulated in article 241 of this law are identified irregularities in the application i.e. use of the provisions stipulated in article 118 paragraph (2) in reference to the fulfillment of the required conditions for facilities and equipment for the performance of the geodetic works and in reference to the obligation not to use the word „cadastre“ in the title of the sole proprietors – authorized surveyors and trade companies for geodetic works, article 121 point 3 of this law, as well as irregularities in the application i.e. use of article 126 of this law, the committed irregularities shall be defined in a Report while the authorized official shall initiate a procedure for rectification i.e. violation procedure with an instruction on how to rectify the irregularities with a period of 15 days.“

#### Article 50

In article 244, paragraph (2), after the words: „110 paragraph (1) point 2 and 6“ shall be replaced with the words „110 paragraph (1) point 2, 6 and 7. “

#### Article 51

In article 246, after the paragraph (3) two new paragraphs (4) and (5) shall be added and shall read:

„(4) A fine in the amount of 10.000 to 20.000 Euro in MKD equivalency shall be given for a violation committed by the legal entity as a right holder i.e. as a holder of the infrastructure object if the entity, within the deadline prescribed in article 57 of this law, fails to submit applications for registration/recording of the infrastructure object.

(5) A fine in the amount of 2.500 to 5.000 Euro in MKD equivalency shall be given to the responsible person of the legal entity for the violation stipulated in paragraph (4) of this article.“

#### Article 52

After article 246 a new article 246-a shall be added and shall read:

##### „246-a

(1) A fine in the amount of 4.000 to 5.000 Euro in MKD equivalency shall be given to the authorized legal entity which is technically conveying the exam stipulated in article 108-d of this law if the entity fails to record the sitting of the exam, fails to broadcast the sitting of the exam live at the web-page of the Agency and fails to upload the recording of the entire sitting of the exam at the web-page of the Agency.

(2) A fine in the amount of 500 to 1000 Euro in MKD equivalency shall be given to the authorized representative stipulated in article 108-d paragraph (5) of this law if the authorized representative acts contrary to article 108 –e paragraph (9) of this law.

(3) A fine in the amount of 4000 to 5000 in MKD equivalency shall be given to the authorized institution which is conveying the exam stipulated in article 108 -d of this law, if the authorized institution does not suspend the exam in compliance with article 108-e paragraph (5) and (6) of this law.

(4) A fine in the amount of 1000 to 1500 in MKD equivalency shall be given to the Director of the Agency if the Director fails to enact the Decision with the deadline stipulated in article 108-k paragraph (9) of this law.“

#### Article 53

In article 247 after the paragraph (1) a new paragraph (2) shall be added and shall read:

„(2) A fine in the amount of 1.500 to 3.000 in MKD equivalency shall also be given to the authorized surveyor who is not employed at the sole proprietor – authorized surveyor i.e. at the trade company for geodetic works, but is performing geodetic works for a sole proprietor – authorize surveyor i.e. for a trade company for geodetic works (article 110 paragraph (2)).“

#### Article 54

In article 248 paragraph (1) point 2), after the word „cadastre“ the following words shall be added : „ and does not meet the required conditions for facilities and equipment“.

After point 3) a new point 4) shall be added and shall read:

„4) failed to place/put up the Tariff List stipulated in article 125 of this law at a visible place in their headquarters as well as in their branch office, if they have one.“

#### Article 55

In article 249 paragraph (1) point 3) the word „five“ shall be replaced with the number “15”.

After the point „14“ a new point „15“ shall be added and shall read:

„15) committed a violation of the provision stipulated in article 110 paragraph (2) of this law in reference to the obligation not to allow an authorized surveyor who is not employed at sole proprietor – authorized surveyor or trade company for geodetic works to perform geodetic works.“

#### Article 56

In article 250 paragraph (1), the full stop at the end of the sentence shall be replaced with a comma and the following words shall be added „except for the violation stipulated in article 246-a for which a violation procedure shall be initiated and a violation sanction shall be given by the relevant court.“

#### Article 57

The holders of the infrastructure objects are obliged by the 24<sup>th</sup> of April 2016 the latest to submit to the Agency applications for registration/recording of 40% of the total delivered data for the infrastructure objects in compliance with article 256 paragraph (1) of this law, while by the 24<sup>th</sup> of April, 2018 to submit applications for registration/recording of the remaining 60% of the delivered data for the infrastructure objects.



#### Article 58

The Agency shall be connected with the sole electronic system for sitting the exam within a period of one year from the day of the enactment of this law.

#### Article 59

The bylaws stipulated in article 15 of this law shall be enacted by the Steering Board of the Agency within a period of one year from the day of the enactment of this law.

The provision stipulated in article 46 paragraph (1) of this law shall be enacted by the Government of the Republic of Macedonia within a period of two years from the day of the enactment of this law.

The provision stipulated in article 46 paragraph (2) of this law shall be enacted by the Steering Board of the Agency within a period of six months from the day of the enactment of this law.“

#### Article 60

The initiated procedures for sitting the exam for license for authorized surveyor until the start of the application of this law shall be completed in compliance with the provisions on the basis of which they were initiated.

#### Article 61

The data from the intabulation books recorded in the real estate cadastre in the name of the legal entities as lease creditors which ceased to exist shall be deleted upon submission of an application by the holders of the property rights within a period of two years from the day of the enactment of this law.

The application for deletion of the data from the intabulation books stipulated in paragraph (1) of this article should be supplemented by the holders of the property rights with evidence from an authorized entity which will claim that the legal entity registered as lease creditor ceased to exist and the same does not have a legal successor.

#### Article 62

Sole proprietor – authorized surveyor or trade companies for geodetic works are obliged within a period of one month after the day of the enactment of this law to attune and adjust their performance and work in compliance with the provisions of this law.

#### Article 63

The courts, the ministries, the bodies of the state administration, the enforcement agents and all other entities with transferred public authorizations are obliged within a period of six months from the day of the enactment of this law to obtain i.e. set up an electronic connection with the Agency.

#### Article 64

In reference to the real properties for which the real property data has not been synchronized in accordance with the provisions of article 153 and 158 from the Law on REC („Official Gazette of R. Macedonia“ no. 40/08, 158/10, 17/11, 51/11 and 74/12) within a period of one year from the day of the enactment of this law, the Agency under ex officio procedure shall perform a change by synchronizing the data for the real properties and for the real property right holders. For the performed synchronization, the Agency shall draft a notification for changes and shall submit the same to the real property right holders that are registered in the real estate cadastre to which the change i.e. the synchronization refers to.

#### Article 65

(1) The holders of the license for authorized surveyor, who have acquired the license in compliance with the conditions prescribed with the Law that was in force at the time of acquiring of the license, but do not meet the conditions for education prescribed with this law, are obliged within a period of four years from the enactment of this law to complete the level of the required education.

(2) The holders of the license for authorized surveyor who will fail to complete the level of the required education within the deadline stipulated in paragraph (1) of this article shall be deprived of their license for authorized surveyor.

(3) The provisions from the paragraph (1) and (2) of this article do not refer to the holders of the license for authorized surveyor who acquire their license in compliance with the conditions prescribed with the Law on survey, cadastre and registration of real property rights („Official Gazette of R. Macedonia no. 27/86, 17/91, 84/2005, 109/2005 and 70/2006).

#### Article 66

The provisions from article 3 of this law used to modify article 8 paragraph (2) of the Law on Real Estate Cadastre („Official Gazette of R. Macedonia no. 55/13 and 41/14) in the part which refers to the survey for the recipients of social welfare and permanent financial aid and for the persons with low gross income up to 168.000,00 MKD annually under the procedure of determining the legal status of illegally built objects shall be applied till the expiry of the deadline for submission of geodetic reports defined with the Law on treatment of illegally built objects.

#### Article 67

The provisions from article 30 paragraph (2) of this law shall be applied after the expiry of the deadline for submission of applications for privatization of state owned construction land, defined with the Law on privatization and lease of state owned construction land.

#### Article 68

This law shall enter into force on the eight day from the day of its publishing in the „Official Gazette of R. Macedonia”, while the provisions from article 11 of this law shall start to apply one year after the enactment of the law.

## EXPLANATION

### I. EXPLANATION OF THE CONTENT OF THE PROVISIONS CONTAINED IN THE DRAFT LAW

The draft law on amendments and addenda to the law on real estate cadastre is systemized in 69 article.

Article 1 is supplementing article 2 point 6 from the law, in a way that the term „cadastre land use“besides the other elements is defined also with „one cadastre land use and class“. As such, it creates a legal framework for each cadastre parcel to be marked with one cadastre land use and class as manner of use of the land. In the same article a new point 29 is added which defines the term „interested entity“ defined in point 23 from the stated article 2, as well as the term „fictitious recordings“.

Article 2 creates a modification in article 4 paragraph (2) from the law in the part which refers to the time period for which the Strategic Plan of the Agency is adopted, and instead of four years now the time period is three years, without determining when can the same be modified and supplemented. This creates synchronization of this provision with the Law on Budgets.

Article 3 proposes expansion of the authority of the agency to administer a Registry of prices and leases and it defines the cases of performance of survey by the Agency for Real Estate Cadastre under ex officio procedure. With the same article, related to the recommendations provided by the State Audit Authority and reported in the Audit Report for 2013, it is prescribed that during the performance of its authorities and competences, the Agency shall not charge administrative taxes. This is due to the fact that in accordance with article 20 from the law of administrative taxes „for performance of the services and the use of the data from the real estate cadastre and the land cadastre, the agency shall not charge administrative taxes prescribed with the Tariff list for administrative taxes“, however in compliance with the Law on REC, the Agency shall charge fees for performance of the services and the use of the data from the real estate cadastre and the land cadastre, defined by a Tariff list.

Article 4 supplements article 11 paragraph (1) point 11 by prescribing an authority for the Steering Board of the Agency for enactment of a decision for the level of the fee and for renewal of the license for authorized surveyor.

Article 5 proposes supplementing article 27 where the content of the GCIS is to be expanded with the Registry of prices and leases.

Article 6 prescribes the authority where during the survey of the real properties, the Agency is to collect data for the year of the construction, the year of reconstruction and the construction material and these data are to be used during the mass property valuation.

Article 7 additionally defines article 76 from the law by defining the fertile and natural infertile land as agricultural land defining the artificial infertile land and construction land.

Article 8 supplements article 83 with a provision which during the digitalization of the cadastre maps enables solving the problems in the real estate cadastre occurred as a result of fictitious recordings from the land cadastre.

Article 9 proposes deletion of paragraph (2) and (3) of article 104 from the Law. These paragraphs determined a demographic standard during the issuance of the licenses for performance of geodetic works. In this way, the new solution creates legal prepositions for removal of the barriers in the performance of the services on the market by the sole proprietors authorized surveyors and trade companies for geodetic works referring to the performance of the field

geodetic works.

Article 10 changes the title before the current article 108 and determines the conditions which need to be met by the candidates to sit the exam for authorized surveyor, as follows: has to be a citizen of the Republic of Macedonia; to have obtained at least 300 credit points according to the European Credit Transfer System (ECTS) from the field of geodesy or a completed VII/1 level of geodesy studies, to have at least two years of work experience in the field of geodetic works after meeting the condition related to the required education.

In article 11, after article 108 shall be added 12 new titles and 12 new articles which shall define: the parts of the exam (first and second part); subject areas for which the exam will be sited; program which contains the curriculum, the provisions and the literature; the establishment of the databases of questions for the first part and the databases of case studies for the second part of the exam, the submission of the application for sitting the exam and processing the application; the works related to the conveyance i.e. sitting of the exam; the manner of sitting the exam; the suspension and the continuation of the exam; the step by step process of sitting the exam; awarding points to the questions and the sole electronic system for sitting the exam; the access code, the suspension and the continuation of the exam; duration of the exam; issuance of the license and the audit of the conveyed exams, as well as the costs/fees for the sitting of the exam. The application of the stated provisions leads to financial implications related to information technology required for providing conditions for sitting the exam.

Article 12 supplements paragraph (3) of article 109 with the obligation to submit evidence of paid fee for continuation/renewal of the license for authorized surveyor. For the purpose of synchronizing the stated paragraph, paragraph (7) from the same article is also supplemented by adding the words „, and for the continuation/renewal“.

Article 13 supplements article 112 paragraph (1) with a new point 11 which defines the authority to deprive the license for authorized surveyor in case when identified that during the acquiring of the license, the conditions prescribed by law were not fulfilled.

Article 14 modifies the current article 113 from the law, supplementing the article in a legal-technical aspect, as well as adding the cases for submission of applications for sitting the exam for authorized surveyor when the license has been deprived in compliance with the provisions from article 108-k paragraph (8) and (9) and article 112 paragraph (1) point 11 of this law.

Article 15 modifies the article 116 and prescribes the authority of the Steering Board of the Agency for enactment of new bylaws foreseen with this law, related with the sitting of the exam for authorized surveyor and with the Registry of authorized surveyors.

In article 16, the word „the branch office“ is deleted in article 119 paragraph (1) point 1 which is actually a correction of an error in the stipulated paragraph. Namely, the license is issued to the sole proprietor – authorized surveyor and to a trade company for geodetic works, but not to a branch office. For these reasons, the cease of the validity on the basis of deletion of a branch office from the Trade Registry within the Central Registry of R. Macedonia should not be a basis for cease of the license of the previously stated entities.

Article 17 proposes supplementing the article 121 from the law by incorporating an obligation to place/put up the Tariff List for the level of the fees for the performed works at a visible place in their headquarters as well as in their branch office, if they have one, with the objective to improve transparency in their work and enable calculation of the fees by the clients.

Article 18 refers to article 123 paragraph (2) proposing to delete the words „for special purposes“ which is actually synchronization of this article with article 122 which prescribes that all geodetic reports for the performed geodetic works must be verified not just the geodetic reports for the performed geodetic works for special purposes.

Article 19 proposes provisions in article 129 supplementing the competence of the Chamber of sole proprietors – authorized surveyors and trade companies for geodetic works for arranging the manner of processing the applications in cases when the sole proprietors – authorized surveyors and trade companies are deleted from the Registry of sole proprietors - authorized surveyors and trade companies for geodetic works.

Article 20 supplements the article 141 after paragraph (2) and adds three new titles and three new articles 141-a, 141-b and 141-c. Article 141-a proposes a possibility for the enforcement officers, the lease creditors and the relevant entities which convey procedures related to the real properties do submit to the Agency an application for registration of real properties which remained with unregistered rights and to supplement the application with legal basis for registration, a geodetic report and evidence of paid fee for the registration. Article 141-b prescribes that the cadastre parcels which during the establishment of the real estate cadastre were registered with multiple land uses, during the maintenance of the real estate cadastre they shall be registered as cadastre parcels with a single sign for agricultural or construction land, depending on the manner of use and with the cadastre land use that covers bigger area of the parcel. Article 141-c proposes that the courts, the ministries, the state administration bodies, the notaries, the enforcement agents and all other entities with transferred public authorizations, are obligated to deliver via electronic means to the Agency all documents containing legal basis used as basis for registration in the real estate cadastre along with the applications for registration and the evidence of paid fee.

The sole proprietors – authorized surveyors and trade companies for geodetic works are obliged to acquire the data needed for production of geodetic reports via electronic means.

Article 21 proposes supplementing article 155 with provisions indicating that the list for conditional registration of infrastructure object is defined as data issued by the real estate cadastre, as well as provisions which define that the data from the real estate cadastre which contain data for the SINC should not be unnecessary visible, in compliance with the provisions on protection of personal data.

Article 22 proposes supplementing the article 158 paragraph (2) point 1 by adding the words „, with their address data as well as data for the SINC i.e. SINE (sole identification number of the entity, which represents synchronization with the Law on protection of personal data.

Article 23 adds after article 158 a new title „List of conditional registration of infrastructure object“ and a new article 158-a which defines the competence for issuance of a list for conditional registration of infrastructure object during a construction phase. This article also prescribes the content of the list.

Article 24 supplements the article 159 paragraph (1) point 3 with address data and data for the SINC i.e. SINE of the holders of the illegally built objects.

Article 25 supplements the article 160 paragraph (1) point 3 with address data and data for the SINC i.e. SINE of the holders of the infrastructure objects.

Article 26 supplements the article 163 with data for the SINC i.e. SINE in the certificate that the person is not registered as holder of property rights in the real estate cadastre.

Article 27 proposes modification of the article 171 paragraph (3) by prescribing a deadline of six months where after the expiry of the same, the conditional registration shall no longer have legal power and there is a possibility to delete the conditional registration after the expiry of the said deadline, at the request/application of the holder of the ownership right, and if this is not done by the holder of the ownership right, the Agency shall perform the process under ex officio procedure.

Article 28 proposes supplementing the article 172 paragraph (1) with the words „of other objects and of infrastructure objects“ for the purpose of synchronizing with the previously stated article 23 of this law.

Article 29 supplements article 173 paragraph (1) of this law where the temporary registration of obligation rights includes the lifelong care contract, gift contract in case of death.

Article 30 proposes supplementing the article 174 paragraph (1) with a new point where the legal basis for registration is a statement verified by a notary and the same can be used to perform registration of the property rights whose submission is defined as mandatory with this or another law. Paragraph (2) of the same article defines the right to the land as the right to ownership of the land.

Article 31 modifies article 185 paragraph (3) by defining an obligation of the Agency during the registration of infrastructure objects under the procedure of establishment of the cadastre of infrastructure objects, in case of lack of adequacy between the data. In such case the Agency can

reject the registration and enact a notification for rejection and shall notify the applicant of the performed recording. In this way, there is a legal possibility for judicial protection for the unsatisfied client before the Administrative Court.

Article 32 modifies article 187 and additionally defines the manner of submitting the notifications, with special emphasis on the submission via electronic means, in compliance with the provision from the Law on Litigation Procedure.

Article 33 adds after article 195 a new title and a new article 195-a which prescribes the manner of registration of the real property rights in the real estate cadastre in real parts of the properties which have been recorded as a result of fictitious recordings and the land cadastre.

Article 34 proposes deletion of the words contained in article 196 „of changes“, and thus it rectifies an error i.e. synchronization of the terminology. This is due to the fact that the article does not refer to application for registration of a change which is something defined in another chapter of the Law but it refers to an application for registration. In the same article, a new paragraph (2) is added which defines the manner of registration of the internal (use) area in case when the same is different from the area stated in the legal basis, while the difference is due to final completion of the building.

Article 35 modifies the article 199 и and defines an obligation for submission of notifications to the applicants but also to the holders of the rights in cases where the notifications result also in changes of the data for the neighboring cadastre parcels. This submission is performed in compliance with provisions of article 187 from the law.

Article 36 implies that article 207 paragraph (2) shall be supplemented with the words: „, or there is no eligibility of the legal bases in compliance with article 176 from this law. This actually additionally defines the stated paragraph in sense that the rejection is performed not only due to the identified inadequacy but also due to the lack of eligibility of the legal bases, which is prescribed in the stated article 176 of the law. In the same article a new paragraph (5) shall be added which defines authority for submission of the notifications stipulated in article 206 and the notifications from article 207 in compliance with the provision of article 187 from the law.

Article 37 implies that in article 208 a new title and a new article 208-a is added which defines the registration of the changes for the performed registrations in the real estate cadastre as a result of fictitious recordings in the land cadastre.

Article 38 implies that article 209 paragraph (1) shall be supplemented by expanding the scope of the term errors referring to the data for the real properties, which errors are removed i.e. rectified during the maintenance of the real estate cadastre. This article also defines the submission of the notifications for rectification of errors.

Article 39 implies that article 211 paragraph (2) prescribes the submission of the notification to the applicants for updating under ex officio procedure as well as to the individuals registered as right holders.

Article 40 supplements article 212 with two new paragraphs 4 and 6 which define that the updating of the data for the internal area of the buildings is performed without a statement verified by a notary and that the submission of the notifications is performed also to the holders of the rights of the neighboring cadastre parcels.

Article 41 indicates that article 213 proposes a new title and a new article 213-a, where the content of the notification is to be supplemented with data for the SINC i.e. SINE.

Article 42 indicates that in article 217 paragraph (3) shall be deleted due to inadequacy with the provisions of article 45 of this law.

In article 43, the title before the article 218 and the article 218 shall be deleted. This is for the purpose of synchronizing with the provisions of article 45 of this law.

Article 44 indicates that in article 220 the following words shall be deleted „paragraph (3). This is for the purpose of synchronizing with the article 42 of this law.

In article 45, the title before the article 221 and the article 221 shall be modified by defining the establishment and the administration of the Registry of process and leases.

Article 46 modifies article 222 of the law and defines the authority of the Government of the Republic of Macedonia to enact a Decree which shall prescribe the manner of performing mass valuation and changes of the recorded value as well as the authority of the Steering Board of the Agency for REC for prescribing the form and the content of the statement in article 45 paragraph

(3) of this law including the manner of administering, the form and the content of the Registry of prices and leases.

Article 47 proposes supplementing the article 237 by adding the words „and paragraph (3) thus performing synchronization in the terminology with article 31 of this law which modifies article 185 paragraph (3) of the law i.e. prescribes the right to lodge an lawsuit before the Administrative Court and against the notifications for rejection due to lack of eligibility of the application for registration of infrastructure objects.

Article 48 supplements article 241, paragraph (2) with a new point 15), by defining an authorization for the Agency to perform supervision over the application of the provision stipulated in article 17 of this law.

Article 49 proposes modifying paragraph (3) in article 243 by additionally defining the irregularities identified during the supervision. The committed irregularities defined in a Report with an instruction on how to rectify the irregularities with a period of 15 days and how to initiate a procedure for rectification i.e. violation procedure.

Article 50 supplements paragraph (2) of article 244 with an irregularity prescribed in article 110 paragraph (1) point 7 which is the basis for initiation of a procedure for rectification i.e. violation procedure. This irregularity in article 243 paragraph (3) of the law that is being changed was prescribed as an irregularity for which a deadline for rectification was determined.

Article 51 supplements article 246 with two new paragraphs (4) and (5) defining a fine for a violation committed by a legal entity and by the responsible person of the legal entity if they fail to act in accordance with the provisions of article 57 from the law.

In article 52, a new article 246-a is added and prescribes a fine for the authorized legal entity that technically conveys the exam for authorized surveyor, a fine for the authorized representative of the authorized legal entity and a fine for the authorized institution conveying the exam as well as a fine for the Director of the Agency for committed violations related to the exam, prescribed with the Law.

Article 53 proposes supplementing of the article 247 with a new paragraph (2) which prescribes a fee for the violation stipulated in article 110 paragraph (2) of the law.

Article 54 proposes supplementing the article 248 paragraph (1) point 2) where the basis for the fine prescribed with this article is proposed to be the violation of the obligation of the sole proprietors – authorized surveyors and trade companies for geodetic works for fulfillment of the required conditions for facilities and equipment as well as fulfillment of the obligation for posting the Tariff list at a visible place in the headquarters/branch office.

Article 55 proposes in article 249 paragraph (1) point 3) the word „five“ to be replaced with the number „15“ which is synchronization with article 243 paragraph (3) of the law where a deadline of 15 days for rectification of the irregularities has been defined.

The same article supplements the stated article 249 by adding a new point 15) where the basis for giving the prescribed fine is the failure to fulfill the obligation for not allowing performance of geodetic works by an authorized surveyor who is not employed at the sole proprietor – authorized surveyor or trade company for geodetic works.

Article 56 proposes supplementing the paragraph (1) of article 250 and defines that for the violations stipulated in article 246-a, the violation procedure and the violation sanction shall be carried out by the relevant court.

Article 57 prescribes the obligation for the holders of the infrastructure objects to submit applications by the 24<sup>th</sup> April 2016 the latest for registration/recording of 40% of the infrastructure objects while by the 24<sup>th</sup> April 2018 for the remaining 60%.

Article 58 prescribes a deadline of one year from the day of the enactment of this law in which the Agency needs to establish the sole electronic system for sitting the exam for authorized surveyor.

Article 59 proposes a deadline in a period of one year from the day of the enactment of this law for enactment of bylaws stipulated in article 15 of this law, a deadline in a period of two years for enactment of the Decree stipulated in article 46 paragraph (1) of this law and a deadline in a period of six months from the day of the enactment of this law for enactment of the bylaw provisions stipulated in article 46 paragraph (2) of this law.

Article 60 defines that the initiated procedures for sitting the exam for license for

authorized surveyor until the enactment of this law shall be completed in compliance with the provisions from the regulation on the basis of which they were initiated.

Article 61 defines the deletion of the data from the intabulation books registered in the real estate cadastre on the behalf of legal entities as lease creditors which ceased to exist and do not have legal successors. The article prescribes that the deletion shall be performed on the basis of an application submitted by the holders of the property rights which is to be annexed with evidence for authorized entity that the legal entity in question no longer exists and does not have a legal successor.

Article 62 prescribes the obligation for the sole proprietors – authorized surveyors and trade companies for geodetic works to synchronize their performance with the provisions from article 17 of this law within a period of one month from the day of the enactment of this law.

Article 63 се пропишува должност за судовите, министерствата, органите на државната управа, извршителите и сите други субјекти со пренесени јавни овластувања, во рок од шест месеци од денот на влегувањето во сила на овој закон по електронски пат да се поврзат со Агенцијата.

Article 64 prescribes that the Agency within a period of one year from the day of the enactment of this law, under ex officio procedure, to perform changes by synchronizing the real property data and the holders of the property rights.

Article 65 prescribes a deadline of four years from the enactment of this law in which the holders of the license for authorized surveyor who do not meet the conditions for education required for sitting the exam for authorized surveyor are obliged to complete the level of the required education.

Article 66 proposes that the provision from article 3 of this law referring to article 8 paragraph (2) in the part which refers to the survey for the recipients of social welfare and permanent financial aid and for the persons with low gross income up to 168.000,00 MKD annually under the procedure of determining the legal status of illegally built objects shall be applied till the expiry of the deadline for submission of geodetic reports defined with the Law on treatment of illegally built objects.

Article 67 prescribes the deadline for the start of the application of the provisions from article 30 paragraph (2) of this law, which refers to the expiry of the deadline for submission of the application for privatization of state owned construction land.

Article 68 prescribes that the law shall enter into force on the eight day from the day of its publishing in the „Official Gazette of R. Macedonia”, while the provisions from article 11 of this law shall start to apply one year after the enactment of the law.

## II. INTERRELATIONS BETWEEN THE SOLUTIONS CONTAINED IN THE PROPOSED PROVISIONS:

The proposed solutions contained in the provisions of the Draft Law Amending the Law on Real Estate Cadastre indicate an interrelation with the regulations governing the procedure for passing the exams related to their governing matter, especially the Law on Bar and other laws that



regulate issues related to the activities that are subject to the proposed law.

### III. CONSEQUENCES THAT WILL RESULT FROM THE PROPOSED SOLUTIONS:

With the adoption of the Law on Amending the Law on Real Estate Cadastre it is expected for the manner of sitting the exam for an authorized surveyor to be improved, as well as objectified.

Also, the proposed law is expected to raise the quality of execution of field surveying work of the candidates that passed the exam, as well as the level of preparedness of the candidates during the examination. The proposed changes will increase the effectiveness, efficiency and accuracy in maintaining the real estate cadastre.

### AMENDED PROVISIONS

#### Article 2

Separate terms used in this Law shall have the following meaning:

1. "Geodetic-cadastral information system" is an integrated and unique information system in the Republic of Macedonia which enables acquisition, processing, maintenance, management, use, distribution, issuance and a single access to the data from: the real estate cadastre, the basic geodetic works, the geodetic works of special purposes, the real property survey performed in service of the real estate cadastre, the survey and the maintenance of the state borderline of Republic of Macedonia, the topographic maps, the Spatial Units Registry, the Graphic registry of streets and house numbers and the Registry of construction land and other data of significance to the real properties
2. "Real estate cadastre" is a public book which records the right to ownership and the other real property rights, real property rights data, as well as other rights and facts whose registration is defined by law;
3. "Real Property" is the land, buildings, special and common parts of buildings, and other objects and infrastructure objects;
4. "Authorized Officer" is a person authorized to perform registration of the real property rights in the real estate cadastre, to process changes in the established real estate cadastre, and to produce and issue data from the Geodetic-cadastral information system;
5. "Cadastre units" are cadastre parcel and cadastre municipality;
6. "Cadastre parcel" is a basic cadastre unit which is a part of a land not smaller than 1m<sup>2</sup>, defined with borders, located within a cadastre municipality and is in possession of a certain ownership right holder(s);
7. "Cadastre municipality" is a cadastre unit comprising one inhabited area, unless otherwise stipulated by this law;
8. "Infrastructure object" is an object in the field of traffic (land, water and air traffic) underground and above-ground installation (line) and electronic communication networks and means, with all their supporting installations;
9. "Right holder" is any natural person, legal entity, the Republic of Macedonia or a local self-government unit and the city of Skopje, to whose title the real property right is registered in the Real Estate Cadastre;

10. "Spatial data" are detail point coordinates which define the real property within the single state reference system and state cartographic projection;

11. "Descriptive data" is data which describes the features and the characteristics of the real property (the land use, land class, place name, number of building or special, i.e. common part of a building or another object, entrance, floor, area, volume, identifier and type of infrastructure objects, length/height, value and other), the real property rights and the real property right holders, which as descriptive data are registered in a form of numeric or textual record;

12. "Mass property valuation" is a model by which the Agency determines the market value of the real properties registered in the real estate cadastre;

13. "Basic geodetic works" are the works which include the definition of the state geodetic datum, the cartographic projection and the reference networks used to establish the basic geodetic reference system of permanent and homogeneous geodetic points in reference to which the definition of the spatial data is performed;

14. "State reference system" is a coordinate system, comprised of a sum of numerical constants, required for defining the position and the other features of the geodetic points and the objects on the territory of the Republic of Macedonia;

15. "Geodetic Reference Networks" are the trigonometric, polygonometric, polygonal, linear, leveling, gravimetric, astrogeodetic and GNSS networks established throughout the entire territory of the Republic of Macedonia;

16. "Real Property Survey" is a procedure of acquisition of spatial and descriptive real property data in service of the real estate cadastre and their processing and formatting;

17. "Authorized Surveyor" is a natural person which has acquired an authorization for performance of geodetic works in compliance with this Law;

18. "Geodetic Report" is a geodetic technical documentation for the performed basic geodetic works, the real property survey in service of the Real Estate Cadastre and the maintenance of the state borderline of Republic of Macedonia, the geodetic works for special purposes which are of influence for the real estate cadastre and the geodetic works performed for the purpose of producing topographic maps;

19. "Cadastre map" is a visual graphic layout of the horizontal projection of the properties in the sole state reference system and the state cartographic projection;

20. "Map of infrastructure objects" is a visual graphic layout of the horizontal and vertical projection of the infrastructure objects in the sole state reference system and the state cartographic projection;

21. "Geodetic Works for Special Purposes" are the geodetic works related to spatial planning (updating of geodetic layers), production of numeric data for real properties which are of service for realization of the urban plans and urban planning documentation, as well as geodetic works for settling of legal property affairs for real properties of influence to the Real Estate Cadastre;

22. "Spatial Unit" is a limited part of the space, established for the purpose of recording, acquisition and processing of statistical and other type of data which are of interest to the country;

23. "Registration applicant" is a real property right holder, its legal representative, proxy, authorized representative, legal successor of the deceased ownership right holder, interested

individual or an individual authorized to request registration according the law;

24. “Ex-officio registration” is a registration of the ownership right and other real rights in the real estate cadastre of R. Macedonia and updating of data from the real estate cadastre, as well as in other cases foreseen by this law;

25. “State Borderline” is a cross line of the vertical plain and the surface of the earth by which the territory of Republic of Macedonia is separated from the neighboring countries;

26. “Centralized database” is a database set up and maintained at a single physical location, with a possibility for access to the same from multiple locations;

27. “Information Infrastructure” is a system comprised of communication networks, IT equipment and software solutions, enabling uninterrupted electronic flow of information;

28. “Metadata” is data that describe spatial and descriptive data.

#### Article 4

(1) The establishment and the maintenance of the real estate cadastre, the performance of the basic geodetic works, the geodetic works for special purposes, the real property survey in service of the real estate cadastre, the survey and the maintenance of the state borderline of Republic of Macedonia, the mass property valuation, the establishment and the administration of the Graphic registry of construction land, the production of the topographic maps and the maintenance of the Spatial units registry, the administration of the Graphic registry of streets and house numbers, shall be performed on a basis of a Strategic Plan and an Annual Program for implementation of the strategic plan.

(2) The Strategic Plan stipulated in paragraph (1) of this Article shall be adopted by the Government of Republic of Macedonia, at the motion of the Agency for Real Estate Cadastre for a period of four years, and when needed can be amended i.e. supplemented within a period of two years.

(3) The Annual Program stipulated in paragraph (1) of this Article shall be adopted by the Agency for Real Estate Cadastre and endorsed by the Government of Republic of Macedonia.

(4) The Plan and the Program stipulated in paragraph (1) of this Article shall determine the type and the scope of the works, the resources necessary for their implementation and the sources of funds.

#### Article 8

- (1) The Agency shall be authorized to:
- Manage the Geodetic-cadastre information system,
  - Perform basic geodetic works,
  - Perform real property survey,
  - Perform survey and maintenance of the state borderline,
  - Perform geodetic works for special purposes,
  - Establish and maintain the real estate cadastre,
  - Perform mass valuation of real properties registered in the real estate cadastre,
  - Establish and administer the Graphic registry of construction land,
  - Produce topographic maps,
  - Administer a Spatial units registry,
  - Administer the Graphic registry of streets and house numbers,
  - Establish, maintain and provide public access to the National Spatial Data Infrastructure in compliance with a separate law; and
  - Monitor and supervise the performance of the sole proprietors – authorized surveyors and the trade companies for geodetic works.

(2) The survey and the maintenance of the state borderline as well as the geodetic works for special purposes of significance to the Republic of Macedonia shall be performed by the Agency.

(3) For determining the geodetic works for special purposes stipulated in paragraph (2) of this Article a decision shall be enacted by the Government of Republic of Macedonia.

#### Article 11

(1) The Steering Board of the Agency shall perform the following activities:

- Enact the Statute of the Agency, endorsed by the Government of R. Macedonia,
- Enact Operative Proceedings,
- Propose a Strategic Plan for the Agency,
- Adopt an Annual Program for implementation of the Strategic plan of the Agency,
- Adopt an Annual Financial Plan for the Agency,
- Adopt the Annual Performance Report of the Agency,
- Enact bylaws for implementation of this Law,
- Enact acts for salaries, salary surcharges and other compensations for the assisting staff, as well as acts for evaluation of the assisting staff in the Agency,
- Enforce Acts prescribing the manner of achieving cooperation, providing consultant services and trainings as well as the manner of distribution and use of the revenues stipulated in Article 5 of this Law,
- Adopt Tariff Lists stipulated with this Law,
- Enact a decision on the amount of the fee for sitting the exam for acquiring an authorization for an authorized surveyor, as well as a decision for confirming an authorization of a foreign geodetic engineer and
- Other works, stipulated by this Law, other laws and the Statute of the Agency

(2) Bylaws from paragraph 1, line 7 of this Article shall be published in the Official Gazette of the Republic of Macedonia.

(3) The Steering Board shall work and decide during sessions.

#### Article 27

(1) The GCIS shall contain spatial and descriptive data from the real estate cadastre, the basic geodetic works, the real property survey, the state borderlines, the geodetic works for special purposes, for the property value, the topographic maps, the Spatial units registry, the Graphic registry of streets and house numbers and the Graphic registry of construction land.

(2) The Agency shall administer the data from the GCIS in a manner which provides their acquisition, processing, maintenance, protection as well as their use, access, distribution/issuance to the interested entities.

#### Article 68

(1) Subject to survey in service of the real estate cadastre shall be the buildings, separate and common parts of buildings and other objects that represent a functional unit permanently positioned on a cadastre parcel.

(2) For buildings, separate and common parts of buildings stipulated in paragraph (1) of this article shall be collected:

- Spatial data for the footprint of the building,
- Internal area data,
- Data for the use, the number of floors, the number of the building, the entrance number, the number of the separate part (apartment) and the number of the common part of the building; and

- Data for the right holders of the building or the separate and common parts of the building.

(3) For the objects/buildings stipulated in paragraph (1) of this article, like dams, open sport fields, parks, squares, green areas, facilities for separation of material for production of concrete, concrete foundations, asphalt foundations and other, the following shall be collected:

- Spatial data for the footprint,
- Data for open area,
- Data for the use and
- Data for the right holders.

(4) For the seating bleachers in closed/open sport fields, data for the area of the seating bleacher in horizontal projection shall be collected.

(5) For other objects of the type fish ponds, granaries, reservoirs, pools and others which may be underground, on surface and above ground as well as for others for which data for the internal/open area is not collected, besides the data from paragraph (3), point 1, 3, and 4 of this Article, descriptive data for the volume shall be collected.

(6) The spatial data for the footprint of the building and other objects stipulated in paragraph (1) of this article, during the survey shall be collected in 2D and visualized through the cadastre map.

#### Article 76

(1) Cadastre culture is the land on which are determined the method and the possibilities of land exploitation for agricultural, forest and other production.

(2) According to the method of land use, the land can be classified as fertile, infertile land and land under water.

(3) The fertile land is classified as fields, rice fields, gardens, orchards, vineyards, meadows, pastures, forests, giant reeds and marshlands.

(4) Fertile land is classified in eight cadastral classes.

(5) The infertile lands are classified as naturally infertile land (dales, stonemasons and other) and as artificially infertile land which represents land for which an urban plan or urban planning documentation has been enacted (urban non-constructed land, urban constructed land).

(6) The land under water is classified as land under running waters (streams and rivers) and land under standing waters (natural and artificial lakes and swamps).

(7) The infertile lands and the land under waters are not classified in cadastre classes.

#### Article 83

(1) For the cadastral municipalities for which a real estate cadastre has been established based on analog cadastral maps, the Agency shall perform the digitization of the analogue cadastral maps. When it is determined during the digitization that the boundaries of some of the cadastral parcels cannot be digitalized, the actual situation of the cadastral parcel shall be inspected and the data obtained from the inspection shall be complied with data from official records and applied to the digital cadastral plan. By putting into use the database of the digital cadastral maps, the data obtained from the digital cadastral maps shall be used.

(2) When during the digitalization of the cadastre maps differences are identified between the area of the cadastre parcels in the digital cadastre maps and the area from the cadastre registry book, where the differences are bigger than  $\Delta P \leq 0.0007 * M * \sqrt{P}$  (where P is the area of the cadastre parcel and M is the scale of the cadastral map), the Agency under ex officio procedure shall enact a confirmation of the digital surface that is delivered to the person registered as the holder of the right of the cadastral parcel.

(3) The Confirmation of digital surface is drafted after inspection in the official records and the drawing up of minutes for the facts and the expert findings for the differences in the area.

(4) The confirmation referred to in paragraph (3) of this article shall be submitted in the manner prescribed in Article 187 of this Law.

(5) The new area of the cadastral parcels, arising under paragraph (1) and paragraph (2) of this Article shall be entered ex officio in the property list.

(6) For the application of the database of digital cadastral maps for each cadastral municipality, the Director of the Agency shall enact a decision.

(7) The decision referred to in paragraph (6) of this Article shall be published in the "Official Gazette of the Republic of Macedonia".

#### Article 104

(1) The sole proprietors - authorized surveyors and trade companies for geodetic works in order to perform the field geodetic works stipulated in article 103 of this law, must meet the following conditions:

- Be registered in the trade registry at the Central Registry of the Republic of Macedonia with main occupational field of work - performance of geodetic works,
- Have minimum two employees from the geodetic field, out of which at least one is a licensed surveyor,
- Have damage liability insurance,
- Have licensed software for production of geodetic reports and
- Hold a license for performance of the geodetic works.

(2) The licensing of the sole proprietors/authorized surveyors and the trade companies for geodetic works/branch office is conditioned by the basic demographic standards of a statistical region according to the nomenclature of the territorial statistics units (NTUS).

(3) The basic demographic standard for one license for each of the entities stipulated in paragraph (2) of this article is 10.000 citizens

(4) The sole proprietors – authorized surveyors and the trade companies for geodetic works can perform works on the entire territory of the Republic of Macedonia.

#### Acquiring a License for Authorized Surveyor

#### Article 108

(1) The title of an authorized surveyor may be acquired by any natural person that meets the following criteria:

- is a citizen of the Republic of Macedonia or any member state of the European Union,
- to have obtained at least 300 credit points according to the European Credit Transfer System (ECTS) from the field of geodesy or a completed VII/1 level of geodesy studies,
- to have at least two years of work experience in the field of geodetic works after meeting the conditions in point 2 of this paragraph and
- to have successfully passed the exam for acquiring a license for authorized surveyor.

(2) The exam stipulated in paragraph (1), line 4 of this Article shall be sat in front of a Commission for sitting an exam for authorized surveyor, established within the Agency, on the basis of a program.

(3) For sitting the exam stipulated in paragraph (1), line 4 of this Article, a fee shall be paid to the Agency.

(4) The amount of the fee for sitting the exam for acquiring a license for an authorized surveyor shall be determined on the basis of the expenditures required for providing facilities and material conditions for conveying the exam. The amount of the fee for sitting the exam shall be prescribed by the Steering Board of the Agency with a Decision.

(5) The Agency is obliged to notify the persons which have failed the exam within five days after conveying the exam and issue a license to the persons who have successfully passed the exam.

(6) The Agency shall record the licenses issued to the authorized surveyors in the Register of Authorized Surveyors administered by the Agency.

#### Article 109

- (1) The license for authorized surveyor shall be issued for a five year period.
- (2) The license for authorized surveyor shall be renewed every five years.
- (3) In order to renew the license for authorized surveyor, the license holder shall submit an extension application to the Agency six months before the expiration. The license holder shall attach a certificate issued by the Agency stating that during the five years they have attended continuous education of 30 lessons per year related to the field of geodetic works by the Agency, of which at least 20 lessons were related to the real estate cadastre.
- (4) For the extension of the license for authorized surveyor, the Agency shall enact a decision within 15 days of the submitting of the request.
- (5) The decision of the Agency not to renew the license for authorized surveyor is final and executive, and it can be appealed against before an administrative court within 15 days from the day of receiving the decision.
- (6) The authorization of a foreign geodetic engineer stipulated in Article 106, paragraph (2) from this Law, at the request of the foreign geodetic engineer shall be confirmed by the Agency with a decision. The request for confirmation of the authorization needs to be annexed with evidence of paid fee required to the Agency.
- (7) The amount of the fee for confirming the authorization of the foreign geodetic engineer is defined depending on the expenditures made for the confirmation of the authorization, with a decision by the Steering Board of the Agency.
- (8) The decision of the Agency not to confirm the authorization of the foreign geodetic engineer is final and executive, and it can be appealed against before an administrative court within 15 days from the day of receiving the decision.

#### Article 112

- (1) The license for authorized surveyors shall be revoked, if:
  - during the performance of the geodetic works, the authorized surveyor does not act accordingly to this law and the regulations based on the law, as well as accordingly to the rules and standards of the geodetic practice,
  - the prepared geodetic reports in paper format are not signed by its own hand,
  - the prepared geodetic reports in electronic format are not signed with a valid certificate issued by a licensed publisher,
  - they do not use the data from the real estate cadastre and they fail to use them only for the purpose for which they are issued;
  - they have been issued with an injunction to perform a profession, activity or duty,
  - the authorized surveyor has partially lost their business competence,
  - the authorized surveyor fails to submit a request to renew the license for authorized surveyor within the deadline set in Article 109 paragraph (3) hereof,
  - produces geodetic reports without prior performed survey and inspection of the real property on the field,
  - fails to attend the continuous education from the field of geodetic works, and
  - The authorized surveyor that is not employed at a sole proprietor – authorized surveyor i.e. trade company for geodetic works is discovered to perform geodetic works for the sole proprietors authorized surveyors i.e. trade companies for geodetic works.
- (2) The license for authorized surveyor stipulated in paragraph 1 of this article shall be revoked by the Agency with a decision.
- (3) The Decision from paragraph (2) of this Article is final and executive, and any discontent party may lodge a complaint before an administrative court, within 15 days from receiving the decision.
- (4) The revoking of the authorization shall be registered in the Registry of authorized surveyors.
- (5) The Agency is obligated to immediately inform the Chamber for the changes made to the Registry from paragraph 4 of this Article.

#### Article 113

(1) The authorized surveyor who has been deprived of its license in the case stipulated in article 112, paragraph (1), line 1, 2, 3, 4, 8 and 10 of this Law , cannot submit a request for acquiring a new license until the expiration of the 5 year period from the date of such deprivation.

(2) In order to acquire the new license stipulated in paragraph (1) of this Article, the person must again meet the criteria stipulated in Article 108, paragraph (1) of this Law.

#### Article 116

The method of sitting the exam for an authorized surveyor, the program content, the manner of issuance, renewal, confirmation, termination and revoking of license for authorized surveyor, the form and the contents of the license form for authorized surveyor, as well as the form, content and manner of administering the Registry of authorized surveyors shall be prescribed by the Steering Board of the Agency.

#### Article 119

(1) The license for performance of geodetic works shall cease to be valid in the following cases:

- Deletion of the sole proprietor – authorized surveyor/trade company for geodetic works/branch office from the Trade registry in the Central Registry of the Republic of Macedonia.
- Deletion of the sole proprietor – authorized surveyor/trade company for geodetic works/branch office from the trade registry in the Central Registry of R. Macedonia.- Deletion of main activity for performance of geodetic works from the Central Registry of R. Macedonia, and- Deletion of main activity for performance of geodetic works from the Central Registry of R. Macedonia, and- Deletion of main activity for performance of geodetic works from the Central Registry of R. Macedonia, and- Deletion of the main activity for performance of geodetic works from the Central Registry of the Republic of Macedonia, and
- At the request of the sole proprietor – authorized surveyor and Trade Company for geodetic works.

(2) After the cease of the validity of the license from paragraph (1) of this Article, the sole proprietor – authorized surveyor and Trade Company for geodetic works shall be deleted from the Registry of sole proprietors – authorized surveyors and trade companies for geodetic works which is administered in the Chamber.

(3) For the cease of the validity of the license stipulated in paragraph 1, point 2 and 3 from this Article, the Steering Board of the Chamber shall enact a decision.(3) For the cease of the validity of the license stipulated in paragraph (1), line 2 and 3 from this Article, the Steering Board of the Chamber shall enact a decision.

(4) The decision of the Steering board of the Chamber which stipulates the cease of the validity of the license for performance of geodetic works is final and executive, while against the same an appeal can be lodged to the Administrative court within 15 days from the day of the receipt of the decision.

#### Article 121

The sole proprietor authorized surveyor and trade company for geodetic works is obliged:

- to perform the geodetic works in compliance with the provisions of this Law and the provisions enacted on the basis of this Law, as well as in compliance with the rules and standards of the geodetic profession.
- to charge a fee for the performed geodetic works in compliance with this law and the Tariff list stipulated in article 125 of this Law, and
- to accept clients and to issue data from the performed geodetic works only in the headquarters of the sole proprietor – authorized surveyor, i.e. the trade company for geodetic works

#### Article 123

(1) The manner of issuing, termination and deprivation of the license for performing the geodetic works, the form and the content of the license form for performing geodetic works, the conditions for facilities and equipment required for performing the geodetic works, as well as the



form, the content and the manner of registering and administering the Register of sole proprietors-authorized surveyors and trade companies for geodetic works shall be prescribed by the Steering Board of the Agency.

(2) The amount of the fee for verification of the geodetic reports for performed geodetic works for special purposes shall be defined with a Tariff List enacted by the Steering Board of the Agency, endorsed by the Government of the Republic of Macedonia.

#### Article 129

Activities, objectives and tasks of the Chamber are:

- Representing the common interests of the members of the Chamber, improving work efficiency and operation of the members and their organization,
- Expressing the interests of the members of the Chamber before the competent state bodies and institutions,
- providing business and professional - expert services for the needs of the members,
- Providing advice, information and assistance in order to improve the results of operations of the members of the Chamber, encouraging free business initiative, cooperation and competition,
- Participation in international geodetic chambers and other geodetic associations, outlining and presenting common positions on issues of international character,
- Establishing and fostering good business practices, development of business morality and establishing rules of business conduct of the members of the Chamber in their mutual relations and in relations with third parties and on the market,
- Support and providing recommendations to the members of the Chamber in establishing businesses, particularly abroad and
- Perform other activities of interest to members of the Chamber in accordance with this Law and the Statute of the Chamber.

#### Article 141

(1) Legal basis for registration in the Real Estate Cadastre are the documents for the legal basis on the basis of which the registration/processing of changes in the Real Estate Cadastre is performed.

(2) The documents for the legal basis should be submitted in original or a copy verified by an entity authorized for the performance of such public authority.

#### Article 155

(1)The Agency shall issue the data from the Real Estate Cadastre as:

- Property list,
- Property list for infrastructure objects,
- List for conditional registration of a construction,
- Evidence list,
- Evidence list for infrastructure objects,
- Certificate of historical overview of performed registrations,
- Certificate of historical overview of performed registrations of the property value,
- Certificate that the person is not registered in the real estate cadastre,
- List of cadastre parcel indications,
- Copies of the document compilation,
- excerpt from cadastral map,
- excerpt from the map of infrastructure objects
- Data for the property value and
- Other data resulting from the real estate cadastre

(2) The data stipulated in paragraph (1), lines 1, 2, 3, 4, 5, 10, 11 and 12 of this Article shall be issued immediately by the Agency i.e. not later than one day from the day of submitting the application, while the data stipulated in paragraph (1), line 6, 7, 8, 9, 13 and 14 of this Article shall be issued by the Agency in a period not longer than three days from the day of submitting the application.

#### Article 158

(1) The List for conditional registration of an object can be issued for a conditionally registered ownership right to a building, separate and common part of building or any other object under construction.

(2) The List stipulated in paragraph 1 of this Article is comprised of:

- Data for the individuals who have the right to construction, in compliance to the building permit,
- Data for the cadastre parcel on which the construction is built,
- Data on buildings, separate and common parts of buildings and any other objects, copied from the original project design verified by the relevant body/institution and
- Data for the right to collateral (mortgage) on the object and the other legal acts related to the performed conditional registration.

#### Article 159

(1) The Evidence list shall contain the data for:

- the cadastre parcel on which the illegally built objects are located,
- the illegally built objects and
- the occupants of the illegally built objects

(2) The Evidence List is not a public document and changes to the data stipulated in paragraph 1 of this article cannot be performed in the Evidence List.

#### Article 160

(1) The Evidence list for infrastructure objects shall contain data for:

-the beginning and the end of the infrastructure object expressed descriptively and with coordinates,

- infrastructure objects and
- the occupants of infrastructure objects.

(2) The Evidence List for infrastructure objects is not a public document and in it changes cannot be performed to the data stipulated in paragraph (1) of this article.

#### Article 163

The certificate that a person is not registered in the Real Estate Cadastre is a public document which, on the basis of facts and data contained in the Real Estate Cadastre, proves that the person is not registered as a right holder in the Real Estate Cadastre.

#### Article 171

(1) Conditional registration is the conditional registration of acquisition or termination of the ownership right and the sub-forms of the ownership right of a property, when an application for registration is submitted in the Real Estate Cadastre, but the legal presumptions i.e. the conditions for registration stipulated in article 176 of this Law are not fulfilled and if the basis for the final registration is not sufficiently presented.

(2) By providing an evidence for fulfillment of the legal presumptions i.e. the conditions for registration stipulated in Article 176 of this Law, the conditional registration shall be deleted and the right to ownership shall be subject to final registration.

(3) The conditional registration stipulated in paragraph (1) of this article shall be deleted in cases when the legal presumptions i.e. the conditions for registration are not fulfilled, at the request of a holder of the ownership right of the property on which the conditional registration is performed, within a period of 6 months from the day of the performed conditional registration.

(4) The legal action of the conditional registration provides precedence for final registration, provided that the conditional registration per se can be confirmed in compliance to the conditions for registration of the rights stipulated by Law.

#### Article 172

(1) Subject to conditional registration in the real estate cadastre are the ownership right, the sub-forms of the ownership right (co-ownership and joint ownership) of a building and separate

part of a building, as well as the right of ownership of the common parts of the building which are in service of the separate part of the building, which is under construction, by registering data for the individuals who have construction right in compliance with the construction permit and the data for the buildings, separate and common parts of buildings copied from the basic project design verified by an authorized entity.

(2) The conditional registration stipulated in paragraph (1) of this Article shall provide precedence of the conditional registration of the legal acts for transaction of the conditionally registered rights from paragraph (1) of this Article, in reference to the eventual future legal acts which are to be submitted for conditional registration.

(3) The conditional registration stipulated in paragraph (1) of this Article shall be performed by request of an entity authorized to issue enforceable construction permits, submitted via electronic means.

(4) The changes which occurred during the construction of the object related to the construction permit, to the individuals that have the right to construct, to the parts of the construction right, to the basic project design, as well as to the other changes related to the construction shall be registered in the list of conditional registration of an object and shall be recorded in the Property list, at the request of the entity stipulated in paragraph (3) of this Article, which should be annexed with the documents for the legal basis evidencing the occurred changes, as well as evidence of paid fee for registration of the change.

(5) The conditionally registered right to construction shall be deleted and the ownership right shall be registered, at the request of the entity stipulated in paragraph (3) of this Article, which should be annexed with the documents for the legal basis which approve the use of the construction, in compliance with the provisions from the Law on Construction, as well as with a geodetic report from the performed survey and evidence of paid fee for registration of the change.

#### Article 173

(1) Temporary registration is registration of obligation rights (property lease, concession contracts signed in compliance with the law, rent of properties and contractual right of preceding property purchase) of previous and temporal measures (restrains and limitations) which are of influence for the property rights, of facts which are of influence to the real properties as well as other rights whose registration is stipulated by another law.

(2) Facts which are temporary registered in the real estate cadastre are:

- the personal status of the real estate right holder (adolescence, deceased person, custody, deprivation of business capability, extension of parental right, property management of both spouses, liquidation, reorganization, bankruptcy procedure, etc);
- the fact that the ownership right of the property is acquired on the basis of fiduciary transfer of the ownership,
- The fact that underway is a construction of an object on a certain cadastre parcel, for which the ownership right to a building or separate part of a building under construction has been previously conditionally registered by specifying the number of the List for conditional registration of the object,
- the right to mortgage the conditionally registered ownership right to a building and special part of a building under-construction, as well as
- Legal acts for transaction of the conditionally registered right to a building and separate part of a building under construction.

(3) The Real Estate Cadastre shall temporary register any other facts of significance for the acquiring, the change, the termination or the transfer of the real property rights, whose temporary registration is foreseen by another Law.

#### Article 174

(1) The registration in the Real Estate Cadastre shall be performed on the basis of:

- The Law,
- Enforceable court decisions; decisions for temporary measure, previous measure and other acts for protection of liabilities in compliance to Law,

- Decision of the Government of the Republic of Macedonia,
- Final i.e. legally enforceable acts of the bodies of the state authority, the bodies of the local self-government units and the city of Skopje, legal and other entities authorized to perform public authorizations and
- Legal acts.

(2) As an exception to paragraph (1) of this Article, under the procedure for registration of properties which remained with unregistered rights, if the legal basis stipulated in paragraph (1) of this Article does not exist, the right to land and the right to ownership of the objects up to the ground floor, which were recorded in the Land Cadastre, shall be registered on basis of the data in the Land Cadastre.

#### Article 185

(1) After receiving the application for registration of an infrastructure object in the cadastre of infrastructure objects, the data contained in the legal basis is compared with the data contained in the geodetic report.

(2) If the comparison has determined that there is a compliance of the data in accordance with Article 175, paragraph (3) of this Law, a registration shall be performed in the cadastre of infrastructure objects, and the applicant shall be issued a confirmation for registration.

(3) If the comparison has determined that there is no compliance of data in accordance with Article 175 paragraph (3) of this Law, a recording shall be performed in the cadastre of infrastructure objects, and the applicant shall be issued a notification for recording of an infrastructure object.

(4) The recording in the cadastre of infrastructure objects is carried out in the case when the legal basis is not submitted along with the application for registration, for which the applicant shall be issued a notification for performed recording.

#### Article 187

(1) The confirmations from Article 184 and Article 185, paragraph (2) and the notifications from article 185, paragraph (3) and (4) of this law, are delivered by the Agency to the applicants/right holders via mail or in electronic form within three (3) days from the day of the performed registration.

(2) If the confirmations cannot be delivered under the methods stipulated in paragraph (1) of this Article, then an Announcement shall be posted on the Bulletin Board in the premises of the Agency.

(3) After the expiry of the seven day period from the date of posting the announcement stipulated in paragraph (2) of this article, it is considered that proper delivery is completed.

(4) The applicants shall be informed of the performed registration/rejection by electronic means, via SMS or e-mail, depending on what they entered in their application.

#### Article 196

When the data for the area of buildings, the separate and common parts of buildings and other objects collected with the survey differ from the data specified in the legal basis, then the applications for registration of changes shall be rejected.

#### Article 199

The confirmations from Article 197 paragraph (1) and (2) of this Law shall be submitted in compliance with the provisions stipulated in Article 187 of this Law.

#### Article 207

(1) After the receipt of the application for registration of a change, the data comprised in the application for registration of a change, the data comprised in the document for the legal basis and depending on the type of the change, the data in the geodetic report, shall be compared with the data for the subject real property and the real property right holder according to the data registered in the real estate cadastre.

(2) If the comparison of the data stipulated in paragraph (1) of this Article identifies that there is incompatibility, then the application for registration of the change shall be rejected with a rejection note.

(3) If the comparison of the data stipulated in paragraph (1) of this Article identifies that there is compatibility of the data, the registration shall be performed and the applicant shall receive a confirmation for registration.

(4) The rejection/registration with the rejection note or the confirmation for registration stipulated in paragraphs (2) and (3) of this Article is performed within a period not longer than 1 working day for changes processed without a geodetic report and within a period not longer than 3 working days for changes which are processed with a geodetic report.

#### Article 209

(1) Errors are considered to be the errors which have occurred during the acquisition and registration of the real property data, which refer to:

- The real property data, as a result of miscalculation of the parcel area i.e. building or the separate part of the building on the parcel,
- The address data of the real property and the personal and address data of the real property rights holders;

(2) In the process of maintenance of the real estate cadastre, errors that refer to the data regarding the rights and the right holders registered during the establishment and maintenance of the real estate cadastre shall be removed, if no changes have been made during the maintenance of the real estate cadastre, which is established by inspecting the legal basis for registration.

(3) The errors stipulated in paragraph (1) and (2) of this article shall be corrected at the request of a client and under ex officio procedure, with a confirmation for correction of an error.

(4) The confirmation note from paragraph (3) of this Article shall be submitted in compliance with the provisions from article 187 of this Law.

(5) The correction of the errors stipulated in paragraph (1) and (2) of this article shall be performed free of charge.

#### Article 211

(1) Updating of data in the real estate cadastre under an ex officio procedure is carried out for the cadastre municipalities where the percentage of real properties which remained with unregistered rights is greater than 20%, based on the performed survey of Article 57 paragraph (3) of this law.

(2) By updating the data referred to in paragraph (1) of this Article, the real property rights shall be registered in accordance with the provisions of Article 190 paragraph (2), Article 191, Article 193, Article 194, paragraph (2), Article 197 and Article 198 of this Law. The confirmation for registration shall be submitted in accordance with the provisions of Article 187 of this Law.

(3) If the property subject to the application for registration was not identified by the holders of the property right during the survey referred to in Article 57 paragraph (3), performed

under ex officio procedure, the property right shall be registered in the appropriate proportionate (co-ownership) parts.

(4) If the property subject to the application for registration can be identified by the property right holders during the survey referred to in Article 57 paragraph (3), performed under ex officio procedure, the property right shall be registered in compliance with Article 194, paragraph (2) of this Law.

(5) The Agency prepares an annual program for the updating of the data.

(6) The Annual program referred to in paragraph (5) of this Article shall be enacted by the Steering Board of the Agency and endorsed by the Government of RM.

#### Article 217

(1) The data on the value of the real property determined with the mass property valuation shall be recorded in the GCIS.

(2) The data for the manner in which the mass valuation has been performed, as well as the index stipulated in article 220 of this law shall be published at the web page of the Agency for REC and can be published in the printed bulletin of the Agency for REC.

(3) The Agency for REC, under ex officio procedure, shall record in the GCIS the values of the real properties contained in the documents for the legal basis, which are annexed to the applications for registration i.e. processing of changes in the real estate cadastre.

#### Notifying the applicant

##### Article 218

The Agency for REC, with the confirmation for registration i.e. confirmation for processing changes in the real estate cadastre, shall also notify the client submitting the application stipulated in article 217 paragraph (3) of this Law for the performed recording of the value of the real property.

#### Article 220

Based on data from the mass property valuation and the value of the real property referred to in Article 217 paragraph (3) of this Law, the Agency shall determine and maintain the index of value of the real properties per categories, which represents a statistical measure for monitoring and recording of changes to a certain value.

#### Recording the lease value

##### Article 221

(1) On the basis of the data for the amount of the leases contained in the documents for the legal basis which are used to establish a lease over a real property, which are recorded in the Real Estate Cadastre, the Agency shall record the value of the leases in the GCIS.

(2) The entities authorized to sign/verify documents for the legal basis which are used to establish a lease over real properties are obliged to submit the same to the Agency for the purpose of recording in the real estate cadastre.

#### Article 222

The manner of performing the mass property valuation and the manner of changing the recorded real property value, as well as the manner of recording the value of the leases shall be prescribed by the Steering Board of the Agency.

#### Article 237

The Notes stipulated in article 83 paragraph (2), article 184, article 185, paragraph (2), article 192, article 197, paragraph (1) and paragraph (2), article 206, article 207, paragraph (2) and paragraph (3), article 209, paragraph (3), article 211 and article 212 of this law are final and enforceable. The applicant i.e. the right holder has the right to lodge a lawsuit against the above

mentioned notes before the Administrative Court within a period of 15 days from the day of the receipt of the Note.

#### Article 241

(1)The Agency shall perform supervision over the legitimacy of the work of the sole proprietors –authorized surveyors and trade companies for geodetic works under ex-officio procedure or by request of a client.

(2)The supervision stipulated in paragraph 1 of this article shall identify whether the sole proprietors – authorized surveyors and trade companies for geodetic works:

- Have been registered in the Trade Registry with a main occupation – performance of geodetic works (Article 104, paragraph (1), point 1 );
- Perform the geodetic works in accordance with this law and the regulations based on this law, as well as the regulations and the standards of the geodetic profession (Article 121, point 1);
- Have liability insurance for damage that could be caused to third parties during the performance of the geodetic works and whether they have properly renewed the damage liability insurance (Article 117);
- Use the data from the survey and the real estate cadastre during the performance of the geodetic works and whether the data are used explicitly for the purpose for which they have been issued (Article 124, paragraph (1) and (2));
- Charge fee for the performed geodetic works in compliance to Article 125;
- Fulfill the conditions stipulated by this law in regard to the staff, premises and equipment required for performance of the geodetic works (Article 104, paragraph (1) point 2, Article 118, paragraph (2) and Article 120, paragraph (2));
- Record the client applications for performance of geodetic works in the log-book (article 126).
- Draft each geodetic report according to a previously carried out survey and carry out on-site inspection of the properties (Article 110, paragraph 1, point 6), sign every geodetic report made in hardcopy in their own hand, and sign the geodetic report prepared in electronic format with a valid certificate issued by a licensed publisher (Article 110, paragraph 1, point 2),
- use licensed software for production of geodetic reports (Article 104, paragraph (1) point 4)
- accept clients and publish data from the performed geodetic work only at the headquarters of the sole proprietor authorized surveyor or trade company for geodetic works (Article 121, point 3)
- has incorporated the word “cadastre” in the title of the Trade Company (Article 118 paragraph (2)),
- if an employee of the Agency is registered as a sole proprietor authorized surveyor, i.e. acts as an owner or a partner in a trade company for geodetic works or the geodetic works of a sole proprietor authorized surveyor, i.e. trade company for geodetic works are carried out by employees of the Agency (Article 25 paragraph(2) and (3)),
- have an electronic connection with the Agency (Article 124, paragraph (3)), and
- the employed authorized surveyors attend continuous training in the field of geodetic works (Article 110, paragraph 1, point 7).

(3)While conducting the supervision referred to in paragraph (1) of this Article, the Agency may carry out an on-site control of the performed surveys by a sole proprietor authorized surveyor or Trade Company for geodetic works.

#### Article 243

(1)Sole proprietors - authorized surveyors and trade companies for geodetic works shall provide the authorized officer a smooth execution of his/her job, ensure the conditions necessary for the work and for the determination of the facts and to make available all the necessary documents and data.

(2) For the performed work, the authorized officer shall draw up minutes to record the notes, statements and other relevant facts and circumstances with summary of the factual situation.

(3) If during the execution of the article 241 of this law are determined irregularities in the application of Article 110, paragraph 1, point 7, Article 118 paragraph (2) and Article 126 of this Law, the minutes shall record the established irregularity and the authorized officer shall initiate a

procedure for correction of such irregularity, i.e. sanctions proceedings, with a notification to remedy the irregularity within 15 working days.

(4) A copy of the minutes referred to in paragraph (2) of this Article shall be submitted by the authorized officer to the sole proprietor authorized surveyors and trade company for geodetic works on the day of performance of the works.

#### Article 244

(1) If after the expiry of the deadline prescribed in article 243, paragraph 3 of this law, and is found that the irregularities have been rectified, a conclusion will be drafted and the procedure shall be stopped. However, if it is determined that the irregularities are not rectified, the Agency shall initiate a procedure for correction, i.e. a sanction procedure and shall submit to the Chamber a proposal to revoke the license.

(2) When determined that the sole proprietor authorized surveyors and trade company for geodetic works does not act in accordance with Article 110, paragraph 1, point 2 and point 6, Article 124, paragraph (1) and (2) and Article 125 of this law, the authorized officer shall initiate a procedure for correction i.e. a sanction procedure.

(3) The authorized official shall initiate a procedure for correction i.e. sanction procedure and shall submit to the Chamber a proposal for revoking the license when determined that the sole proprietor authorized surveyors and trade company for geodetic works:

- Committed a violation of the provision of Article 25 paragraph (2) and (3) of this Law relating to conflict of interest,

- Does not meet the requirements of Article 104, paragraph (1) point 1 of this Law in relation to the main activity for performance of geodetic works,

- Committed an irregularity in relation to the obligation to obtain damage liability insurance in compliance to Article 117 of this Law,

- Do not meet the requirements of Article 104 paragraph (1) point 2 and Article 120, paragraph (2) of this Law in respect of the employees.

- Committed an irregularity in relation to the obligation to use the licensed software for production of the geodetic reports from Article 104 paragraph (1) point 4 of this law.

- Committed a violation of the provision of Article 124 paragraph (3), in relation to the obligation to electronically connect with the Agency.

- Committed the irregularity of Article 121 paragraph 1 point 3 of this Law and

- Do not allow for a smooth execution of the works, do not provide the conditions necessary for the work and for determination of the facts and do not present all the necessary documents and data in accordance with Article 243 paragraph (1) of this Law.

(4) The Agency shall submit to the Chamber a proposal for revoking the license in case of violation of Article 243 paragraph (3) of this Law, as well as for violation of Article 110, point 2 and point 6, Article 124, paragraph (1) and (2) and Article 125 of this Law, if the sole proprietor authorized surveyor and trade company for geodetic works has been previously fined for a committed violation.

(5) The Chamber shall, within 5 working days, decide on a proposal to revoke the license and enact a decision.

(6) If within the specified period the Chamber does not make a decision, the Director of the Agency shall adopt a decision to revoke the license.

(7) The decision referred to in paragraph (5) and (6) of this Article shall be final and enforceable, and against the same a lawsuit can be lodged before the Administrative Court within 15 days of receipt of the decision.

(8) If the authorized officer determines that the authorized surveyor does not act in accordance with the provisions of Article 112 of this law, the authorized officer shall initiate a procedure for correction i.e. sanction procedure, while the Director of the Agency at the proposal of the authorized officer shall enact a decision to revoke the license for an authorized surveyor.

(9) The decision referred to in paragraph (8) of this Article shall be final and enforceable, and against the same a lawsuit can be lodged before the Administrative Court within 15 days of receipt of the decision.



#### Article 246

(1) A fine in the amount of €2000 to €2500 in MKD equivalent shall be imposed to the legal entity, if:

1. Removes, damages, destroys, or relocates without authorization a point from the geodetic reference network stipulated in article 49, paragraph 1 of this law or fails to report to the Agency any type of destruction, damage or unauthorized relocation within 15 days from the day of such discovery, in compliance with article 49, paragraph 2;

2. Fails to report to the Agency within the set deadline, any construction and other types of work which may damage, destroy or dislocate points from the reference network stipulated in article 50 paragraph 1 of this law;

3. Fails to submit within the set deadline an application for registration of a change in the real estate cadastre to the Agency, in compliance with article 202 from this law;

4. Produces cartographic products without prior authorization issued by the Agency for REC in compliance with article 99, paragraph (2) of this Law, and

5. Puts into use cartographic products without consent from the Agency in compliance with article 101 of this law.

(2) A fine in the amount of €1000 to €1500 in MKD equivalent shall be imposed to the responsible person employed at the legal entity for the violation stipulated in paragraph 1 of this article;

(3) A fine in the amount €1000 to €1500 in MKD equivalent shall be imposed to the natural person for the violation stipulated in paragraph 1 of this article

#### Article 248

(1) A fine in the amount of 2.000 to 4.000 Euros in MKD equivalent shall be imposed to the trade company for geodetic works, if:

1. The employed authorized surveyors do not attend continuous training related to geodetic works. (Article 110, paragraph 1, point 7),

2 The title of the company contains the word 'cadastre' (Article 118 paragraph (2)),

3. Trade company does not record the applications of the clients in a log book and does not administer the log book in compliance with the regulations on archive materials and archiving (Article 126),

(2) A fine in the amount of 750 to 1.500 Euros in MKD equivalent shall be imposed to the responsible person in the trade company for geodetic works for the violation stipulated in paragraph (1) of this Article,

(3) A fine in the amount of 500 to 1.000 Euros in MKD equivalent shall be imposed to the authorized surveyor registered as a sole proprietor for the violation of paragraph (1) of this Article

#### Article 249

(1) A fine in the amount of 4.000 to 8.000 Euros in MKD equivalent shall be imposed to the trade company for geodetic works for a violation, if:

1. The Trade Company is not registered with main activity for performance of geodetic works (Article 104, paragraph (1), point 1),

2. The Trade Company does not provide for unobstructed performance of the works, does not provide the conditions that are necessary for work and for the identification of the factual situation, and does not enable access to the documents and the data for the purpose of inspection that are required in compliance with Article 243, paragraph (1) of this Law,

3. Does not rectify the irregularities within five working days (Article 243, paragraph (3) of this Law,

4. Does not perform the geodetic works in accordance with the provisions hereof and the regulations made based on this law, as well as in accordance with the rules and the standards of the geodetic profession (Article 121, point 1),

5. Has committed a violation regarding the obligation for damage liability insurance from Article 117 of this Law,
6. Does not meet the requirements from articles: Article 104, paragraph (1) point 2 and Article 120 of this Law in respect to the employees,
7. Has committed a violation of the obligation for the use of licensed software from Article 104, paragraph (1), point 4,
8. Has committed a violation of the provision of Article 25 paragraph (2) and (3) of this law relating to conflict of interests,
9. Has committed a violation of the provision of Article 124, paragraph 3, regarding the obligation to connect with the Agency via electronic means,
10. Has prepared geodetic reports without previously performing a survey and inspection of the real property on-site. (Article 110, paragraph 1, point 6),
11. Does not use the data from the real estate cadastre and does not use them solely for the purpose for which they are issued (Article 124 paragraph (1) and (2)),
12. Charges a fee for the geodetic works which is not in accordance with Article 125 of this law,
13. Accepts clients and issues data from the performed geodetic works outside the headquarters of sole proprietor authorized surveyor, i.e. outside the trade company for geodetic works,
14. Does not sign in his/her own hand every geodetic report prepared in hardcopy, and does not sign every geodetic report made in electronic format with a valid certificate issued by a authorized issuer (Article 110, paragraph 1, point 2).

(2) A fine in the amount of 2.500 to 5.000 Euros in MKD equivalent shall be imposed to a responsible person in the trade company for geodetic works for a violation from paragraph (1) of this Article.

(3) A fine in the amount of 1.500 to 3.000 Euros in MKD equivalent shall be imposed to the authorized surveyor registered as a sole proprietor for the violation of paragraph (1) of this Article.

#### Article 250

(1) For the violations stipulated in this law, a violation procedure shall be administered and sanctions for the violations shall be issued by the Agency (hereinafter referred to as: the violations entity).

(2) The violation procedure from paragraph (1) hereof in front of a violations entity, shall be governed by a Commission for determination of a violation (hereinafter referred to as: Violations Commission) formed by the Director of the Agency.

(3) The violation commission is consisted of a President and two members. The president shall be a graduated lawyer, who has passed the BAR and has five years of work experience in their relevant field, and the members shall have a high level educational background and five years of work experience in their own relevant fields, one of which shall be graduated lawyer and the other a graduated geodetic engineer.

(4) The Violation Commission shall be elected every three years.

(5) Besides the members of the Violation Commission, the Director of the Agency shall appoint a Secretary who shall perform the administrative work for the Commission and a Deputy President and Deputy Members which will participate, as an exception, in the work of the Commission, in case of absence of some of the members of the Commission.

(6) The Violation Commission shall enact a Work Proceedings for its work and shall administer a sole record on violations, issued sanctions and enacted decisions.

(7) The members of the Violations Commission shall be entitled to a reward for their work in the Violations Commission which shall be determined by the Steering Board of the Agency which shall be reasonably adequate for the meaning, work scope of the members and the complexity of the violations.

(8) The Violations Commission shall work in a council, and it shall decide with a majority of the total number of votes of the members.

(9) The President and the Members of the Violations Commission shall be independent in the work of the Violations Commission and they shall decide based on their expert knowledge and their individual belief.

(10) The Violations Commission shall be entitled to present evidence and collect data that are necessary for establishing the violation, and to undertake other measures and actions established by this law, the Law on Violations or with another law.

(11) The decision of the Violations Commission that issues a violation sanction shall be final and enforceable, and a lawsuit can be lodged against it before an Administrative Court.