

# **LAW ON REAL ESTATE CADASTRE**

## **I. GENERAL PROVISIONS**

### **Subject of regulation**

#### **Article 1**

This Law shall hereby stipulate and regulate the management of the Geodetic Cadastral Information System, the maintenance of the Real Estate Cadastre, the establishment and maintenance of the Cadastre of Infrastructure Objects as part of the Real Estate Cadastre, the basic geodetic works, the geodetic works for special purposes, the real estate survey carried out in service of the Real Estate Cadastre, the survey and maintenance of the state borderline of Republic of Macedonia, the topographic maps, the mass real estate evaluation, the establishment and management of the Graphical Registry of Construction Land, the administration of the Registry of Spatial Units, the administration of the Graphical Registry of Streets and House Numbers, the supervision over the performance of the sole proprietors – authorized surveyors and trading companies for geodetic works, as well as the status, the organization, the functioning and the authorizations of the Agency for Real Estate Cadastre (hereinafter referred to as: the Agency).

### **Definitions**

#### **Article 2**

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

1. “Geodetic Cadastral Information System” shall refer to an integrated and unique information system in Republic of Macedonia which enables gathering, 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 for special purposes, the real estate survey carried out in service of the Real Estate Cadastre, the survey and the maintenance of the state borderline of Republic of Macedonia, the topographic maps, the Registry of Spatial Units, the Graphical Registry of Streets and House Numbers, the Graphical Registry of Construction Land and other data of significance to real estate;
2. “Real Estate Cadastre” shall refer to the public book wherein the right to ownership and other real estate rights, real estate data are recorded, as well as other rights and facts whose registration is stipulated by law;
3. “Real Estate” shall refer to the lands, buildings, special and common parts of buildings, and other objects and infrastructure objects;
4. “Authorized Officer” shall refer to a person authorized to perform registration of the real estate rights in the Real Estate Cadastre, make changes in the established Real Estate Cadastre, and produce and issue data from the Geodetic Cadastral Information System;
5. “Cadastral Units” shall refer to the cadastral parcel and cadastral municipality;
6. ”Cadastral Parcel” shall refer to a basic cadastral unit which is a part of a land not smaller than 1m<sup>2</sup>, defined with borders and one cadastral culture and class, located within a cadastral municipality and in possession of a certain ownership right holder(s);
7. “Cadastral Municipality” shall refer to a cadastral unit comprising, by default, one populated area, unless otherwise stipulated by this Law;
8. ”Infrastructure Object” shall refer to an object in the field of traffic (land, water and air traffic), underground or aboveground installation (line) and electronic communication networks and means, with all accompanying installations;
9. “Right Holder” shall refer to any natural person, legal entity, Republic of Macedonia or a local self-government unit and the City of Skopje, to whose title the real estate right is registered in the Real Estate Cadastre;
10. “Spatial Datum” shall refer to the detail point coordinates which define the real estate

within the single state reference system and the state cartographic projection;

11. “Descriptive Datum” shall refer to a datum which describes the features and the characteristics of the real estate (cadastral culture and class of the land, name of the place, 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 estate rights and the real estate right holders, which as descriptive datum is entered in a form of numeric or textual record;

12. “Mass Real Estate Evaluation” shall refer to a model used by the Agency in order to determine the market value of the real estate entered in the Real Estate Cadastre by the Agency;

13. “Basic Geodetic Works” shall refer to the works which include the definition of the state geodetic datum, cartographic projection and reference networks used to establish the basic geodetic reference system of permanent and homogeneous geodetic points in reference to which the spatial data are defined;

14. “State Reference System” shall refer to a coordinate system, comprised of a sum of numeric constants necessary to determine the position and the other features of the geodetic points and objects on the territory of Republic of Macedonia;

15. “Geodetic Reference Networks” shall refer to the trigonometric, polygonometric, polygonal, linear, levelling, gravimetric, astrogeodetic and GNSS networks established throughout the entire territory of Republic of Macedonia;

16. “Real Estate Survey” shall refer to a procedure for gathering, processing and formatting of spatial and descriptive real estate data in service of the Real Estate Cadastre;

17. “Authorized Surveyor” shall refer to a natural person who has acquired a license for performance of geodetic works in accordance with this Law;

18. “Geodetic Report” shall refer to a geodetic-technical documentation for the performed basic geodetic works, the real estate 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 affecting the Real Estate Cadastre and the geodetic works performed for the purpose of producing topographic maps;

19. “Cadastral map” shall refer to a visual graphic layout of the horizontal projection of the real estate in a sole state reference system and the state cartographic projection;

20. “Map of Infrastructure Objects” shall refer to 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” shall refer to the geodetic works related to spatial planning (update of geodetic layers), production of numerical data on the real estate of service for realization of the urban plans and urban planning documentation, as well as geodetic works for settlement of property-legal affairs with reference to the real estate affecting the Real Estate Cadastre;

22. “Spatial Unit” shall refer to a limited part of the area, established for the purpose of recording, gathering and processing of statistical and other type of data of interest to the country;

23. “Registration Applicant” shall refer to a real estate right holder, their legal representative, proxy, authorized representative, legal successor of the deceased ownership right holder, stakeholder or an individual authorized to request registration pursuant to the Law;

24. “Ex-Officio Registration” shall refer to a registration of the ownership right and other real rights in the Real Estate Cadastre of Republic of Macedonia and update of the data from the Real Estate Cadastre, as well as in other cases stipulated by this Law;

25. “State Borderline” shall refer to a cross line of the vertical plains and the earth surface by which the territory of Republic of Macedonia is separated from the neighbouring countries;

26. “Centralized Database” shall refer to a database set up and maintained at a single physical location, with a possibility for access thereto from multiple locations;

27. “Information Infrastructure” shall refer to a system comprised of communication networks, IT equipment and software solutions, enabling uninterrupted electronic flow of

information;

28. “Metadata” shall refer to the data describing the spatial and descriptive data;

29. “Stakeholder“ shall refer to 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 public containing the bases for the legal interest; and

30. “Fictitious Records“ shall refer to records of cadastre parcel areas which were not drawn up on the cadastral map, but have been recorded in the cadastral registry book.

### **Public interest**

#### **Article 3**

The works related to the establishment and maintenance of the Real Estate Cadastre, the setting up of the points from the geodetic reference networks, as well as the management of the Geodetic Cadastral Information System (hereinafter referred as GCIS) shall be deemed works of public interest.

### **Strategic Plan and Annual Programme**

#### **Article 4**

(1) The establishment and maintenance of the Real Estate Cadastre, the performance of the basic geodetic works, the geodetic works for special purposes, the real estate survey in service of the Real Estate Cadastre, the survey and maintenance of the state borderline of Republic of Macedonia, the mass real estate evaluation, the establishment and administration of the Graphical Registry of Construction Land, the production of the topographic maps and the maintenance of the Registry of Spatial Units, the administration of the Graphical Registry of Streets and House Numbers, shall be done on the basis of a Strategic Plan and an Annual Programme for implementation of the Strategic Plan.

(2) The Strategic Plan referred to 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 three years, which can be amended i.e. supplemented if needed.

(3) The Annual Programme referred to 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 Programme referred to in paragraph (1) of this Article shall determine the type and the scope of the works, the means necessary for their implementation and the sources of the funds.

### **International cooperation, consulting services and trainings**

#### **Article 5**

(1) The Agency for Real Estate Cadastre shall cooperate with the relevant bodies or institutions from other countries in the field of geodesy, law, Real Estate Cadastre and information technology affairs for the purpose of the advancement and technical development of the GCIS.

(2) The Agency may provide consulting services and carry out trainings in the country and abroad, for works in the area of establishing and maintenance of the Real Estate Cadastre, geodetic and IT works for the purpose of establishment, management, advancement and technical development of the GCIS.

(3) The consulting services and the trainings referred to in paragraph (2) of this Article shall be carried out by experts employed at the Agency, as well as through engagement of external national and foreign natural persons and legal entities on the basis of a signed contract with the Agency.

(4) The revenues generated from providing the consulting services and trainings referred to in paragraph (2) of this Article shall be effectuated to a special self-financing account of the

Agency.

(5) Up to two thirds of the revenues referred to in paragraph (4) of this Article shall be used for the payment of external national and foreign natural persons and legal entities – experts for carrying out the consulting services and trainings, while the rest of the revenues referred to in paragraph (4) of this Article shall be used for modernization, advancement and equipping of the Agency.

## **II. AGENCY FOR REAL ESTATE CADASTRE**

### **Legal status of the Agency for Real Estate Cadastre**

#### **Article 6**

(1) The Agency shall have the capacity of a legal entity having rights, obligations and responsibilities stipulated by this Law.

(2) The Agency shall have a Statute.

(3) The Agency's headquarters shall be located in Skopje.

(4) The Agency shall report to the Government of Republic of North Macedonia for its operation.

### **Operative Principles**

#### **Article 7**

The Agency shall operate on the principles of legitimacy, expertise, efficiency, transparency, service orientation, professionalism and accountability for the work performed and the results achieved.

### **Agency competences**

#### **Article 8**

(1) The Agency shall be competent to:

- Manage the GCIS;
- Perform basic geodetic works;
- Perform real estate surveying;
- Perform survey and maintain the state borderline;
- Perform geodetic works for special purposes;
- Establish and maintain the Real Estate Cadastre;
- Perform mass evaluation of real estate registered in the Real Estate Cadastre;
- Establish and administer the Graphical Registry of Construction Land;
- Produce topographic maps;
- Administer the Registry of Spatial Units;
- Administer Graphical Registry of Streets and House Numbers;
- Administer Registry of Prices and Lease Fees;
- Administer Registry of Taken Over Real Estate Intended for Sale;
- Establish, maintain and provide public access to the National Spatial Data Infrastructure in accordance with the relevant law; and
- Monitor and supervise the performance of the sole proprietors – authorized surveyors and the trading companies for geodetic works.

(2) The survey made for the purpose of registration of real estate owned by the Republic of Macedonia, the survey and maintenance of the state borderline, the geodetic works for special purposes related to the update of the geodetic bases in the function of spatial planning foreseen in the Annual Programme for funding the preparation of urban plans, regulatory plans of general urban plans, urban planning documentation and urban project documentation, the survey in function of updating the topographic maps, the on-site gathering of data on streets and house numbers in service of the Graphical Registry of Streets and House Numbers, the survey for the recipients of social and permanent financial aid and for the persons with low gross income of up to MKD 168,000.00 on an annual basis and persons who suffered damage as a result of natural disasters and other accidents under circumstances of crisis in the procedure for determining the

legal status of illegally built objects, as well as other geodetic works prescribed by another law, shall be carried out by the Agency without any compensation.

(3) The Government of the Republic of Macedonia shall enact a decision for the purpose of establishing the works of the survey in service of registration of the real estate owned by the Republic of Macedonia, as well as for the purpose of establishing the geodetic works for special purposes related to the updating of the geodetic bases in service of spatial planning, foreseen in the Annual Programme for funding the preparation of urban plans, regulatory plans of general urban plans, urban planning documentation and urban project documentation.

(4) The Agency shall not charge administrative fees in the course of performing the competences referred to in this Article.

### **Bodies of the Agency**

#### **Article 9**

(1) The bodies of the Agency shall be the Steering Board and the Director.

(2) The Agency shall be managed by a Steering Board, comprised of 5 members representing the Ministry of Justice, the Ministry for Transport and Communications, the Ministry of Finance, the Ministry of Environment and Physical Planning and the Ministry of Agriculture, Forestry and Water Economy respectively.

### **Appointment and dismissal of the Steering Board Members**

#### **Article 10**

(1) The members of the Steering Board shall be appointed and dismissed by the Government of Republic of Macedonia for a period of five years, without the right to re-election.

(2) The Steering Board members shall elect a President at the first session of the Steering Board. The elected President must be a member of the Steering Board.

(3) When a certain member of the Steering Board ceases to perform his/her duty before the expiry of his/her mandate, another member shall be appointed for the remainder of the mandate of the replaced member.

(4) The Government of Republic of Macedonia may dismiss the President or a Steering Board member before the end of the his/her mandate:

- Upon his/her request;
- If sentenced to imprisonment longer than six months with an effective court ruling for a committed criminal act;
- He/she has been imposed a violation sanction – ban to perform a profession, activity or a management position within the institution;
- Long term severe illness, which prevents the performance of the obligations;
- Loss of business competence;
- If established that during the performance of the capacity, the person by himself/herself or together with another member of the Steering Board has acted contrary to the fundamental postulates of the Law, which can be determined from the Audit Report on the degree of implementing the legal competences of the Agency; and
- Due to unskilled, unprofessional and inadequate performance of the capacity President or member of the Steering Board in the field of the material and financial operations, established in the Audit Report.

### **Authority and method of work of the Steering Board of the Agency**

#### **Article 11**

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

- Adopt Statute of the Agency, endorsed by the Government of Republic of North Macedonia;
- Adopt Rules of Procedure;
- Propose Strategic Plan for the Agency;

- Adopt Annual Programme for implementation of the Strategic Plan of the Agency;
  - Adopt Annual Financial Plan of the Agency;
  - Adopt Annual Training Programme from the field of geodesy and legal affairs;
  - Adopt Report on the inventory of assets, liabilities and receivables;
  - Adopt Annual Balance Sheet;
  - Adopt an Annual Public Procurement Plan;
  - Adopt Annual Operational Report of the Agency;
  - Enact bylaws for implementation of this Law;
  - Adopt acts for salaries, salary extra and other compensations for the assisting staff, as well as acts for evaluation of the assisting staff in the Agency;
  - Adopt acts prescribing the method of achieving cooperation, providing consulting services and trainings, as well as the method of distribution and utilization of the revenues referred to in Article 5 of this Law;
  - Adopt Tariff Lists stipulated with this Law;
  - Adopt a decision on the amount of the fees related to the procedures for certification of authorized surveyor (taking exam, prolongation of the certification for foreign geodetic engineer, cessation/termination of the cessation) and amount of the training fees; and
  - Other works, stipulated by this Law, other laws and the Statute of the Agency.
- (2) The bylaws referred to in paragraph (1) indent 11 of this Article shall be published in the “Official Gazette of the Republic of Macedonia”.
- (3) The Steering Board shall work and make decisions during the sessions.

### **Director and Deputy Director**

#### **Article 12**

- (1) The Agency shall be managed by a Director. The Director of Agency shall have a deputy.
- (2) The Director and the Deputy Director of the Agency shall be appointed and dismissed by the Government of Republic of Macedonia for a period of five years with the possibility of re-election.
- (3) The Deputy Director shall replace the Director and assume all of his/her authorizations and responsibilities during the management, in case when the Director is absent or is not in a position to perform the capacity due to an illness or any other reason. The Deputy Director shall perform the scope of duties entrusted by the Director.

### **Election of Director and Deputy Director**

#### **Article 13**

- (1) The Director and Deputy Director shall be elected via public announcement published in at least three daily newspapers, issued on the entire territory of Republic of Macedonia, one of which is published in the language spoken by at least 20% of the citizens who speak an official language other than the Macedonian language.
- (2) A person who meets the following conditions can be elected as Director and Deputy Director:
- 1) Is citizen of Republic of Macedonia;
  - 2) At the moment of the election, no penalty or violation sanction has been imposed on the person with a final court ruling with a ban to perform any profession, activity or duty;
  - 3) Has acquired at least 240 credits according to the ECTS system or completed a VII/1 degree;
  - 4) Has minimum five years of professional experience;
  - 5) Holds one of the following internationally recognized certificates for active knowledge of the English language, not older than five years:
    - TOEFL IBT - at least 74 points;
    - IELTS - at least 6 points;
    - ILEC (Cambridge English: Legal) - at least B2 level;

- FCE (Cambridge English: First) - passed;
- BULATS - at least 60 points; and
- APTIS - at least B2 level.

(3) The public announcement referred to in paragraph (1) of this Article shall be published by the Steering Board of the Agency. The candidates shall be also elected by the Steering Board of the Agency.

### **Dismissal of the Director and the Deputy Director**

#### **Article 14**

The Director and the Deputy Director of the Agency may be dismissed before the expiry of his/her mandate in the following cases:

- If the ineffective and incompetent work of the Director and the Deputy Director causes disruption in the Agency's performance and damage established in a procedure stipulated by Law;
- If does not work or act in accordance with the Law, the Statute and the Acts of the Agency or unjustifiably fails to enforce the Steering Board decisions, or acts contrary the Steering Board's decisions;
- If sentenced with an effective court ruling to imprisonment longer than six months for a committed criminal act;
- If he/she has been imposed a violation sanction - ban to perform a particular profession, activity or duty of a management position within the institution;
- Inability to fulfil his/her obligations due to long-term severe illness;
- Loss of business competence,
- Failure to submit a Report in accordance with Article 15 paragraph (2) of this Law i.e. failure to rectify the omissions after the expiry of the deadline specified in the same paragraph, or if omissions and/or financial losses are again established in the financial operations; and
- Upon his/her request.

### **Duties performed by the Director**

#### **Article 15**

(1) The Director of the Agency shall perform the following duties:

- Represent the Agency in front of the authorized bodies, with the exception of representation in front of the relevant courts, in which case the State Attorney of Republic of Macedonia is to represent the Agency;
- Organize the work and manage the expert departments/sectors of the Agency;
- Execute the decisions of the Steering Board;
- Produce and propose to the Steering Board the Strategic Plan, the Annual Programme for implementation of the Strategic Plan of the Agency, the Annual Financial Plan and the Agency Operational Report for the previous year;
- Draft and propose bylaws to the Steering Board for implementation of this Law;
- Propose Tariff Lists stipulated with this Law;
- Adopt acts for organization and systematization of the job positions within the Agency in accordance with the Law;
- Propose and implement acts for salaries, salary extra and other compensations, as well as acts for evaluation of the assisting staff in the Agency;
- Propose and execute the act which prescribes the manner of achieving the cooperation, the execution of the consulting services and trainings, as well as the manner of distribution and use of the revenues referred to in Article 5 of this Law;
- Propose Annual Training Programme from the field of geodesy and legal affairs;
- Look after the Agency's legitimate performance and the spending of the finances of the Agency;

- Issue guidelines regarding the implementation of this Law and the regulations enacted thereupon;
- Enact separate acts for the employees in the field of the labour relations;
- Enact a decision for revocation or limitation of the public authorizations of the Chamber of Sole Proprietors - Authorized Surveyors and Trading Companies for Geodetic Works (hereinafter referred as: the Chamber);
- Issue and revoke an authorization for the production of cartographic products;
- Issue consent for putting into use cartographic products;
- Enact a decision for issuance, prolongation, certification, cessation, termination of the cessation, rejection of the request for termination of the cessation and revocation of the certificate for authorized surveyor;
- Issue certificate to the authorized surveyors for the attended continuous training in the field of geodetic works;
- Issue and revoke licenses for the performance of geodetic works for the case referred to in Article 128 paragraph (6) of this Law; and
- Decide upon other issues stipulated by this Law and the Agency Statute.

(2) The Director of the Agency shall be obliged to submit an Agency Operational Report to the Government of Republic of Macedonia on semi-annual basis. In the event of any omissions and/or losses established in the Report with regards to the financial operation of the Agency, the Director shall be obliged to eliminate the omissions and the losses within the next six months.

(3) The Director and the Deputy Director of the Agency shall perform their duties in the highest professional manner.

### **Authorization for performance of duties**

#### **Article 16**

(1) The Director of the Agency may authorize a particular employee in the Agency to sign acts, resolve certain issues and perform other matters within the Agency's competence, except for acts and matters which are exclusively under the Director's competence as stipulated by law.

(2) The Director of the Agency may, at any time, revoke the authorization referred to in paragraph (1) of this Article.

(3) The authorization referred to in paragraph (1) of this Article shall not prevent the Director to perform duties under his/her competence.

### **Internal organizational structure**

#### **Article 17**

(1) The Agency shall perform activities within its scope of work through the Headquarters, the Centre for Real Estate Cadastre, the Real Estate Cadastre departments, the Real Estate Cadastre offices and the cadastre front-desks.

(2) The departments' work referring to the Real Estate Cadastre for the municipalities in Skopje Statistical Region according to the Nomenclature of Territorial Units for Statistics (NTUS) shall be coordinated by the Centre for Real Estate Cadastre – Skopje.

(3) The departments referred to in paragraph (1) of this Article shall be established according to the statistical regions defined by the Nomenclature of Territorial Units for Statistics (NTUS).

### **Statute of the Agency**

#### **Article 18**

The Agency shall have a Statute which shall specifically regulate the following:

- Matters under the competence of the Agency and the manner of performing thereof;
- Authorities of the Steering Board and the Director;
- Election and dismissal method of the Steering Board members and the Director;
- Rights, obligations and responsibilities of the assisting staff;



- Internal and international cooperation of the Agency; and
- Other issues of significance to the Agency operation.

## **Financing of the Agency**

### **Article 19**

(1) The funds required for the Agency operation shall be provided from the Budget of Republic of Macedonia, own revenues generated from fees, donations and other resources in accordance with the Law.

(2) The revenues from the fees referred to in paragraph (1) of this Article shall be used to cover the expenses for the day-to-day operation of the Agency, development and other surcharges for the employees and for the performance of other activities.

(3) Provided that the Agency's operation generates higher revenues than expenditures, the surplus funds shall be used for modernizing, advancement of the work and equipping the Agency, as well as for training, professional development and rewarding of the employees.

## **Sources of funds on contractual basis**

### **Article 20**

(1) The local self-government units and other natural persons and legal entities may also contribute in providing resources for implementation of the Strategic Plan, the Annual Programme for implementation of the Strategic Plan and the Annual Financial Plan on a basis of a contract, signed with the Agency.

(2) The resources for implementation of separate projects and use of services, which are not foreseen in the Strategic Plan, the Annual Programmes for implementation of the Strategic Plan and the Annual Financial Plan of the Agency, shall be provided by the project holders i.e. persons ordering the services, on a basis of a contract signed with the Agency.

## **Expert Office**

### **Article 21**

The expert office of the Agency shall comprise the civil servants and the assisting staff.

## **Application of the regulations on the rights, obligations and responsibilities of the employees**

### **Article 22**

(1) In reference to the rights, obligations and responsibilities deriving from the labour relation of the civil servants, the provisions regulating the rights, obligations and responsibilities of the civil servants and the regulations from the field of health, pension and disability insurance, the General Collective Agreement of the public sector of Republic of Macedonia and the Collective Agreement of the Agency shall apply.

(2) In reference to the rights, obligations and responsibilities deriving from the labour relation of the employees in the Agency, the regulations stipulated in the Labour Law, the Law on Establishing Second Instance State Commission for Deciding in Administrative Procedure and Labour Relations Procedure, the regulations from the field of health, pension and disability insurance, the General Collective Agreement of the public sector of Republic of Macedonia and the Collective Agreement of the Agency shall apply.

## **Civil servants having specific working tasks and specificity of the performance of their special duties and authorizations**

### **Article 23**

(1) The basic salary and the salary extra related to the vocational degree of the civil servants in the Agency shall increase from 5% to 30% depending on:

- the specificity of the working tasks;
- the specificity of the particular duties and authorizations.

(2) The increase of the basic salary and the salary extra related to the vocational degree referred to in paragraph (1) of this Article shall not be mutually exempted, and the total amount of the increase must not exceed more than 30%.

(3) The increase of the basic salary and the salary extra related to the vocational degree referred to in paragraph (1) of this Article, their amount and the method of determining thereof shall be regulated with bylaws, and the funds shall be provided from the account of self-funding activities of the Agency.

(4) The basic salary and the salary extra related to the vocational degree of the civil servants referred to in paragraph (1) of this Article for performing works from the field of information and communication technology in function of GCIS shall increase by 30% due to the specificity of their working tasks and the specificity of the performance of the particular duties and authorizations.

(5) The increase of the basic salary and the salary extra related to the vocational degree referred to in paragraph (1) and paragraph (4) of this Article shall be mutually exempted.

### **Appropriate and fair representation**

#### **Article 24**

The procedure for recruiting Agency staff shall apply the principle of appropriate and fair representation of citizens from all communities, in all professions stipulated by Law and meet the criteria for qualifications and competence.

### **Conflict of interests**

#### **Article 25**

(1) The Agency's employee must not exercise or perform any other function, duty or profession for profit which is in conflict with the performance of the employee's working obligations.

(2) The Agency's employee must not be registered as a sole proprietor - authorized surveyor or can act as an owner or a partner in a trading company for geodetic works.

(3) The Agency's employee must not perform works in competence of the sole proprietors - authorized surveyors and the trading companies for geodetic works referred to in paragraph (2) of this Article.

### **Cessation of employment in case of conflict of interest**

#### **Article 26**

(1) The employment of Agency employees shall cease by means of a decision adopted by the Director of the Agency, if established that the employees acted contrary to Article 25 of this Law.

(2) The civil servants in the Agency may file a complaint to the Agency for Administration, while the assisting staff in the Agency may file a complaint to the Second Instance State Commission for Deciding in Administrative Procedure and Labour Relations Procedure against the decision on the cessation of employment referred to paragraph (1) of this Article.

## **III. GEODETIC CADASTRAL INFORMATION SYSTEM**

### **Content and management of the Geodetic Cadastral Information System**

#### **Article 27**

(1) The GCIS shall contain spatial and descriptive data from the Real Estate Cadastre, basic geodetic works, real estate survey, state borderlines, geodetic works for special purposes, real estate value, topographic maps, Registry of Spatial Units, Graphical Registry of Streets and House Numbers and Graphical Registry of Construction Land.

(2) The Agency shall administer GCIS data in a manner which ensures their gathering, processing, maintenance, protection, as well as their use, access and distribution/issuance to the stakeholders.

## **Form and keeping of Geodetic Cadastral Information System data**

### **Article 28**

- (1) The GCIS shall be administered in electronic form and/or in hardcopy.
- (2) The GCIS data in hardcopy shall be safely kept in special premises, under special conditions and storage equipment for the purpose of permanent protection thereof.
- (3) The electronic GCIS data shall be organized and safely kept in a centralized database, which shall constitute integral part of the information infrastructure of the Agency.
- (4) The Agency shall ensure security of the data in electronic form in the GCIS by means of a data backup at a physically remote location.

## **Gathering, processing and maintenance of GCIS data**

### **Article 29**

- (1) The GCIS data gathered during the performance of the competences referred to in Article 8 paragraph (1) indents 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of this Law shall be processed and maintained in electronic form and/or hardcopy.
- (2) The GCIS data in electronic form shall be processed and maintained by using a licensed software.
- (3) The GCIS data in hardcopy shall be maintained by means of direct processing of the hardcopy medium.

## **Access, distribution and issuance of GCIS data**

### **Article 30**

- (1) The GCIS shall enable access, distribution, issuance and use of data to all stakeholders in accordance with the Law.
- (2) The GCIS data in hardcopy can be directly accessed at the official premises of the Agency, in the presence of an authorized officer employed at the Agency.
- (3) The users can access and distribute data from the centralized database through a global electronic network connected to the Agency's local electronic network.
- (4) The access to the data from GCIS in electronic form shall be strictly controlled, with different levels of accessibility.
- (5) The GCIS data may be issued in hardcopy or in electronic form.
- (6) The stakeholders may obtain the GCIS data referred to in paragraph (5) of this Article in form of information or in form of a public document.

## **Distribution and issuance of GCIS data through other entities**

### **Article 31**

- (1) Distribution of the data from the GCIS in electronic form can be carried out by the Agency through other state bodies, public enterprises and other legal entities which receive the data in electronic form signed by the Agency with a valid certificate issued by an certification authority, while the end users shall receive such data in hardcopy, verified with personal signature and seal and shall be considered as public documents.
- (2) The method of data distribution through the entities referred to in paragraph (1) of this Article shall be regulated with a separate contract signed by the Director of the Agency with the legal entities.

## **GCIS data protection**

### **Article 32**

- (1) The Agency shall undertake legal, organizational and technological procedures and measures to secure and protect the GCIS data in order to prevent illicit gathering, processing, safeguarding, use or transmission of data, accidental or intentional alteration or destruction of the

data, as well as illegal relocation of the data outside the Agency's premises.

(2) The information infrastructure of the Agency shall ensure strictly controlled access to GCIS with a different level of accessibility.

### **GCIS data use**

#### **Article 33**

(1) The GCIS data shall be used only for the intent for which they have been issued without changes to the form and content thereof.

(2) The GCIS data may be used by the stakeholders for developing new value added products for commercial purposes.

(3) The manner of use of the data referred to in paragraph (2) of this Article shall be defined by concluding a special contract between the Director of the Agency and the individuals managing the stakeholders.

### **Interoperability**

#### **Article 34**

(1) The Agency shall participate in the realization of the administrative services via electronic means in compliance with the Law on Electronic Management, together with the ministries, other state administration bodies, organizations stipulated by law and other state authorities, courts, public prosecutor's offices and the State Attorney's Office, legal and other entities which have been granted by law the right to perform public authorizations, the bodies of the municipalities, the City of Skopje and the municipalities of the City of Skopje.

(2) The Agency shall, throughout the performance of the services referred to in paragraph (1) of this Article, provide access to all data and documents related to the required administrative service via electronic means pursuant to the law, in a manner that permits recovery and safekeeping thereof.

### **Collocation**

#### **Article 35**

The Agency may safe keep the GCIS data at its premises on adequate server by means of collocation of a server or use the services of third parties/operators.

### **Fee for GCIS data use and inspection**

#### **Article 36**

(1) A fee shall be charged for use and inspection of the GCIS data, except when the data are issued for the needs of the public prosecutor's offices, the State Attorney's Office of Republic of North Macedonia and the ministries, as well as other entities in cases stipulated by law.

(2) The amount of the fee for use and inspection of the GCIS data shall depend on the actual expenses for the preparation of the data, the type of the data (descriptive/spatial), the content of the data (for visual layout per unit of measurement: meter for length/height/depth and square/cubic meter; for descriptive data per the scope of the data), the form of the data (electronic/hardcopy), the quantity of the data (number of identical issued data) and other.

(3) The Agency, in case of an increased volume of submitted requests from the same applicant for use of the data, may sign a contract with the said applicant which shall prescribe the payment method for the data.

### **Bylaws**

#### **Article 37**

(1) The manner of access, distribution, issuance, use, safeguarding and protection of the GCIS data shall be prescribed by the Steering Board of the Agency.

(2) The amount of the fee for use and inspection of the GCIS data shall be determined by a Tariff List adopted by the Steering Board of the Agency and endorsed by the Government of Republic of Macedonia.

## **IV. BASIC GEODETIC WORKS**

### **Scope of the basic geodetic works**

#### **Article 38**

The basic geodetic works shall enable establishment, maintenance and monitoring of the State Geodetic Reference System of Republic of Macedonia (hereinafter referred as: the State Reference System), as well as revitalization, control, expansion and design of the current geodetic reference networks and establishment and maintenance of the state cartographic projection.

#### **State Reference System**

##### **Article 39**

(1) The state reference system shall include the following reference systems:

- Spatial (three-dimensional) reference system;
- Horizontal (two-dimensional) reference system;
- Vertical (one-dimensional) reference system;
- Gravimetric reference system; and
- Astronomic reference system.

(2) The horizontal reference system shall apply to the survey in service of the establishment and maintenance of Real Estate Cadastre, the preparation of topographic maps, the maintenance of the state borderline, as well as for performance of geodetic works for special purposes.

(3) The vertical reference system, in addition to the horizontal reference system, shall apply to the infrastructure objects during the establishment and maintenance of Real Estate Cadastre, update of the geodetic layers, and preparation of topographic maps.

(4) The reference systems referred to in paragraph (1) of this Article shall be defined with official geodetic dates and cartographic projections.

#### **Spatial Reference System**

##### **Article 40**

The Spatial Reference System is a terrestrial three-dimensional coordinate system which, by definition of the coordinate origin, the orientation of the coordinate axes, the scale, the units of length and time evolution coincides with the European Terrestrial Reference System 1989 (hereinafter referred to as: ETRS 89).

#### **Horizontal Reference System**

##### **Article 41**

(1) The horizontal reference system is a two-dimensional coordinate system defined according to the parameters of the Bessel ellipsoid (Bessel, 1841) and its orientation point in Hermannskogel.

(2) The position of the points and objects in the horizontal reference system shall be defined with two dimensional curvilinear coordinates i.e. geodetic longitude and latitude determined in reference to the Equator and the prime meridian Greenwich.

(3) The defined position of the points and objects in the horizontal reference system shall be expressed by two-dimensional rectangular coordinates within the framework of the state cartographic projection.

#### **State Cartographic Projection**

##### **Article 42**

(1) The state cartographic projection in the Republic of Macedonia shall be the Gauss-Krieger projection with the following features:

- Conformal, transversal, cylindrical projection with three-degree meridian zone of translation;

- The central meridian is the twenty first meridian in reference to Greenwich; and
  - Earth ellipsoid, Bessel 1841.
- (2) The parameters of the state cartographic projection referred to in paragraph (1) of this Article shall be as follows:
- Scale in the central meridian 0.9999;
  - Shifting according to the y-axis 500,000 meters; and
  - Shifting according to the x-axis 0.

### **Vertical Reference System**

#### **Article 43**

(1) The vertical reference system shall be one-dimensional coordinate system defining the reference surface, in terms of which the heights of the points shall be expressed.

(2) The position of points in the vertical reference system shall be expressed by ellipsoid and physically defined heights.

(3) The reference area for defining the ellipsoid heights shall be the level of the ellipsoid of the reference system GRS 80.

(4) The quasigeoid and geoid shall be used as reference surfaces for defining the physical heights.

### **Gravimetric Reference System**

#### **Article 44**

(1) The gravimetric reference system shall be a system in which gravimetrical determinations of the absolute and relative accelerations of the force of gravity are carried out.

(2) The reference system referred to in paragraph (1) of this Article shall be based on the International Gravity Standardization Network - IGSN 71 (1971).

### **Astronomical Reference System**

#### **Article 45**

The astronomical reference system shall be an inertial three dimensional coordinate system, wherein the coordinate beginning, the orientation of the coordinate axis, the scale, the length and the time units, the time evolution and the fundamental constants coincide with the International Celestial Reference System (ICRS).

### **Materialization of the reference systems**

#### **Article 46**

The materialization of the reference systems referred to in Article 39 paragraph (1) of this Law shall be done by placing and maintaining geodetic reference networks consisting of geodetic points specified by coordinates in the appropriate reference system.

### **Geodetic Reference Networks**

#### **Article 47**

Geodetic reference networks shall serve as a basis for conducting survey in service of the Real Estate Cadastre, the spatial units, the state borderlines, the topographic maps, the geodetic works for special purposes, the determination of the Earth gravitational field, the geodynamic researches and other.

### **Positioning and maintenance of geodetic reference network points**

#### **Article 48**

(1) Geodetic reference network points shall be positioned, by default, on real estate in ownership of Republic of Macedonia.

(2) Notwithstanding paragraph (1) of this Article, if the geodetic reference network points are positioned on a real estate under the ownership of natural persons and legal entities or under the ownership of the local self-government units and the City of Skopje, the positioning of the point

shall be made upon prior resolving of the property-legal affairs, as stipulated by law.

(3) Minutes shall be compiled by an expert from the Agency for the positioning of the reference network points referred to in paragraphs (1) and (2) of this Article.

(4) The maintenance of geodetic reference network points shall be done under ex-officio procedure or at the proposal of the sole proprietor - authorized surveyor or trading company for geodetic works, if determined during the on-site inspection that the points were removed, damaged, destroyed or relocated without proper authorization.

### **Safeguarding the reference network points**

#### **Article 49**

(1) The geodetic reference network points positioned on the real estate must not be removed, destroyed, damaged or relocated without a proper authorization.

(2) The right holders of the real estate where the reference network points have been positioned, shall be obliged to report to the Agency each removal, damage, demolition or relocation of the points within 15 days as of the day of establishing thereof.

### **Damage, relocation or destruction of geodetic reference network points**

#### **Article 50**

(1) In the event of construction or other type of works performed on the real estate where geodetic reference network points are positioned, which may damage, relocate or destroy the positioned points, the contractor of the works shall be obliged to inform the Agency at least 15 days prior the commencement of such works.

(2) The expenses for relocating and repositioning the points, and the activities related to determining the parameters and the dimensions for repositioning of the points shall be borne by the contractor of the said works.

### **Geodetic report on basic geodetic works**

#### **Article 51**

Geodetic Report comprising the geodetic-technical documentation shall be prepared for the performed on-site geodetic works from the basic geodetic works.

### **Geodetic point metadata**

#### **Article 52**

(1) The Agency shall produce metadata on the geodetic points in compliance with international metadata standards.

(2) The metadata shall be safely kept, maintained and browsed in the metadata catalogue kept in the Agency.

### **Reference system redefinition**

#### **Article 53**

(1) The Agency shall carry out activities to determine the parameters and components for the purpose of redefinition of the geodetic reference systems referred to in Article 39 paragraph (1) indents 1, 2 and 3 of this Law and of the state cartographic projection referred to in Article 42 of this Law, in accordance with the internationally accepted reference systems.

(2) The Agency shall, upon the determination of the parameters and components referred to in paragraph (1) of this Article, redefine the geodetic reference systems referred to in Article 39 paragraph (1) indents 1, 2 and 3 of this Law and of the state cartographic projection referred to in Article 42 of this Law, on the basis of which a new state reference system and state cartographic projection shall be established.

(3) The Government of Republic of Macedonia, at the motion of the Agency for Real Estate Cadastre, shall enact a decision on the commencement with the use of the new state reference system and state cartographic projection referred to in paragraph (2) of this Article.

**Bylaws**  
**Article 54**

The manner of performance of the basic geodetic works, the placement and maintenance of the geodetic reference system points, the determination of the parameters and components, the redefinition of the geodetic reference systems and of the state cartographic projection, as well as the form and the content of the Geodetic Report on the performed basic geodetic works shall be prescribed by the Steering Board of the Agency.

**V. REAL ESTATE SURVEY**

**Subject of the survey**

**Article 55**

Subject of the real estate survey (hereinafter referred as: the survey) shall be the gathering of spatial and descriptive data on the state borderline, the borderline of the cadastral municipality, the cadastral parcels, buildings, separate and common parts of buildings and other structures, infrastructure objects, as well as processing and formatting thereof in service of the establishment and maintenance of the Real Estate Cadastre.

**Survey accuracy**

**Article 56**

Spatial data shall be gathered throughout the survey referred to in Article 55 of this Law, with an accuracy conditioned by the ratio of the map where they are presented.

**Carrying out the survey**

**Article 57**

(1) The survey in the service of maintenance of the Real Estate Cadastre and the survey for the purpose of establishment and maintenance of the Cadastre of Infrastructure Objects, as part of the Real Estate Cadastre, shall be conducted at the request of a client.

(2) Notwithstanding paragraph (1) of this Article, the survey may be conducted under ex-officio procedure by the Agency in case of the following:

- Registration of the real estate rights in the name or on behalf of Republic of North Macedonia;
- Preparation of borderline documentation and maintenance of the state borderline;
- Preparation of updated geodetic layers for the purpose of spatial planning foreseen with the Annual Programme for funding the preparation of urban plans, regulatory plans of general urban plans, urban planning documentation and urban project documentation;
- Making topographic maps; and
- Preparation of geodetic reports for the recipients of social and permanent financial assistance and for the persons with low gross income of up to MKD 168,000.00 on an annual basis and persons who suffered damage as a result of natural disasters and other accidents under circumstances of crisis in the procedure for determining the legal status of illegally built objects.

**State borderline**

**Article 58**

(1) With the survey of the state borderline, tagging and collecting spatial and descriptive data on border points shall be also done.

(2) Orthophoto map shall be prepared throughout the survey of the state borderline in 1:2500 scale.

(3) Spatial data on the border points shall be the spatial coordinates determined by applying the classical geodetic methods or GNSS methods in the state coordinate system and the geographic coordinates specified in WGS84 and/or ETRS89.



(4) Descriptive data on the borderline points shall be the names of the states that border and the number of the border point.

(5) Geodetic Report shall be produced for the conducted survey of the state borderline, containing the geodetic-technical documentation.

### **Interstate coordination**

#### **Article 59**

(1) The works referred to in Article 58 of this Law shall be carried out in accordance with this Law, the provisions that regulate and define the state borderline and international treaties signed with neighbouring countries, ratified in accordance with the Constitution of Republic of Macedonia.

(2) The competent state bodies shall be obliged to provide to the AREC experts, carrying out the works referred to in Article 58 of this Law, an uninterrupted movement in the border zone.

### **Maintenance of border points**

#### **Article 60**

The maintenance of the border points shall include recovery of damaged or destroyed border points, for which a report shall be prepared by an expert from the Agency.

### **Bylaws**

#### **Article 61**

The manner of conducting the survey of the state borderline, the form and content of the geodetic report from the conducted survey of the state borderline, as well as the manner of maintenance of the border points shall be prescribed by the Steering Board of the Agency.

### **Cadastral municipality boundaries and scope**

#### **Article 62**

(1) The cadastral municipality as a basic cadastral unit shall cover, by default, an area of one populated settlement and all real estate within its borderline.

(2) The borderline of the cadastral municipality shall represent a polygon topologically defined with spatial data on the border points and lines of the parcels, which are common for the neighbouring cadastral municipalities.

(3) Notwithstanding paragraph (1) of this Article, a cadastral municipality may cover areas of two or more populated settlements, part of the populated settlement or parts of more populated settlements.

(4) The borderline of the cadastral municipality shall be marked by setting boundary marks.

### **Changing boundaries of cadastral municipalities**

#### **Article 63**

The Government of Republic of Macedonia, at the proposal of the Agency, shall enact a decision on changing the borderlines of cadastral municipalities.

### **Cadastral municipality maintenance competence**

#### **Article 64**

The maintenance of cadastral municipalities with established Real Estate Cadastre, under the competence of the Agency, shall be performed by the Centre for Real Estate Cadastre - Skopje and the REC Departments in Republic of Macedonia.

### **Bylaws**

#### **Article 65**

The method of changing the borderlines of cadastral municipalities, as well as the determination of cadastral municipalities under competence of maintenance of the Centre for Real Estate Cadastre Skopje and the REC Departments in Republic of Macedonia, shall be prescribed by the Steering Board of the Agency.

### **Cadastral parcel data**

#### **Article 66**

(1) Spatial 2D data and descriptive data organized in a centralized database shall be collected for the cadastral parcel.

(2) The spatial data on the cadastral parcel referred to in paragraph (1) of this Article, shall be the coordinates of the border points which topologically define the polygon and form the borderline of the cadastral parcel.

(3) Descriptive data on the cadastral parcel shall be the number of the cadastral parcel, named place/address, cadastral culture and class, area, as well as data on the cadastral parcel right holders.

### **Unique cadastral parcel identifier**

#### **Article 67**

(1) The cadastre parcel shall be marked with unique identifier within the GCIS, which shall be used for connection thereof with all other spatial and descriptive data on the real estate.

(2) The unique identifier referred to in paragraph (1) of this Article shall be defined by the sequence number of the organizational unit within the Agency under whose competence is the cadastral municipality, the number of the cadastral municipality and the number of the cadastre parcel.

### **Buildings, separate and common parts of buildings and other objects**

#### **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 the buildings referred to in paragraph (1) of this Article the following shall be gathered:

- Spatial data on the footprint of the building;
- Internal area data;
- Data on the use, number of floors, number of the building, entrance number, number of the separate part (apartment) and number of the common part of the building;
- Data on the year of construction, year of reconstruction and construction material; and
- Data on the right holders of the building or the separate and common parts of the building.

(3) For the objects referred to in paragraph (1) of this Article, such as 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 on the footprint;
- Data on the open area;
- Data on the use;
- Data on the right holders.

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

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

(6) The spatial data on the footprint of the buildings and other objects referred to in paragraph (1) of this Article, during the survey shall be collected in 2D and visualized through the cadastral map.

**Unique identifier for buildings, separate and common parts  
of buildings and other objects**

**Article 69**

Buildings, separate and common parts of buildings and other objects shall be defined by a unique identifier in GCIS by the ordinal number of the organizational unit within the Agency responsible for the cadastral municipality, number of the cadastral municipality, cadastral parcel number, number of building/object, entrance number, floor number and number of the separate i.e. common part of the building.

**Geodetic Report from the survey during the maintenance of the Real Estate Cadastre**

**Article 70**

(1) Geodetic report shall be produced, containing the geodetic-technical documentation of the conducted survey of cadastral parcels, buildings, separate and common parts of the buildings and other objects, in service of maintaining the Real Estate Cadastre (registration of real estate that remained with unregistered rights, processing of changes on the registered real estate and corrections of errors).

(2) The person who prepares the geodetic report shall be held responsible for the accuracy of the spatial and descriptive data on the real estate contained in the geodetic report.

**Survey of infrastructure objects**

**Article 71**

(1) The infrastructure objects which may be located underground, on the surface and above ground shall be subject to survey.

(2) Spatial and descriptive data shall be collected throughout the survey of the infrastructure objects referred to in paragraph (1) of this Article.

(3) The spatial data shall be 3D coordinates of the breaking points per position and height, as well as for the characteristic points for the infrastructure objects, which topologically shape or form the infrastructure objects.

(4) Descriptive data shall be the following ones: infrastructure object identifier, type of infrastructure object in the basic classification, type of sub-classification within the basic classification, length/height/area, personal and address data of the entities - rights holders of infrastructure objects (PIN of the citizen or the legal entity, title/name-surname, headquarters/address) and other data specific to the infrastructure object.

**Unique identifier for infrastructure objects**

**Article 72**

(1) The infrastructure objects shall be marked with a unique identifier within the GCIS, associated with all other spatial and descriptive data on the infrastructure.

(2) The unique identifier referred to in paragraph (1) of this Article shall consist of a prefix and identifier for the infrastructure object.

(3) The Agency shall determine the prefix, and the identifier shall be determined by the right holder of the infrastructure object.

**Geodetic report on the infrastructure objects**

**Article 73**

(1) Geodetic report shall be produced on the conducted survey of the infrastructure objects in the service of the establishment and maintenance of Real Estate Cadastre, which shall contain the geodetic-technical documentation.

(2) The person who prepares the geodetic report shall be held responsible for the accuracy of the real estate spatial and descriptive data contained in geodetic report.

**Bylaws**  
**Article 74**

The manner of carrying out of the survey, the form and content of the geodetic reports on the conducted survey referred to in Article 70 and Article 73 of this Law shall be prescribed by the Steering Board of the Agency.

**Cadastral classification**

**Article 75**

(1) The cadastral classification of the land shall encompass definition of the method of land use (cadastral culture) and class of the land for each cadastral parcel within one cadastral municipality, on the basis of the natural and the economic conditions for agricultural, forest and other manufacture of the existing land culture.

(2) Natural conditions for agricultural, forest and other manufacture, in terms of paragraph (1) of this Article shall be the pedologic features of the land, the climate, the location, exposure and water regime, while the economic conditions shall refer to the development of the road network and its remoteness from the market.

**Cadastral culture and class**

**Article 76**

(1) Cadastral culture shall refer to the land on which the method and the possibilities of land exploitation for agricultural, forest and other manufacture are determined.

(2) The land can be classified as fertile, infertile land and land under water according the cadastral culture.

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

(4) The fertile lands shall be classified in eight cadastral classes.

(5) The infertile lands shall be classified as naturally infertile land (dales, stonemasons and other), and as artificially infertile land which shall refer to the land for which an urban plan or urban planning documentation has been adopted (urban non-constructed land, urban constructed land).

(6) The fertile land and the naturally infertile land shall be marked as agricultural land, while the artificially infertile land shall be marked as construction land.

(7) The land under water shall be classified as land under running waters (streams and rivers) and land under standing waters (natural and artificial lakes and swamps).

(8) The infertile land and the land under waters shall not be classified in cadastral classes.

**Determination of the cadastral culture and class**

**Article 77**

For the purpose of determination of the cadastral culture and class of the fertile land, benchmark lands shall be established within the cadastral municipality for each cadastral culture and class in particular.

**Benchmark lands**

**Article 78**

Benchmark lands shall refer to the particular cadastral parcels used to determine the average yield of agricultural, forest and other type of manufacture for a certain land class.

## **Definition of benchmark lands and change of cadastral culture and class**

### **Article 79**

The definition of benchmark lands within the cadastral municipality and the determination and change the cadastral culture and class of the land shall be done by the Agency.

## **Change of cadastral culture and class**

### **Article 80**

(1) Change of cadastral culture and class of the land in the Real Estate Cadastre shall be done at the request of a client.

(2) Notwithstanding paragraph (1) of this Article, change of a cadastral culture and class may be done under ex-officio procedure:

- At the request of the state administration body responsible for carrying out activities in the field of agriculture, forestry and water economy, with an enclosed act for the established change of cadastral culture or class of the land; and
- At the request of the state administration body responsible for performing works in area of spatial planning and local government units, with an enclosed certificate from the urban plan or the urban planning documentation.

### **Bylaws**

#### **Article 81**

The method of the cadastre classification of land, as well as the determination and the registration of the change in the cadastral culture and class of the land shall be prescribed by the Steering Board of the Agency.

## **Processing, modeling and data visualization**

### **Article 82**

(1) The real estate survey data (cadastral parcels, buildings and other objects) shall be processed, modelled and visualized through cadastral maps.

(2) Data from the survey of infrastructure objects shall be processed, modelled and visualized through the maps of infrastructure objects.

(3) The processing, modeling and visualization of data in digital maps shall be done with licensed software.

(4) The maintenance of the data changes in the maps referred to in paragraph (1) and paragraph (2) of this Article shall be carried out with accuracy of the produced maps.

## **Digitization of cadastral maps**

### **Article 83**

(1) For the cadastral municipalities for which a Real Estate Cadastre has been established based on analogue cadastral maps, the Agency shall perform digitization of the analogue cadastral maps. When determined throughout the digitization process 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 harmonized with data from the official records and applied to the digital cadastral map. The data obtained from the digital cadastral maps shall be used by putting into use the database of the digital cadastral maps.

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

(3) The certificate for the digital surface shall be enacted after the inspection in the official records and the drawing up of minutes on the established actual situation and the expert findings with regards to the differences in the area.

(4) In the process of digitalization of the cadastral maps, with regards to the cadastral parcels for which the data on the real estate right holders in the cadastre registry book are taken over from the cadastre of land on the basis of fictitious records, the surface from the digitalized cadastral map shall be recorded as a surface of the cadastral parcel, while the data on the right holders shall be recorded in the equal ideal part.

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

(6) The new area of the cadastral parcels referred to in paragraph (1) and paragraph (2) of this Article shall be entered under ex-officio procedure in the property deed.

(7) The Director of the Agency shall adopt a decision on the application of the database of digital cadastral maps for each cadastral municipality.

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

### **Metadata**

#### **Article 84**

(1) The Agency shall produce metadata in accordance with international metadata standards for the cadastral maps and the maps of infrastructure objects.

(2) The metadata shall be kept, maintained and browsed in the metadata catalogue referred to in Article 52 of this Law.

### **Bylaws**

#### **Article 85**

The method of processing, modeling and visualization of data from the cadastral maps and the maps of infrastructure objects, the form and content of the digital area certificate, and the method of preparation of metadata shall be prescribed by the Steering Board of the Agency.

## **VI. GEODETIC WORKS FOR SPECIAL PURPOSES**

### **Scope of performance of geodetic works for special purposes**

#### **Article 86**

The performance of geodetic works for special purposes shall include preparation of updated geodetic maps related to spatial planning, geodetic reports in the service of implementation of urban plans and urban planning documentation, as well as geodetic reports for resolution of legal-property affairs affecting the Real Estate Cadastre in procedures before the state bodies, public services and bodies of local self-government units and the City of Skopje and before other authorities.

### **Performance of geodetic works for special purposes**

#### **Article 87**

(1) The geodetic works for special purposes shall be performed with on-site inspection through survey of real estate, office processing, modeling and visualization of the data gathered with the survey.

(2) Data from the Graphical Registry of Construction Land should be used in the course of performing the geodetic works referred to in paragraph (1) of this Article referring to the preparation of geodetic reports for realization of urban plans and urban planning documentation via data transmission from the urban plans and the urban planning documentation into the cadastral maps.

**The title before Article 88 and Article 88 shall be deleted**

## **Geodetic report for special purposes**

### **Article 89**

Geodetic report shall be prepared for the performed geodetic works for special purposes, containing the geodetic-technical documentation.

### **Bylaws**

### **Article 90**

The performance of geodetic works for special purposes, as well as the form and content of the geodetic reports for the performed geodetic works for special purposes shall be prescribed by the Steering Board of the Agency.

## **VII. TOPOGRAPHIC MAPS**

### **Competent body for production of topographic maps and orthophoto**

### **Article 91**

The Agency shall be responsible for the production of topographic maps, preparation of orthophoto maps/plans and cartographic database management.

### **Classification of topographic maps**

### **Article 92**

Depending on the scale used in the production of topographic maps, they shall be classified as:

- Large scale, in a scale of 1:25.000 and 1:50.000;
- Mid scale, in a scale 1:100.000 and 1:200.000 and/or 1:250.000;
- Small scale, in a scale of 1:500.000 and 1:1.000.000.

### **Survey for production of topographic maps**

### **Article 93**

The survey for the purpose of production of topographic maps shall include a survey of topographic objects and terrain with an accuracy determined by the scale in which they are produced, gathering their qualitative and quantitative properties, as well as gathering data on the geographic names.

### **Form of the data from the topographic maps**

### **Article 94**

(1) The topographic maps shall be produced in digital form based on data from the performed survey in accordance with cartographic standards.

(2) The data from topographic maps shall be organized in a cartographic database in vector and raster formats.

### **Organization of the data from topographic maps**

### **Article 95**

(1) Digital topographic data in vector form shall be organized according to the spatial data infrastructure for:

- Administrative areas;
- Classification of land;
- Road infrastructure;
- Railway infrastructure;
- Hydrographic infrastructure;
- Small objects;
- Topographic features; and

- Textual records.

(2) The digital cartographic data shall be organized according to the nomenclature of topographic maps based on the scale.

### **Topographic map update**

#### **Article 96**

(1) The update of the topographic maps shall enable harmonization of data from the topographic maps with the actual on-site situation.

(2) The update stipulated in paragraph (1) of this Article may be carried out with a survey of the actual situation or using data from the orthophoto map/plan developed on the basis of a performed aerial survey.

(3) The Agency shall have the competence to perform aerial survey in service of the production of orthophoto maps/plans every five years.

### **Metadata on topographic maps**

#### **Article 97**

(1) The Agency shall produce metadata on the topographic maps, in accordance with international metadata standards.

(2) The metadata shall be kept, maintained and browsed in the metadata catalogue referred to in Article 52 of this Law.

### **Geodetic report for topographic maps**

#### **Article 98**

Geodetic report shall be produced for topographic maps in relation with the conducted survey in service of the preparation and update of topographic maps, containing the geodetic-technical documentation.

### **Cartographic products**

#### **Article 99**

(1) In addition to the matters referred to in Article 91 of this Law, the Agency shall be responsible for making overview, thematic and school maps, overview sheets of maps, map publications, atlases, albums, models.

(2) The cartographic products referred to in paragraph (1) of this Article can also be produced by other legal entities with a previously issued authorization by the Agency, on the basis of submitted request.

(3) The legal entities referred to in paragraph (2) of this Article shall be registered in the appropriate registry within the Central Registry for the performing of this activity, to have a licensed software for preparation of the products referred to in paragraph (1) of this Article and appropriate equipment and facilities for the preparation of cartographic products.

(4) Fee shall be effectuated for the issuance of the authorization referred to in paragraph (2) of this Article in an amount which depends on the expenses incurred for the inspection of the compliance with the conditions referred to in paragraph (3) of this Article.

(5) The Agency shall keep records for authorizations issued under paragraph (2) of this Article.

(6) The Agency shall control the legal entities referred to in paragraph (2) of this Article, and in case of failure to meet the conditions referred to in paragraph (3) of this Article, and in case when the legal entities put into use cartographic products without the consent of the Agency, the Director of the Agency shall adopt a decision to revoke such authorization.

(7) The legal entity who has been deprived of the authorization referred to in paragraph (6) of this Article, cannot acquire new authorization within three years from the revocation of the authorization.

(8) The decision of the Agency referred to in paragraph (6) of this Article shall be final and



enforceable, and a lawsuit against the same shall be allowed before the Administrative Court within 15 days of receipt of the decision.

(9) The detailed conditions referred to in paragraph (3) of this Article, as well as the necessary documentation for compliance with the conditions shall be prescribed by the Steering Board of the Agency.

### **Mandatory basis for thematic maps**

#### **Article 100**

The data referring to the hydrographic, road and railway infrastructure, topographic features and administrative areas referred to in Article 95 of this Law shall be mandatory in the preparation of thematic maps.

### **Consent for the issuance of cartographic products**

#### **Article 101**

(1) The legal entities that produce cartographic products shall be obliged to obtain consent from the Agency required before putting into use the cartographic products.

(2) The consent referred to in paragraph (1) of this Article shall be issued by the Agency once it is determined that in the preparation of cartographic products, the legal entity used data from the GCIS and that the required fee has been paid in accordance with this Law.

(3) The consent referred to in paragraph (1) of this Article shall be issued by the Agency within 15 days of receipt of the request for consent.

(4) For the issue of the consent for use of cartographic product, a fee shall be paid to the Agency. The amount of the fee shall depend on the scope and content of the cartographic products.

### **Bylaws**

#### **Article 102**

(1) The method of production of topographic maps, orthophoto maps/plans and cartographic products, as well as the form and content of the geodetic report for topographic maps, as well as the form and content of the authorization form referred to in Article 99 paragraph (2) of this Law, as well as the consent referred to in Article 101 paragraph (2) of this Law, shall be prescribed by the Steering Board of the Agency.

(2) The amount of the fee for issuing authorization for the production of cartographic products, as well as the amount of the fee for issuing consent for use of cartographic product referred to in Article 101 of this Law shall be determined by the Tariff List adopted by the Steering Board of the Agency, and endorsed by the Government of Republic of North Macedonia.

## **VIII. SOLE PROPRIETORS - AUTHORIZED SURVEYORS AND TRADING COMPANIES FOR GEODETIC WORKS**

### **Works performed by sole proprietors – authorized surveyors and trading companies for geodetic works**

#### **Article 103**

(1) The on-site geodetic works, with the exception of the works from the survey referred to in Article 8, paragraph (2) and Article 57 paragraph (2) of this Law, referring to the basic geodetic works, the survey in service of the establishment and the maintenance of the Real Estate Cadastre and the geodetic works for special purposes, shall be performed by sole proprietors - authorized surveyors and the trading companies for geodetic works, under the conditions and in the manner stipulated by this Law as public authorizations.

(2) The on-site geodetic works referring to the topographic maps, as well as the on-site

gathering of data on streets and house numbers in service of the Graphical Registry of Streets and House Numbers can be performed by the entities referred to in paragraph (1) of this Article, selected in compliance with the public procurement regulations.

### **Conditions for performing geodetic works**

#### **Article 104**

(1) The sole proprietors - authorized surveyors and the trading companies for geodetic works in order to perform the on-site geodetic works referred to 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 profession, of whom at least one authorized surveyor;
- Hold damage liability insurance;
- Possess licensed software for production of geodetic reports; and
- Hold a license for performance of the geodetic works.

(2) The sole proprietors – authorized surveyors and the trading companies for geodetic works shall perform geodetic works on the entire territory of Republic of Macedonia.

### **Foreign legal entities**

#### **Article 105**

(1) The on-site geodetic works referred to in Article 103 of this Law may be carried out by a foreign legal entity registered to perform geodetic works in a Member State of the European Union, if it fulfils the conditions for performing such operations in the country in which it is registered.

(2) The on-site geodetic works referred to in Article 103 of this Law may be carried out by a foreign legal entity registered to perform geodetic works in a country that is/is not a Member State of the European Union, under conditions of reciprocity.

### **Foreign authorized surveyor**

#### **Article 106**

(1) Foreign geodetic engineer with an authorization from a Member State of the European Union may perform geodetic works on the territory of Republic of Macedonia if the geodetic works are performed in accordance with the laws and other regulations of Republic of Macedonia which refer to the field of geodetic works.

(2) Foreign geodetic engineer with an authorization by another country may perform geodetic works on the territory of Republic of Macedonia, under the terms of reciprocity if the geodetic works are performed in accordance with the laws and other regulations of Republic of Macedonia referring to the field of geodetic works and if the authorization for performance of geodetic works has been confirmed with a decision by the Agency.

### **Authorized surveyor**

#### **Article 107**

The authorized surveyor, employed by a sole proprietor - authorized surveyor or by a trading company for geodetic works may perform geodetic works, such as:

- Survey in service of the Real Estate Cadastre;
- On-site geodetic works which refer to the basic geodetic works for topographic maps; and
- On-site geodetic works for special purposes.

### **Conditions for taking an exam for acquiring a license for authorized surveyor**

#### **Article 108**

(1) Authorized surveyor may be any person who passed the exam for acquiring a license for

authorized surveyor.

(2) The exam for acquiring the license for authorized surveyor can be taken by any person meeting the following criteria:

- To be a citizen of 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 professional experience in the field of geodetic works after meeting the conditions referred to in indent 2 of this paragraph; and

(3) The Agency shall record the issued licenses for authorized surveyors in the Directory of Authorized Surveyors, kept by the Agency.

### **Parts of the exam, fields and programme**

#### **Article 108-a**

(1) The exam shall consist of two parts as follows:

- First part (theory) for assessing the theoretical knowledge of the candidates; and
- Second part (case study) for assessing the capability of the candidates to apply the laws in practice.

(2) The first part of the exam referred to in paragraph (1) of this Article shall be taken in writing by using electronic means, by answering particular number of questions in type of filling in an electronic test on a PC.

(3) The first part of the exam shall include questions from the following subjects:

- 1) Basic geodetic works and cartography;
- 2) Cadastral maps and maps of infrastructure objects;
- 3) Survey, geodetic works for special purposes, geodetic reports and electronic rules of procedure; and
- 4) Real Estate Cadastre and real estate regulation and management.

(4) The second part of the exam shall consists of the following:

- Description of individual case from the field referred to in paragraph (3) item 2 of this Article (first case study) and from the field referred to in paragraph (3) item 3 of this Article (second case study); and
- Questions which should be answered by the candidate based on case analysis.

(5) The exam shall be taken during the exam sessions in February, April, June, October and December according to a programme that contains the curriculum, regulations and literature.

### **Creation of question databases for taking the exam**

#### **Article 108-b**

(1) The question databases for the first part of the exam and the databases of case studies and questions for the second part of the exam referred to in Article 108-a of this Law shall be prepared by:

- Two professors from the field of geodesy, appointed by the dean of the high educational institution from the field of geodesy; and
- Five persons employed in the Agency, appointed by the Director of the Agency of whom three persons with completed VII/1 level of geodesy studies or at least 300 credit points according to the European Credit Transfer System (ECTS) from the field of geodesy, with a license for authorized surveyor and at least six years of professional experience in the field of geodesy and two persons with completed VII/1 level of law studies or at least 300 credit points according to the European Credit Transfer System (ECTS) from the field of law and at least six years of professional experience in legal matters.

(2) The questions from the first part of the exam and the questions and case studies from the second part of the exam shall be verified by a Commission consisting of:

- Two representatives appointed by the Steering Board of the Chamber of Sole Proprietors - Authorized Surveyors and Trading Companies for Geodetic Works from the field of

geodesy with completed VII/1 level of geodesy studies or at least 300 credit points according to the European Credit Transfer System (ECTS) from the field of geodesy; and

- Three representatives from the Agency, of whom two persons with completed VII/1 level of geodesy studies or at least 300 credit points according to the European Credit Transfer System (ECTS) from the field of geodesy, with a license for authorized surveyor and at least ten years of professional experience in the field of geodesy and one person with completed VII/1 level of law studies or at least 300 credit points according to the European Credit Transfer System (ECTS) from the field of law and at least ten years of professional experience in legal matters, appointed by the Director of the Agency.

(3) The principle of appropriate and fair representation should be adhered to in the course of establishing the Commission referred to in paragraph (2) of this Article.

(4) The Commission referred to in paragraph (2) of this Article shall conduct an audit and update of the databases of questions and case studies at least twice a year.

(5) The Commission shall consider the modifications of the regulations the question i.e. case is based upon throughout the audit, as well as the number of candidates who answered the question, the success of answering the questions and other criteria which may affect the improvement of the quality of the databases of questions.

(6) The Commission shall decide at least 30% of the questions and case studies to be altered or entirely removed and replaced with new ones from the data bases upon the conducted audit and update of the databases of questions and case studies.

(7) The persons referred to in paragraph (1) of this Article and the members of the Commission for verification referred to in paragraph (2) of this Article shall have the right to monetary compensation which shall be determined by the Steering Board of the Agency.

(8) The amount of the monetary compensation referred to 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 matter.

(9) The annual amount of the monetary compensation referred to in paragraph (7) of this Article shall not exceed the amount of three average gross salaries in Republic of Macedonia in the previous year published by the State Statistical Office.

### **Submission of application for taking the exam and acting thereupon**

#### **Article 108-c**

(1) The candidate shall submit the application for taking the exam to the Agency.

(2) The candidate shall be obliged to enclose evidence to the application for meeting the criteria for taking the exam prescribed by this Law.

(3) The Director of the Agency or person authorized by the Director of the Agency shall determine by means of a decision whether the candidate meets the criteria for taking the exam.

(4) Administrative dispute can be initiated before the competent court within 30 days as of receiving the decision on the rejection of the application for taking the exam.

(5) The candidate shall be allowed to take the exam in the next term as of the day of approval of the application for taking the exam.

### **Matters related to taking the exam**

#### **Article 108-d**

(1) The professional and administrative works for the needs of conducting the exam shall be performed by the Agency, for which the Director shall appoint a responsible person who determines whether the candidate meets the requirements for taking the exam, and the exam shall be carried out technically by a person registered in the Central Registry elected by the Agency.

(2) The responsible person referred to in paragraph (1) of this Article shall receive a monetary compensation for each conducted exam session in the amount of one third of the average net salary in Republic of Macedonia, for which the Agency shall adopt a decision.

(3) The exam shall be taken in a room intended for the taking of the exam, especially equipped with material and technical and IT equipment, Internet connection, as well as equipment for recording the exam.

(4) The candidates whose request for taking the exam has been approved and the public shall be informed on the date and time of the taking the exam at least eight days prior to the conducting of the exam, through the website of the Agency and the Public Broadcasting Service.

(5) The taking of the exam shall be recorded in live and broadcasted on the website of the Agency, and in case of interrupted recording due to technical reasons, the recording of the overall exam shall be posted on the website of the Agency.

(6) Two representatives of the Agency, one representative of the Chamber of Sole Proprietors - Authorized Surveyors and Trading Companies for Geodetic Works, one representative of the Government of Republic of Macedonia proposed by the Office of the President of the Government and one representative of the Ministry of Information Society and Administration (IT Specialist) shall be present in the room during the exam.

(7) The representatives referred to in paragraph (6) of this Article shall receive a monetary compensation for each conducted exam session in the amount of one third of the average net salary in Republic of Macedonia, for which the Agency shall adopt a decision.

(8) The legal entity which technically conducts the exam shall be obliged to block the radio frequency range in the room intended for the taking of the exam during the conducting of the exam sessions.

(9) The Agency for Electronic Communications (hereinafter referred to as AEC) shall perform a continuous monitoring of the blocking of the radio frequency range in the room intended for the taking of the exam, in order to prevent any kind of electronic communication with the environment outside the room intended for the taking of the exam.

(10) AEC shall install measuring equipment in the room intended for the taking of the exam that provides an electronic record of the conducted measurements for a period of 30 days, which shall be recorded in the central control system of the AEC.

(11) AEC shall form a three-member commission that shall prepare a report based on the electronic records stored in the central control system of the AEC, which report shall be submitted to the Agency no later than 15 days from the date of completion of the exam session.

### **Manner of taking the exam**

#### **Article 108-e**

(1) Representative from the Agency shall determine the identity of the candidate by checking the candidate's personal ID card prior to the beginning of the exam.

(2) In the course of taking the first part of the exam, the candidate shall not be allowed to use laws, laws with comments and explanation, mobile telephone, portable computer devices and other technical and information means, previously prepared subjects and other.

(3) In the course of taking the second part of the exam, the candidate shall be allowed to use only laws (without comments and explanations), which can be found in electronic form on the PC the client uses to take the exam.

(4) In the course of taking the first and the second part of the exam, the candidate shall not be allowed to communicate with other candidates or persons, except for the IT Specialist referred to in Article 108-d paragraph 5 of this Law in case of having any technical issues with the PC.

(5) If the technical issues with the PC are removed within five minutes, the exam continues, otherwise the exam for the respective candidate shall be terminated and retaken within three days as of the day of exam termination.

(6) In case of issues with more than five PC which cannot be removed within five minutes, the exam shall be terminated for all candidates and retaken within three days as of the day of exam termination.

(7) If the candidate acts contrary to paragraphs (2), (3) and (4) of this Article in the course of taking the first and the second part of the exam, the candidate shall not be allowed to continue with the exam and banned on taking the exam for acquiring the license for authorized surveyor

for a period of three years, for which the Agency shall enact a decision against which administrative dispute can be initiated before competent court within 30 days as of the day of receiving the decision.

(8) In the cases referred to in paragraph (7) of this Article, it shall be deemed that the candidate did not pass the exam which shall be recorded in the minutes for taking the exam.

(9) The authorized representatives referred to in paragraph 108-d (5) of this Law must not stay longer than five seconds near the candidate in the course of taking the exam, except in case of removing any technical issue in which case the authorized representatives must not stay longer than five minutes near the candidate.

### **Termination and continuation with the exam**

#### **Article 108-f**

(1) If any justified reasons occur in the course of taking the exam due to which the candidate shall not be able to continue with taking the exam (illness, childbirth related leave, schooling abroad and other), the exam shall be terminated for definite time period which may not exceed six months.

(2) The decision for continuing with the exam shall be enacted by the Director of the Agency at the request of the candidate. The request shall be submitted within eight days as of the cessation of the reasons for postponement of the exam, but no later than six months.

(3) In case when the candidate does not submit request for continuation with the exam within the term referred to in paragraph (2) of this Article, it shall be deemed that the candidate did not pass the exam.

(4) Administrative dispute can be initiated against the decision of the Director of the Agency referred to in paragraph (2) of this Article before the competent court within 30 days as of the day of receiving the decision.

(5) In case of continuation with the exam, the candidate shall not take the part of the exam that the candidate has previously taken.

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

#### **Article 108-g**

(1) The exam shall begin with taking the first part of the exam (theory), followed by the second part of the exam (case studies).

(2) The second part of the exam shall be taken within 15 days after the successfully passed first part of the exam.

(3) The first part of the exam shall be taken for each of the fields referred to in Article 108-a of this Law and shall contain at least 15 questions for each of the fields with five given answers of which one is correct, two are similar, one is slightly incorrect (some points are lost when choosing this answer) and one incorrect answer (most of the points are lost when choosing this answer).

(4) The candidate may proceed with taking the second part of the exam if the candidate successfully passed the first part of the exam in maximum three successive exam sessions.

(5) In case when the candidate failed the first part of the exam in accordance with paragraph (4) of this Article, it shall be deemed that the candidate did not pass the exam.

(6) The second part of the exam shall consist of two case studies based on the field referred to in Article 108-a paragraph (3) item 2 of this Law (first case study) and the field referred to in Article 108-a paragraph (3) item 3 of this Law (second case study).

(7) The questions constituting integral part of the case studies shall be from the field the case study is based on and have ten possible answers of which one is correct, five are similar and four are different.

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

(9) In case when the candidate failed the first part of the exam, it shall be deemed that the candidate did not pass the exam.

## **Grading of the questions and unique electronic system for taking the exam**

### **Article 108-h**

(1) Taking the first part of the exam shall be done by answering particular number of questions of an electronic test on a PC.

(2) The questions of the test shall be graded with points determined in the test depending on the level of difficulty.

(3) Taking the second part of the exam shall be done by scrutinizing the case studies and answering particular number of questions deriving from the case studies in form of electronic software solution (hereinafter referred to as: electronic case study).

(4) The questions from the case study shall be graded with points determined in the case study depending on the level of difficulty.

(5) The questions contained in the tests for taking the first part of the exam and their answers, as well as the case studies and the questions deriving from the case studies and their answers shall be kept in the unique electronic system for taking exam.

(6) The electronic system referred to in paragraph (5) of this Article shall also contain publicly available database of minimum 200 questions for each field, as well as publicly available database of minimum 50 case studies for the needs of the second part of the exam.

(7) The electronic system shall also contain indication to the regulations and literature containing the answers of the questions from the first part of the exam and the regulations for the second part of the exam.

(8) The number of questions and case studies in the databases referred to in paragraph (6) of this Article shall increase by 10% per year.

(9) The results from taking the first and the second part of the exam shall be made available to the candidate on the PC on which the candidate took the exam immediately after finishing the exam.

## **Access code, termination and continuation with the exam**

### **Article 108-i**

(1) On the day of taking the first i.e. second part of the exam, the representative of the Agency shall give an access code i.e. password to the candidate for allowing access to the electronic system referred to in paragraph (5) of Article 108-h of this Law.

(2) Once the access is allowed, the candidate shall get electronic test for the first part of the exam i.e. electronic case studies for the second part of the exam, computed generated, whose content is randomly chosen by the software of the electronic system referred to in paragraph (5) of Article 108-h of this Law, from the databases referred to in paragraph (6) of Article 108-h of this Law.

(3) The first and the second part of the exam shall contain instruction for the manner of taking the exam, which shall be explained by the Agency before taking the exam.

(4) The electronic system for taking the exam shall not allow the existence of identical content of the electronic test for the first part of the exam i.e. electronic case study for the second part of the exam in one term for more than one candidate.

(5) In case when taking the first or second part of the exam is not possible due to reasons deriving from the technical non-functioning of the electronic system referred to in paragraph (5) of Article 108-h of this Law, the taking of the exam shall be terminated.

(6) In case when the reasons referred to in paragraph (5) of this Article are removed within 60 minutes as of the termination of the exam, the exam shall proceed immediately after removing such reasons.

(7) In case when the reasons referred to in paragraph (5) of this Article are not removed within the deadline referred to in paragraph (6) of this Article, the exam shall be rescheduled for another term.

## **Duration of the exam**

### **Article 108-j**

- (1) The total time for answering the questions from the test of the first part of the exam shall be 45 minutes for each of the fields referred to in paragraph (3) of Article 108-a of this Law.
- (2) The candidate who provided at least 70% correct answers to the questions from the test of the first part of the exam shall be deemed that he/she passed the exam.
- (3) The total time for answering the questions for each of the case studies from the second part of the exam shall be 45 minutes.
- (4) The candidate who provided at least 70% correct answers to the questions from each of the case studies of the second part of the exam shall be deemed that he/she passed the exam.

## **Authorization and audit of the conducted exams**

### **Article 108-k**

- (1) The candidates who passed the exam shall receive authorization within 15 days as of the day of finishing the exam.
- (2) The Agency shall, at the request of the candidate, inform the candidate of the mistakes in the test from the exam by providing a direct insight of the test.
- (3) The tests and the case studies shall be used and given to the candidate only during the time of taking the exam.
- (4) The materials from the held exams, especially the hardcopy versions of the tests and the case studies for taking the exam and the specimen for checking the correctness of the answers to the questions of the test and the case studies, as well as the records from the held exams shall be kept in the Agency.
- (5) The Director of the Agency shall establish a Commission for audit of the held exams, which shall use the materials referred to in paragraph (4) of this Article throughout its work and apart from the representative of the Agency and the representative of the Chamber of Sole Proprietors - Authorized Surveyors and Trading Companies for Geodetic Works, it shall also include one representative of the Government of Republic of Macedonia and one IT Specialist of the Ministry of Information Society and Administration determined by the Government of Republic of Macedonia.
- (6) The Commission referred to in paragraph (5) of this Law shall meet after every held exam session and audit the carrying out of the exam, including whether the exam was taken by candidates who meet the conditions for taking the exam for acquiring the license for authorized surveyor in accordance with Article 108 of this Law, for which a report shall be submitted to the Director of the Agency.
- (7) The members of the Commission referred to in paragraph (5) of this Article shall receive annual monetary compensation in the amount of one average net salary in Republic of Macedonia, for which the Agency shall adopt a decision.
- (8) In case when the Commission establishes any irregularities while carrying out the exam by individuals within the meaning of paragraph (2) of Article 108-e of this Law, the Commission shall propose revocation of the authorization referred to in paragraph (1) of this Article.
- (9) The Director shall enact a decision on revocation of the authorization upon the proposal of the Commission within three days as of receiving the proposal.
- (10) Administrative dispute before the competent court may be initiated against the decision referred to in paragraph (9) of this Article within 30 days as of receiving the decision.

## **Fees for taking the exam**

### **Article 108-l**

- (1) The fees for taking the exam shall be borne by the candidate.
- (2) The amount of the fee referred to in paragraph (1) of this Article shall be determined by the Steering Board of the Agency on the basis of the actual incurred expenses for taking the exam necessary for carrying out the first and the second part of the exam, preparation of the database of questions, carrying out of the electronic test, preparation of materials and invitations



and preparation of authorizations.

(3) The fees for taking the exam shall be effectuated to the account of revenues of the Agency.

(4) In case when the fees are not effectuated to the relevant account of the Agency within 15 days prior to the day of taking the exam, the candidate shall not be allowed to take the exam.

(5) In case when the candidate does not take the exam within one year as of the day of payment of the fees, the effectuated fees shall be returned to the candidate as stipulated by law.

### **Issuance, extension and confirmation of the license for authorized surveyor**

#### **Article 109**

(1) The license for authorized surveyor shall be issued for a five year period.

(2) The license for authorized surveyor shall be extended on a five year basis. The period of license inactivity shall not be calculated in the period of extension of the license.

(3) In order to renew the license for authorized surveyor the license holder shall submit a request for extension of the license to the Agency six months before the expiry of the validity period of the license. The license holder shall attach a certificate issued by the Agency stating that during the five years they have attended training from the field of geodetic works and evidence for effectuated fee for the extension of the license validity period. The license holder employed in the Agency shall submit an employment certificate from the Agency instead of certificate for attended training.

(4) For the extension of the license for authorized surveyor, the Agency shall adopt a decision within 15 days as of the submission of the application.

(5) The decision of the Agency not to renew the license for authorized surveyor shall be final and enforceable and it can be appealed against before an Administrative Court within 15 days from the day of receiving the decision.

(6) The license of a foreign geodetic engineer referred to in paragraph (2) of Article 106 of this Law, at the request of the foreign geodetic engineer shall be confirmed with a decision by the Agency. The request for confirmation of the license needs to be annexed with evidence of effectuated fee required to the Agency.

(7) The amount of the fee for extension of the license for authorized surveyor and confirmation of the license for the foreign geodetic engineer shall be defined depending on the expenses necessary for review of the submitted documents by the Agency and the expenses incurred for decision preparation and submission, with a decision by the Steering Board of the Agency.

(8) The decision of the Agency not confirming the license of the foreign geodetic engineer shall be final and enforceable, and it can be appealed against before an Administrative Court within 15 days from the day of receiving the decision.

### **Inactivity of the license for authorized surveyor**

#### **Article 109-a**

(1) The license for authorized surveyor may become inactive at the request of the authorized surveyor, personally submitted or via proxy, out of justified reasons (health issues, temporary stay abroad, professional development, serving penalty/imposed educational/protective measure for a period less than six months, performing military service/civil service with compensation, held in police custody, election/appointment on a state or other public function, unpaid leave), failure to extend the license or inability to attend trainings. Evidence for effectuated fee to the Agency should be enclosed to the request for inactivity of the license.

(2) By making the license for authorized surveyor inactive, all rights and obligations of the authorized surveyor deriving from the license shall become inactive as well. The license inactivity may last up to five years.

(3) The Agency shall adopt a decision for making the license of the authorized surveyor inactive.

(4) The decision referred to in paragraph (3) of this Article shall be entered in the Directory of Authorized Surveyors kept in the Agency, whereby the Agency shall be obliged to immediately inform the Chamber for making the license of the authorized surveyor inactive.

(5) The authorized surveyor shall, personally or via proxy, submit a request to the Agency for the license reactivation and organization of training for reactivation of the license of the authorized surveyor within three months prior to the expiry of the term of inactivity and enclose an evidence for effectuated fee to the Agency.

(6) The Agency shall issue a certificate and enact a decision on license reactivation of the authorized surveyor after the completed training from the field of geodetic work. The decision shall be entered in the Directory of Authorized Surveyors which shall be administered in the Agency, whereby the Agency shall be obliged to inform the Chamber of any change in the Directory.

(7) The amount of the fee for making a license for authorized surveyor inactive and for reactivation thereof shall be determined by a decision of the Steering Board of the Agency, depending on the incurred expenses for organization and conducting a training, check of the submitted documents by the Commission and for preparation and submission of decision on license inactivity/reactivation.

(8) In case when the authorized surveyor does not submit request for license reactivation within the deadline foreseen in paragraph (5) of this Article or when the request for license reactivation is rejected by means of a decision in case when the authorized surveyor did not attend training from the field of geodetic works or failed to enclose evidence for effectuated fee for the extension of the license, the Agency shall revoke the license with a decision.

(9) The decision referred to in paragraph (8) of this Article shall be final and enforceable and it can be appealed against before an Administrative Court within 15 days from the day of receiving the decision.

### **Duties of the authorized surveyor**

#### **Article 110**

(1) The authorized surveyor shall be obliged to:

- Perform the geodetic works in accordance with the provisions of this Law and the regulations enacted thereupon, as well as according to the rules and standards of the geodetic profession;

- Personally sign every geodetic report prepared in hardcopy, and sign the geodetic report prepared in electronic format with a valid certificate issued by a licensed certification authority;

- Use a licensed software in the course of preparation of the geodetic report;

- Use the data from the Real Estate Cadastre only for the purpose of their issuance;

- Submit a request for extension of the license within the deadline referred to in paragraph (3) of Article 109 of this Law;

- Produce geodetic reports upon previously carried out survey and on-site inspection of the real estate, and geodetic reports for realization of the urban plans and urban planning documentation upon previous on-site inspection of the real estate;

- Attend continuous training from the field of geodetic works; and

- Submit a request for reactivation of the license for authorized surveyor.

(2) The authorized surveyor not employed at the sole proprietor – authorized surveyor i.e. trading company for geodetic works cannot perform geodetic works for the sole proprietors - authorized surveyors i.e. trading companies for geodetic works.

### **Cessation of the validity of the license for authorized surveyor**

#### **Article 111**

(1) The license for authorized surveyor shall cease to be valid if:

- The authorized surveyor has passed away;
- The authorized surveyor completely loses his/her business competence;
- The authorized surveyor is imprisoned for a committed criminal act during the performance of the geodetic works, for which a prison sentence longer than 6 months has been imposed;
- The license is not extended; and
- The license expires.

(2) The cessation of the validity of the license referred to in paragraph (1) of this Article shall be entered in the Directory of Authorized Surveyors administered in the Agency, and the Agency shall be obliged to inform the Chamber for the change made in the Directory.

### **Revocation of the license for authorized surveyor**

#### **Article 112**

(1) The license for authorized surveyors shall be revoked, if:

- The authorized surveyor during the performance of the geodetic works does not act in accordance with this Law and the regulations adopted thereupon, as well as according to the rules and standards of the geodetic profession;
- The prepared geodetic reports in hardcopy are not signed personally by the surveyor;
- The prepared geodetic reports in electronic format are not signed with a valid certificate issued by a certification authority;
- The surveyor does not use the data from the Real Estate Cadastre and fails to use them only for the purpose for which they were issued;
- The surveyor is issued with an injunction to perform a profession, activity or duty;
- The authorized surveyor has partially lost the business competence;
- The authorized surveyor fails to submit a request for extension of the license for authorized surveyor within the term referred to in paragraph (3) of Article 109 of this Law, or if the request for extension of the license for authorized surveyor is rejected;
- The surveyor produces geodetic reports without previously conducted survey and on-site inspection of the real estate;
- The surveyor fails to attend the continuous training from the field of geodetic works; and
- The authorized surveyor fails to submit a request for reactivation of the license for authorized surveyor within the term referred to in paragraph (5) of Article 109-a of this Law, or if the request for reactivation of the license for authorized surveyor is rejected;
- It is established that the authorized surveyor not employed at the sole proprietor – authorized surveyor i.e. trading company for geodetic works performs geodetic works for the sole proprietors authorized surveyors i.e. trading companies for geodetic works; and
- It is established that the authorized surveyor did not meet the conditions with regards to the education type and degree, nationality and professional experience stipulated by law.

(2) The license for authorized surveyor referred to in paragraph (1) of this Article shall be revoked by the Agency with a decision.

(3) The decision referred to in paragraph (2) of this Article shall be final and enforceable, and any discontent party may file a complaint before an Administrative Court, within 15 days from receiving the decision.

(4) The revocation of the license shall be entered in the Directory of Authorized Surveyors.

(5) The Agency shall be obliged to immediately inform the Chamber of the changes made to the Directory referred to in paragraph (4) of this Article.

### **Acquiring a new license**

#### **Article 113**

(1) The authorized surveyor whose license has been revoked in the case referred to in Article 112 paragraph (1) indents 1, 2, 3, 4, 8 and 10 of this Law, cannot submit a request for taking

exam prior to the expiry of the period of five years from the date of the license revocation and the authorized surveyor whose license has been revoked in the case referred to in Article 108-k paragraphs (8), (9) and Article 112 paragraph (1) indent 11 of this Law, cannot submit a request for taking exam prior to the expiry of one year as of the day of the license revocation.

(2) In order to acquire the new license referred to in paragraph (1) of this Article the person should pass the exam for acquiring license for authorized surveyor under the conditions stipulated by this Law.

### **Revocation of the license for authorized surveyor in case of imposed injunction for performing a profession, activity or duty and partial loss of the business competence**

#### **Article 114**

The Agency shall, in the case referred to in Article 112 paragraph (1) indents 5 and 6 of this Law, rightfully revoke the license for authorized surveyor after the expiry of the period for which the measure for injunction for performing a profession, activity or duty has been pronounced i.e. the Agency may reclaim the license after the cessation of the reasons for partial loss of the business competence, by providing a relevant act of the competent authority that pronounced the measure.

### **Revocation of the license for authorized surveyor in case of failure to submit a request for extension of the license for authorized surveyor and non-attendance of continuous training in the field of geodetic works**

#### **Article 115**

(1) The Agency shall, in the case referred to in Article 112 paragraph (1) indents 7 and 9 of this Law, revoke the license for authorized surveyor, with the right to reclaim the license.

(2) The authorized surveyor whose license has been revoked in the case referred to in Article 112 paragraph (1) indents 7 and 9 of this Law cannot submit a request for reclaiming the license before the expiry of one year from the day when the license was revoked.

### **Bylaws**

#### **Article 116**

The programme for taking the exam for acquiring license for authorized surveyor, the criteria with regards to the spatial conditions and the material-technical and IT equipping of the premises where the exam takes place, the method of scoring the first and the second part of the exam, the form and content of the license for authorized surveyor, the manner of extension, certification, inactivity, termination and revocation of the license for authorized surveyor, as well as the form, content and manner of administering the Directory of Authorized Surveyors shall be prescribed by the Steering Board of the Agency.

### **Damage liability insurance**

#### **Article 117**

(1) The sole proprietor - authorized surveyor and the trading company for geodetic works shall be obliged prior the commencement with the work to obtain a liability insurance against damage which can be caused to third parties during the performance of such works.

(2) The lowest amount of the damage liability insurance referred to in paragraph (1) of this Article shall be EUR 30,000 in MKD equivalence, according to the middle exchange rate of the National Bank of Republic of Macedonia, prevailing on the date of signing the insurance contract.

(3) The sole proprietor – authorized surveyor and the trading company for geodetic works shall be obliged to regularly extend the damage liability insurance and submit a copy of the insurance contract i.e. the contract for extension of the insurance to the Agency within seven days as of the date of signing the insurance contract.

## **License for performance of geodetic works**

### **Article 118**

(1) The sole proprietor – authorized surveyor i.e. trading company for geodetic works in order to commence with the work, must obtain a license for performance of geodetic works (hereinafter referred to as: license).

(2) The license referred to in paragraph (1) of this Article shall be issued by the Steering Board of the Chamber to the sole proprietors – authorized surveyors and to the trading company for geodetic works which, beside the conditions referred to in Article 104 paragraph (1) indents 1, 2, 3 and 4 of this Law, meet the conditions for office premises and equipment needed for performance of the geodetic works and do not contain the word “cadastre” in the title of the sole proprietors – authorized surveyors and trading companies for geodetic works.

(3) The Steering Board of the Chamber shall establish a commission for inspection of the fulfilment of the conditions referred to in paragraph (2) of this Article, consisting of three members, of whom two members shall be from the Chamber and one member shall be proposed by the Agency.

(4) The commission shall draw up minutes on the performed inspection of the fulfilment of the conditions referred to in paragraph (2) of this Article.

(5) The Chamber shall charge a fee for acquiring license for performance of geodetic works.

(6) The amount of the fee for issuing a license shall depend on the incurred expenses necessary for inspection of the fulfilment of the conditions required for performance of the geodetic works. The amount of the fee for issuing a license shall be prescribed by the Steering Board of the Chamber.

(7) The Chamber must immediately submit the data on the issued licenses to the Agency.

(8) The licenses issued to the sole proprietors - authorized surveyors and the trading companies for geodetic works shall be entered in the Directory of Sole Proprietors - Authorized Surveyors and Trading Companies for Geodetic Works, administered by the Chamber.

## **Cessation of the validity of the license for performance of geodetic works**

### **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/trading company for geodetic works from the Trade Registry within the Central Registry of Republic of Macedonia;
- Deletion of the main activity for performance of geodetic works from the Central Registry of Republic of Macedonia; and
- At the request of the sole proprietor – authorized surveyor/trading company for geodetic works.

(2) After the cessation of the validity of the license referred to in paragraph (1) of this Article, the sole proprietor – authorized surveyor/trading company for geodetic works shall be deleted from the Directory of Sole Proprietors - Authorized Surveyors and Trading Companies for Geodetic Works, administered by the Chamber.

(3) The Steering Board of the Chamber shall adopt a decision on the cessation of the validity of the license referred to in paragraph (1) indents 2 and 3 of this Article.

(4) The decision of the Steering Board of the Chamber on the cessation of the validity of the license for performance of geodetic works shall be final and enforceable, while against the same an appeal can be filed to the Administrative Court within 15 days as of the day of receiving the decision.

## **Working conditions for the branch office**

### **Article 120**

(1) The trading companies for geodetic works may establish branch offices for performance of the geodetic works referred to in Article 103 of this Law.

(2) The branch offices referred to in paragraph (1) of this Article shall be able to commence with the work only if they employ minimum one authorized surveyor and have premises and equipment required for performance of the geodetic works.

(3) The fulfilment of the conditions referred to in paragraph (2) of this Article shall be inspected by the commission referred to in Article 118 paragraph (3) of this Law.

(4) The commission shall draw up minutes on the performed inspection of the fulfilment of the criteria referred to in paragraph (2) of this Article.

(5) The President of the Steering Board of the Chamber shall adopt a decision on the basis of the minutes referred to in paragraph (4) of this Article.

(6) The branch offices shall be registered in the Directory of Sole Proprietors - Authorized Surveyors and Trading Companies for Geodetic Works referred to in Article 118 paragraph (8) of this Law on the basis of the decision referred to in paragraph (5) of this Article.

(7) The Chamber should immediately submit the data on the issued decision to the Agency.

(8) The Chamber shall charge a fee for inspecting the conditions necessary for performing the geodetic works in the branch offices.

(9) The amount of the fee referred to in paragraph (8) of this Article shall be determined depending on the incurred expenses necessary for inspection of the fulfilment of the conditions required for performance of the geodetic works. The amount of the fee shall be prescribed by the Steering Board of the Chamber.

### **Obligations of the sole proprietor – authorized surveyor and trading company for geodetic works**

#### **Article 121**

The sole proprietor – authorized surveyor and trading company for geodetic works shall be obliged to:

- Perform the geodetic works in compliance with the provisions of this Law and the regulations enacted thereupon, as well as in compliance with the rules and standards of the geodetic profession;
- Charge a fee for the performed geodetic works in accordance with this Law and the Tariff List referred to in Article 125 of this Law;
- Place the Tariff List referred to in Article 125 of this Law on visible place in their headquarters and in the branch office, if there is any;
- Accept clients and issue data on the performed geodetic works only in the headquarters of the sole proprietor – authorized surveyor and trading company for geodetic works.

### **Verification/approval/processing of the geodetic report**

#### **Article 122**

(1) The sole proprietor-authorized surveyor and the trading company for geodetic works shall submit the geodetic reports for the performed geodetic works referred to in Articles 70, 73 and 89 of this Law in hardcopy/electronic form to the Agency for verification, approval and processing, while the geodetic reports for the performed geodetic works referred to in Articles 51 and 98 of this Law in electronic form shall be submitted to the Agency for verification and approval.

(2) The Agency shall confirm, with the verification, that GCIS data have been used during the preparation of the geodetic reports.

(3) Fee shall be charged for verification of the geodetic reports.

(4) The Agency shall confirm with the approval that the geodetic reports are prepared in accordance with the provisions of this Law and with the rules and standards of the geodetic profession.

(5) The amount of the fee for verification of the geodetic reports referred to in paragraph (1) of this Article shall depend on the scope and the content of the geodetic report.

## **Bylaws**

### **Article 123**

(1) The manner of issuance, termination and revocation of the license for performance of geodetic works, the form, content and manner of recording and keeping the Directory of Sole Proprietors - Authorized Surveyors and Trading 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 shall be determined with a Tariff List enacted by the Steering Board of the Agency, endorsed by the Government of Republic of Macedonia.

## **Obligation for using data from the Real Estate Cadastre**

### **Article 124**

(1) The sole proprietor - authorized surveyor and the trading company for geodetic works shall be obliged to use the data from the Real Estate Cadastre during the performance of the geodetic works.

(2) The sole proprietor – authorized surveyor and the trading company for geodetic works shall be obliged to use the data referred to in paragraph (1) of this Article only for the purpose for which they have been issued.

(3) The sole proprietor – authorized surveyor and the trading company for geodetic works shall be obliged to connect with the Agency via electronic means.

## **Bylaws**

### **Article 125**

(1) The sole proprietor - authorized surveyor and trading companies for geodetic works shall charge a fee for the performed geodetic works whose amount shall depend on the scope (the area/volume/length of the real estate area subject to survey, the number and type of buildings, separate and common parts of buildings and other objects), the remoteness of the real estate, the field conditions (detail density) and the complexity of the geodetic works.

(2) The amount of the fee referred to in paragraph (1) of this Article shall be determined with a Tariff List proposed by the Chamber of Authorized Surveyors, adopted by the Steering Board of the Agency and endorsed by the Government of Republic of Macedonia.

(3) The sole proprietors - authorized surveyors and trading companies for geodetic works may reduce the fee referred to in paragraph (1) of this Article maximum by 50%, as well as in cases when the geodetic works are performed at the request of the clients, and in public procurement procedures for provisioning services for spatial planning and engineering services for landscaping.

## **Log Book**

### **Article 126**

(1) The sole proprietors – authorized surveyors and the trading companies for geodetic works shall be obliged to record the clients' applications for performance of geodetic works in a log book.

(2) The log book referred to in paragraph (1) of this Article shall be kept according to the regulations for archive materials and archiving.

(3) The log book referred to in paragraph (1) of this Article may be kept in hardcopy or in electronic form.

(4) The form and the content of the log book referred to in paragraph (1) of this Article shall be prescribed by the Steering Board of the Agency.

## **Chamber of Sole Proprietors - Authorized Surveyors and Trading Companies for Geodetic Works**

### **Article 127**

(1) The sole proprietors - authorized surveyors and trading companies for geodetic works

shall form a Chamber for the purpose of representing and integrating the mutual interests, protecting the public interests and protecting the interests of third parties.

(2) The members of the Chamber referred to in paragraph (1) of this Article shall manage the Chamber directly through their representatives.

(3) The sole proprietors - authorized surveyors and trading companies for geodetic works shall pay an annual Chamber membership fee in the amount determined by the Chamber's Statute.

(4) The sole proprietors - authorized surveyors and trading companies for geodetic works not paying the annual fee in accordance with paragraph (3) of this Article, shall be deleted from the records as members with a decision by the Chamber.

(5) The headquarters of the Chamber shall be located in Skopje.

(6) The Chamber shall be self-standing, non-profit and independent organization, acting in the capacity of a legal entity.

(7) The Chamber shall be registered in the Trade Registry within the Central Registry of the Republic of Macedonia.

(8) The Chamber shall have a seal in round shape and a stamp in rectangular form, containing the title and the headquarters of the Chamber. The Chamber shall have its own trade mark.

### **Competences of the Chamber**

#### **Article 128**

(1) The Chamber shall have public competences stipulated by this Law for which the Chamber shall keep records.

(2) The public competences shall refer to the procedure for issuance and revocation of the license for performance of geodetic works, keeping the Directory of Sole Proprietors - Authorized Surveyors and Trading Companies for Geodetic Works and the procedure for drafting a proposed Tariff List for the amount of the fee for the performed geodetic works.

(3) The Agency shall supervise the performance of the public competences referred to in paragraph (2) of this Article by:

- Identifying certain material and procedural inconsistencies in the Chamber's work;
- Providing recommendations for consistent implementation of this Law in the part of executing the public competences; and
- Providing opinions and professional assistance.

(4) In case when the Chamber fails to remove the inconsistencies referred to in paragraph (3) indent 1 of this Article, the public authorizations shall be revoked or limited up to one year, with a decision adopted by the Director of the Agency.

(5) The decision referred to in paragraph (4) of this Article shall be final and enforceable and appealed against before an Administrative Court within 15 days from the day of receiving the decision.

(6) The Agency shall revoke or limit the public authorizations referred to in paragraph (2) of this Article on behalf of the Chamber in accordance with this Law, within a period not exceeding one year.

### **Activities, objectives and tasks of the Chamber**

#### **Article 129**

The activities, objectives and tasks of the Chamber shall be as follows:

- Represent the common interests of the Chamber members, improve the work efficiency and operation of the members and their organization;
- Express the interests of the Chamber members before the competent state bodies and institutions;
- Provide business and professional services needs of the members;
- Give advices, information and assistance in order to improve the results of operations of the Chamber members, encourage free business initiative, cooperation and competition;



- Regulate the manner of acting upon the cases when the sole proprietor - authorized surveyor and trading company for geodetic works is deleted from the Directory of Sole Proprietors - Authorized Surveyors and Trading Companies for Geodetic Works;
- Allocate unsolved cases of sole proprietors - authorized surveyors and trading companies for geodetic works in cases when they are deleted from Directory of Sole Proprietors - Authorized Surveyors and Trading Companies for Geodetic Works to the sole proprietors - authorized surveyors and trading companies for geodetic works whose headquarters is nearest to the headquarters of the deleted sole proprietors - authorized surveyors and trading companies for geodetic works, and ensure equal allocation of such cases;
- Participate in international geodetic chambers and other geodetic associations, outlining and presenting common positions on issues of international character;
- Establish and foster good business practices, develop business morality and establish rules of business conduct of the Chamber members in their mutual relations and in relations with third parties and on the market;
- Support and provide recommendations to the Chamber members in establishing businesses, particularly abroad;
- Perform other activities of interest to the Chamber members in accordance with this Law and the Statute of the Chamber.

### **Bodies of the Chamber**

#### **Article 130**

- (1) The Chamber shall consist of the following bodies: Assembly of the Chamber, Steering Board of the Chamber and President of the Chamber.
- (2) The organization, competences, composition, method of election, rights and obligations of the Chamber's bodies shall be stipulated by this Law, the Statute and other acts of the Chamber.

### **Assembly of the Chamber**

#### **Article 131**

- (1) The Assembly of the Chamber shall comprise all sole proprietors - authorized surveyors and trading companies for geodetic works.
- (2) The Assembly of the Chamber shall protect the reputation and the honour of the geodetic profession and ascertain that the on-site geodetic works as assigned public competences are performed conscientiously and in compliance with the Law.

### **Competences of the Chamber's Assembly**

#### **Article 132**

- (1) The Assembly of the Chamber shall:
  - Adopt a Statute and other acts of the Chamber;
  - Adopt the Rules of Procedure of the Assembly;
  - Elect members of the Steering Board and the President of the Chamber;
  - Adopt the Annual Balance for the previous year and the proposal for the Financial Plan for the following year, review and adopt the report for the overall activities drafted by the President of the Chamber;
    - Decide upon the amount of the membership fee and its payment method;
    - Establish a commission for determining the fulfilment of the conditions for issuance, termination of validity and revocation of the license for geodetic works; and
    - Decide upon any other issues stipulated by this Law and the Chamber's Statute.
- (2) The Chamber's Assembly shall meet on a regular annual basis. The meetings shall require presence of minimum half of the total number of members, while the decisions shall be made with a majority vote from the present members at the Assembly.
- (3) At the regular annual session, the Chamber's Assembly shall decide upon the Annual

Balance and for the proposed Financial Plan for the following year and shall review and adopt the Report for the overall activities.

(4) The President of the Chamber may hold an extraordinary session of the Assembly of the Chamber on the basis of resolution of the Steering Board or upon written request from at least 30 members of the Chamber. In case when the President of the Chamber does not hold the extraordinary session within 15 days as of the day of the enacted resolution of the Steering Board of the Chamber i.e. the submission of the request by the members of the Chamber, the session shall be held by the member of the Steering Board assigned by this body i.e. the members of the Chamber who submitted he request.

### **Steering Board**

#### **Article 133**

(1) The Steering Board shall be comprised of seven members, of whom four members shall be members of the Chamber and three members shall be employees of the Agency proposed by the Director of the Agency.

(2) The Steering Board shall:

- Define a draft Statute and other acts of the Chamber;
- Issue and revoke licenses for performance of geodetic works;
- Give proposals for the necessary trainings which could be included in the programme for continuous or additional training of the employees of the Chamber members;
- Supervise the performance of the activities, objectives and tasks referred to in Article 129 of this Law;
- Keep a Directory of Sole Proprietors - Authorized Surveyors and Trading Companies for Geodetic Works;
- Deliver the data on the issued and revoked licenses to the Agency, within 3 days as of the change thereto;
- Organize the sessions of the Assembly of the Chamber;
- Execute the decisions of the Assembly of the Chamber;
- Draft proposals for the annual balance and proposal of the financial plan for the following year;
- Ensure collection of the membership fee;
- Prepare Annual Operational Report of the Chamber; and
- Decide upon other issues which, by Law or Statute of the Chamber, are delegated under its competence.

(3) The members of the Steering Board shall be elected with a four-year mandate with the right to one re-election.

### **President of the Chamber**

#### **Article 134**

(1) The President of the Chamber shall be also the President of the Steering Board.

(2) The President of the Chamber shall represent the Chamber.

(3) The President of the Chamber shall be elected with a four-year mandate with the right to re-election.

### **Compensation for the members of the bodies of the Chamber**

#### **Article 135**

The President and the members of the Steering Board of the Chamber shall be entitled to compensation for the exercise of their function and the actual expenses for the performance of their tasks and duties.

### **Legal remedies**

#### **Article 136**

The amount of the fee for the exercise of the function and the actual expenses referred to in

Article 135 of this Law shall be regulated with the Statute of the Chamber.

## **IX. REAL ESTATE CADASTRE**

### **Real Estate Cadastre and Public Book**

#### **Article 137**

(1) The right to ownership and other real rights over the real estate shall be acquired with the registration in the Real Estate Cadastre.

(2) The data registered in the Real Estate Cadastre shall be public and can be used by all parties, under the conditions stipulated by law.

### **Real Estate Cadastre as segment of GCIS**

#### **Article 138**

(1) The Real Estate Cadastre shall be a segment of the GCIS and comprise real property data, real estate right holders' data, as well as spatial and descriptive real estate data.

(2) The Real Estate Cadastre referred to in paragraph (1) of this Article shall be established and maintained on the entire territory of the Republic of Macedonia as a part of a centralized GCIS database.

### **Content of the Real Estate Cadastre**

#### **Article 139**

The Real Estate Cadastre shall comprise the spatial and descriptive data on the real estate and the compilation of documents.

### **Compilation of documents**

#### **Article 140**

(1) The compilation of documents shall comprise of Geodetic Reports from the survey, the legal bases for particular registrations/processing of changes, certificates by the Agency for performed registrations/rejections, data from the intabulation books and any other registration related documents.

(2) The compilation of documents shall be kept in electronic form and/or hardcopy as archive material of permanent value, in accordance with the regulations for archive operations.

### **Originals and verified documents**

#### **Article 141**

(1) Legal basis for registration in the Real Estate Cadastre shall be the documents for the legal basis, on the basis of which the registration/processing of changes in the Real Estate Cadastre shall be done.

(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.

### **Submission of applications for registration by the entities conducting real estate related procedures**

#### **Article 141-a**

(1) The enforcement officers, mortgage creditors and the competent bodies conducting real estate related procedures in compliance with the law, may submit application for registration of real estate to the Agency for which it was established that there are unregistered rights in the Real Estate Cadastre, as well as for registration of changes for the purpose of maintenance of the Real Estate Cadastre.

(2) The entities referred to in paragraph (1) of this Article should enclose the legal basis for registration to the application for registration, depending on the type of registration/change of the geodetic report and evidence for effectuated fee. In case of repeated application due to previous

return of the rejected application regarding the same real estate, no evidence for effectuated fee should be enclosed to the application.

### **Registration of cadastral parcels with multiple cadastral cultures and classes**

#### **Article 141-b**

(1) The cadastral parcels which, in the course of establishing the Real Estate Cadastre, were registered with one cadastral culture and multiple cadastral classes shall be recorded in the Real Estate Cadastre as cadastral parcels only with the mark for agricultural or construction land depending on the manner of use thereof.

(2) The cadastral parcels which, in the course of establishing the Real Estate Cadastre, were registered with one cadastral culture and multiple cadastral classes shall be recorded in the Real Estate Cadastre as cadastral parcels with cadastral class encompassing bigger area from the cadastral parcel.

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

#### **Article 141-c**

(1) The courts, ministries, public prosecutor's offices, State Attorney's Office of Republic of Macedonia, state administration bodies, local self-government units, notaries public, enforcement officers and other entities with assigned public authorizations in the procedures led in compliance with the law shall be obliged to obtain data electronically via GCIS under the terms and conditions and in the manner prescribed by law.

(2) The competent courts shall, without paying any fee for conditional registration, submit the effective court rulings related to real estate by using electronic means, without the clause for sales tax, together with the applications for registration for the purpose of their conditional registration in the Real Estate Cadastre.

(3) The competent courts shall, without paying any fee, submit the effective court rulings on real estate mortgage guarantees and for temporary granting and repossessing real estate, together with the applications for registration/deletion in the Real Estate Cadastre by using electronic means to the Agency.

(4) The State Attorney's Office of Republic of Macedonia shall electronically submit, without paying any fee, the documents for legal basis, on the basis of which registration is done for the benefit of Republic of Macedonia.

(5) The ministries, state administration bodies, local self-government units, notaries public, enforcement officers and all other entities with assigned public authorizations shall be obliged to electronically submit all documents adopted in the procedures led pursuant to the law, containing legal basis on the basis of which registration, deletion and changes in the Real Estate Cadastre shall be done, together with the applications for registration, deletion and changes to the Agency, and depending on the type of registration, deletion and changes they should submit geodetic report and evidence for effectuated fee. In case of repeated application due to previous return of the rejected application regarding the same real estate, no evidence for effectuated fee should be enclosed to the application.

(6) The sole proprietors – authorized surveyors and trading companies for geodetic works shall be obliged to electronically obtain data from the GCIS necessary for preparation of geodetic reports.

(7) The sole proprietors – authorized surveyors and trading companies for geodetic works, on the basis of verified power of attorney provided by the right holder, may electronically submit an application for registration/changes to the Agency in the name and on behalf of the provider of the power of attorney, together with the enclosed legal basis for registration/change, geodetic report and evidence for effectuated fee. In case of repeated application due to previous return of the rejected application regarding the same real estate, no evidence for effectuated fee should be enclosed to the application.

(8) The sole proprietors – authorized surveyors and trading companies for geodetic works shall submit the application and the documents enclosed thereto referred to in paragraph (7) of this Article, solely if other entity is not authorized in compliance with the relevant law to submit thereof.

(9) The sole proprietors – authorized surveyors and trading companies for geodetic works shall charge fee to the right holder i.e. provider of the power of attorney for the submission referred to in paragraph (7) of this Article.

(10) The amount of the fee referred to in paragraph (9) of this Article shall be determined depending on the actual expenses necessary for submission.

(11) The amount of the fee referred to in paragraph (9) of this Article shall be determined with the Tariff List referred to in Article 181 and the Tariff List referred to in Article 214 of this Law.

### **Principle of mandatory registration**

#### **Article 142**

(1) The registration of the right to ownership and other real estate rights in the Real Estate Cadastre shall be mandatory, while the registration of other real estate rights, conditional registration, as well as temporary registration of facts affecting the real estate can be done in cases stipulated by this Law or a special law.

(2) The state bodies and the bodies of the local self-government units, notaries public, lawyers, enforcement officers and other public enterprises shall be obliged to use the data from the Real Estate Cadastre in the process of decision-making i.e. in the process of production and confirmation of documents.

### **Principle of constituency of registration**

#### **Article 143**

The right to ownership and other actual real estate rights can be acquired by registering thereof in the Real Estate Cadastre and can be terminated by deleting the registration.

### **Principle of transparency**

#### **Article 144**

The data in the Real Estate Cadastre shall be public, unless otherwise stipulated with another Law.

### **Principle of accuracy and credibility of the registered data**

#### **Article 145**

The data in the Real Estate Cadastre shall be considered to be accurate, and therefore the conscientious entity relying on what has been registered in the Real Estate Cadastre, not knowing that what was registered is inaccurate or incomplete, shall not suffer any consequences.

### **Principle of legitimacy of the registration**

#### **Article 146**

(1) The authorized officer, in the course of registration in the Real Estate Cadastre, shall not inspect the legitimacy and authenticity of the content of the legal bases submitted during the registration, the legitimacy of the procedure in which they were adopted and whether the legal bases were authentic and in accordance with the Law.

(2) The authorized officer i.e. the persons determined by law shall be held responsible for the legitimacy and the authenticity of the legal bases referred to in paragraph (1) of this Article.

### **Principle of priority**

#### **Article 147**

The registration in the Real Estate Cadastre shall be done according the time of receiving the applications for registration.

## **Principle of clarity**

### **Article 148**

The data registered in the Real Estate Cadastre must be completely and clearly defined in regard to the real estate which is subject to the registration, the real estate right holder, as well as the rights i.e. the other facts being registered.

## **Principle of independence of the registration**

### **Article 149**

The authorized officer acting upon the applications for registration/processing of the changes in the Real Estate Cadastre shall independently make a decision within its delegated authorizations.

## **Reasons for exemption of an authorized officer**

### **Article 150**

The authorized officer who shall be authorized to act upon the applications for registration/processing of changes in the Real Estate Cadastre shall be excluded if:

- Such person is an applicant, co-owner, proxy or legal representative of the applicant;
- Such person is a first degree blood relative of the applicant, the proxy or the legal representative of the applicant, and fourth degree relative, spouse or spouse relative by second degree, even when the marriage has ceased; and
- Such person is a guardian, adopting parent, adopted offspring or provider to the applicant, proxy or the legal representative of the applicant.

## **Exemption of an authorized officer**

### **Article 151**

(1) In cases when the authorized officer acting upon the application for registration/processing of the changes in the Real Estate Cadastre finds out about the existence of some of the reasons for exemption referred to in Article 150 of this Law, the authorized officer shall be obliged to suspend any further work and directly inform superior civil servant thereof.

(2) The applicant may request an exemption of the authorized officer acting upon the application for registration/processing of the changes in the Real Estate Cadastre, on the grounds referred to in Article 150 of this Law.

## **Certificate for exemption of authorized officer**

### **Article 152**

(1) The immediate superior civil servant shall directly decide on the exemption of the authorized officer who acts upon the application for registration/processing of the changes in the Real Estate Cadastre and shall issue a certificate for such decision.

(2) The certificate referred to in paragraph (1) of this Article shall be final and enforceable, and it can be appealed against before an Administrative Court within 15 days from the day of receiving the certificate.

## **Withdrawal of the application**

### **Article 153**

(1) The applicant may request to cancel/withdraw the application until the enactment of the certificate by the authorized officer.

(2) The authorized officer shall draft a certificate for the cancellation or the withdrawal of the application referred to in paragraph (1) of this Article.

(3) At the request of the applicant, the Agency shall return to the applicant all documents enclosed to the submitted application for registration/processing of the changes in the Real Estate Cadastre.

(4) The certificate referred to in paragraph (2) of this Article shall be final and enforceable,

and it can be appealed against before an Administrative Court within 15 days from the day of receiving the certificate.

### **Non-application of the institutes**

#### **Article 154**

In the course of the establishment and maintenance of Real Estate Cadastre, the institutes governing the termination, cancelation, repetition of the administrative procedure, reinstatement, as well as particular cases of cancellation, suspension and changing a decision shall not apply.

### **Issuance of Real Estate Cadastre data**

#### **Article 155**

(1) The Agency shall issue the data from the Real Estate Cadastre in form of:

- Property Deed;
- Property Deed for infrastructure objects;
- Sheet for conditional registration of building;
- Sheet for conditional registration of infrastructure object;
- Evidence List;
- Evidence List for infrastructure objects;
- Certificate of historical overview of performed registrations;
- Certificate of historical overview of performed registrations of the real estate value;
- Certificate that a person is not registered in the Real Estate Cadastre;
- List of cadastral parcel indications;
- Copies of the compilation of documents;
- Certificate of the cadastral map;
- Certificate of the map of infrastructure objects;
- Data on the real estate value; and
- Other data resulting from the Real Estate Cadastre.

(2) The data referred to in paragraph (1) indents 1, 2, 3, 4, 5, 6, 11, 12 and 13 of this Article shall be issued immediately by the Agency i.e. no later than one day as of the day of submitting the request, while the data referred to in paragraph (1) indents 7, 8, 9, 10, 14 and 15 of this Article shall be issued by the Agency in a period no longer than three days from the day of submitting the request.

(3) The data referred to in paragraph (1) indents 1, 2, 3, 4, 5, 6, 9 and 11 of this Article containing PIN data shall be issued in a manner where the PIN shall not be unnecessarily visible in accordance with the personal data protection regulations.

### **Property Deed**

#### **Article 156**

(1) The Property Deed shall be a public document proving the registered ownership right and other actual real estate rights in accordance with the Law.

(2) The Property Deed shall contain data on:

- Cadastral parcels;
- Buildings, separate and common parts of buildings and other objects;
- Real property right holders with their address data, as well as data on the Personal Identification Number of the Citizen, i.e. the Entity;
- Ownership right and other actual real estate rights, as well other rights whose registration is stipulated by Law;
- Legal basis for registration;
- Date and time of the registration and the case number according to which the registration is performed;
- Amount of the claim granted with the collateral right;
- Conditional registrations; and
- Temporary registrations.

## **Property Deed for infrastructure objects**

### **Article 157**

(1) The Property Deed for infrastructure objects shall be a public document proving the registered ownership right and other actual real estate rights of infrastructure objects in accordance with the Law.

(2) The Property Deed shall contain data on:

- Infrastructure object;
- Location of the beginning and the end of the infrastructure object expressed descriptively and with coordinates;
- Right holders of infrastructure objects with their address data, as well as data on the Personal Identification Number of the Citizen, i.e. the Entity;
- Ownership right and other actual real estate rights of the infrastructure object, as well as any other rights whose registration is stipulated by Law;
- Legal basis for registration;
- Date and time of the registration and case number according to which the registration is performed;
- Amount of the claim granted with the collateral right;
- Conditional registrations; and
- Temporary registrations.

## **Sheet for conditional registration of building**

### **Article 158**

(1) The Sheet for conditional registration of building shall 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 Sheet referred to in paragraph (1) of this Article shall consist of:

- Data on the individuals who have the right to construction according to the construction permit with their address data, as well as data on the Personal Identification Number of the Citizen, i.e. the Entity;
- Data on the cadastral parcel on which the construction is being built;
- Data on buildings, separate and common parts of buildings and any other objects copied from the original project design, verified by the competent body; and
- Data on the right to collateral (mortgage) on the building and other legal acts related to the performed conditional registration.

## **Sheet for conditional registration of infrastructure object**

### **Article 158-a**

(1) The Sheet for conditional registration of infrastructure object shall be issued for the conditional right to ownership of infrastructure object in the phase of construction.

(2) The Sheet referred to in paragraph (1) of this Article shall consist of:

- Data on the individuals who have the right to construction according to the construction permit with their address data, as well as data on the Personal Identification Number of the Citizen, i.e. the Entity;
- Data on the number of the infrastructure object copied from the original project design, verified by the competent body;
- Unique identifier;
- Name of the infrastructure object;
- Descriptive and spatial datum on the infrastructure object; and
- Data on the right to collateral (mortgage) on the infrastructure object and other legal acts related to the performed conditional registration.



## **Evidence List**

### **Article 159**

- (1) The Evidence list shall contain the data on:
  - Cadastral parcel on which the illegally built objects are located;
  - Illegally built objects; and
  - Holders of the illegally built objects with their address data, as well as data on the Personal Identification Number of the Citizen, i.e. the Entity;
- (2) The Evidence List shall not present a public document and any changes to the data referred to in paragraph (1) of this Article cannot be done in the Evidence List.

## **Evidence List for infrastructure objects**

### **Article 160**

- (1) The Evidence List for infrastructure objects shall contain data on:
  - Location of the beginning and the end of the infrastructure object expressed descriptively and with coordinates;
  - Infrastructure objects; and
  - Holders of the infrastructure objects with their address data, as well as data on the Personal Identification Number of the Citizen, i.e. the Entity;
- (2) The Evidence List for infrastructure objects shall not present a public document and any changes to the data referred to in paragraph (1) of this Article cannot be done in the Evidence List for infrastructure objects.

## **Certificate of historical overview of performed registrations**

### **Article 161**

The Certificate of historical overview of performed registrations shall be a public document which contains the facts and the data on the real estate, the real estate right holders, the legal bases which were used to perform the registrations/changes and the time of the performed registrations/changes in the Real Estate Cadastre.

## **Certificate of historical overview of performed registrations of the real estate value**

### **Article 162**

The Certificate of historical overview of performed registrations of the real estate value shall be a public document which contains the facts and the data on the real estate, the value of the real estate, the real estate right holders, the legal bases which were used to perform the registrations/changes in the value of the real estate and the time of the registrations/changes of the real estate value in the Real Estate Cadastre.

## **Certificate that a person is not registered in the Real Estate Cadastre**

### **Article 163**

The certificate that a person is not registered in the Real Estate Cadastre shall be a public document which, on the basis of facts and data contained in the Real Estate Cadastre, proves that the person with specified data on the Personal Identification Number of the Citizen, i.e. the Entity is not registered as a right holder in the Real Estate Cadastre.

## **List of cadastral parcel indications**

### **Article 164**

The list of indications of cadastral parcels shall contain data on the personal and address data on the ownership right holder of the cadastral parcel, number of the Property Deed, number of the cadastral parcel with named place, cadastral culture, cadastral class, area and part of the right registered in the Real Estate Cadastre.

## **Copies of the compilation of documents**

### **Article 165**

Copies of Geodetic Reports, legal bases for the particular registrations, Agency certificates used to perform registration i.e. rejection of the applications for registration, data from the intabulation books and any other registration related documents can be issued from the compilation of documents.

## **Certificate of the cadastral map**

### **Article 166**

The Certificate of the cadastral map shall be an excerpt from the centralized database in form of a visual graphic layout of the horizontal projection of the real estate.

## **Certificate of the map of infrastructure objects**

### **Article 167**

The Certificate of the map of infrastructure objects shall be an excerpt from the centralized database in form of a visual graphic layout of the horizontal and/or vertical projection of the infrastructure objects.

## **Bylaws**

### **Article 168**

The form and the content of the request/certificate for exemption of authorized officer, the form and the content of the request/certificate for withdrawal of the application for registration/processing of the changes in the Real Estate Cadastre, the manner of issuance, as well as the form and the content of the data referred to in Article 155 paragraph (1) of this Law issued on templates shall be prescribed by the Steering Board of the Agency.

## **X. TYPES, LEGAL BASES AND DOCUMENTATION FOR REGISTRATION OF THE REAL ESTATE RIGHTS IN THE REAL ESTATE CADASTRE**

### **Types of registrations in the Real Estate Cadastre**

#### **Article 169**

The types of registrations in the Real Estate Cadastre shall be final registration, conditional and temporary registration.

### **Final Registration**

#### **Article 170**

The final registration shall be a complete and definite, unconditional registration of the establishment or the termination of:

- The right to ownership and sub-forms of the ownership right (co-ownership and joint ownership); and
- Other actual rights (easement right, collateral right (mortgage), real encumbrance right and the right to a real long-term lease on construction land in accordance with the Law on Construction Land), under the terms and conditions and in the manner stipulated by law.

### **Conditional Registration**

#### **Article 171**

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

(2) The conditional registration shall be deleted and the right to ownership shall be subject to final registration by providing an evidence for fulfilment of the legal presumptions i.e. the

conditions for registration referred to in Article 176 of this Law.

(3) The conditional registration, prior to the expiry of six months as of the day of the conditional registration, shall not produce any legal action and may be deleted upon report by the holder of the ownership right of the real estate on which the conditional registration is performed or upon report by the stakeholder.

(4) The Agency shall delete under ex-officio procedure the conditional registration in case when the deletion of the conditional registration is not done within the deadline referred to in paragraph (3) of this Article.

(5) The legal action of the conditional registration shall provide 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.

### **Conditional registration of buildings under construction**

#### **Article 172**

(1) Subject to conditional registration in the Real Estate Cadastre shall be 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 to ownership of the common parts of the building which are in service of the separate part of the building, other objects and infrastructure objects under construction, by registering data on the individuals who have right to construction according to the construction permit or the decision on performing construction i.e. setting up the equipment and data on the buildings, separate and common parts of buildings copied from the basic project design verified by an authorized entity.

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

(3) The conditional registration referred to in paragraph (1) of this Article shall be done at the request of an entity competent to issue enforceable construction permit or the effective decision on performing construction i.e. setting up the equipment, submitted via electronic means.

(4) The changes which occurred in the course of the construction of the object related to the construction permit or the effective decision on performing construction i.e. setting up the equipment, the individuals that have the right to construct, the parts of the construction right, the basic project design, as well as the other changes related to the construction shall be registered in the list of conditional registration of a building and shall be recorded in the Property Deed, at the request of the entity referred to in paragraph (3) of this Article, which should be enclosed to the documents for the legal basis evidencing the occurred changes, as well as evidence of the effectuated 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 referred to in paragraph (3) of this Article, which should be enclosed to the documents for the legal basis which approve the use of the construction, in compliance with the provisions of the Construction Law on, as well as with the Geodetic Report from the performed survey and evidence of the effectuated fee for registration of the change.

### **Temporary Registration**

#### **Article 173**

(1) Temporary registration shall be the registration of obligatory rights (real estate lease, concession contracts concluded in accordance with the law, lifetime support agreements, gift deeds in case of death, rent of real estate, real estate service and contractual right of preceding property purchase) of previous and temporary measures (restrains and limitations) affecting the real estate rights, of facts affecting the real estate, as well as other rights whose registration is stipulated by another law.

(2) The facts temporarily registered in the Real Estate Cadastre shall be as follows:

- The personal status of the real estate right holder (individuals below 18 years of age, deceased person, custody, deprivation of business capability, extension of parental right, joint property management of both spouses, liquidation, reorganization, bankruptcy procedure, etc.);
- The fact that the ownership right of the real estate is acquired on the basis of fiduciary transfer of the ownership;
- The fact that an object on a particular cadastral parcel is under construction, 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 Sheet for conditional registration of the object;
- The right to mortgage of the conditionally registered ownership right to a building and special part of a building under construction; and
- The legal acts for transaction of the conditionally registered right to ownership of a building and separate part of a building under construction.

(3) The Real Estate Cadastre shall temporarily register any other facts of significance for the acquisition, change, termination or assignment of real estate rights, whose temporary registration shall be foreseen by another law.

### **Legal bases for registration in the Real Estate Cadastre**

#### **Article 174**

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

- The Law;
- Enforceable court rulings, decisions on temporary measure, previous measure and other acts for protection of claims in compliance with the Law;
- Resolution of the Government of Republic of Macedonia;
- Final i.e. legally enforceable acts of the state administration bodies, bodies of the local self-government units and of the City of Skopje, legal entities and other entities authorized to exercise public authorizations;
- Legal acts; and
- Statements verified at a notary public, based on which the real estate rights can be registered or acceptance of the newly determined borderline and for acceptance of the actual situation submitted to the authorized surveyor, constituting integral part of the Geodetic Report, whose submission is mandatorily stipulated with this or another law.

(2) Notwithstanding paragraph (1) of this Article, the right to ownership of the land and the right to ownership of the objects calculated to the ground floor which were recorded in the Land Cadastre, shall be registered on basis of the data in the Land Cadastre in the procedure for registration of real estate which remained with unregistered rights, if the legal bases referred to in paragraph (1) of this Article do not exist.

### **Registration based on solemnized purchase and sale agreement or notarial act with the clause for advance real estate sales tax**

#### **Article 174-a**

(1) The registration in the Real Estate Cadastre shall be done on the basis of solemnized purchase and sale agreement or notarial act with the clause for advance real estate sales tax, whereby the report on the evaluation of the market value of the real estate and the calculation of the advance real estate sales tax drafted by authorized appraiser, as well as the filled in advance tax return shall be enclosed to the aforementioned documents.

(2) The Agency shall, within one day as of the performed registration in the Real Estate Cadastre, electronically submit the legal bases referred to in paragraph (1) of this Article together with the documents enclosed thereto to the competent local self-government unit.

## **Documents for registration**

### **Article 175**

(1) The documents containing the legal basis referred to in Article 174 paragraph (1) of this Law shall be used in the procedures for establishing and maintaining the Real Estate Cadastre.

(2) For the purpose of registration of real estate remained with unregistered rights, for which there is no data in the land cadastre, the documents referred to in paragraph (1) of this Article should comprise sufficient data on the real estate and the real estate right holders (address, number, entrance, apartment, etc.), which compared to the data collected from the survey shall enable identification of the real estate (data compatibility).

(3) For registration of infrastructure objects in the Cadastre of Infrastructure Objects as part of the Real Estate Cadastre, the documents referred to in paragraph (1) of this Article should contain sufficient data on the real estate and the real estate right holders (identifier of the infrastructure object, type of infrastructure object in the basic classification, type of sub-classification within the basic classification, length/height/area, personal and address data of the entities - right holders of the infrastructure objects (PIN of the citizen or the legal entity, title/name surname, headquarters/address) and other data specific for the infrastructure object), which compared to the data collected from the survey shall enable identification of the real estate (data compatibility).

(4) Data compatibility shall be deemed to exist in the Real Estate Cadastre maintenance procedure, in reference to the real estate right holder and the real estate, provided that the data on the legal predecessor and the data on the real estate stated in the document for the legal basis are identical with the data on the real estate right holder and the real estate registered in the Real Estate Cadastre prior to the submission of the application.

(5) The registration of the real estate rights in the procedure for maintenance of the Real Estate Cadastre shall not be done if there is no compatibility of the data contained in the document for the legal basis.

## **Conditions for registration**

### **Article 176**

(1) The condition for registration in the Real Estate Cadastre shall be the existence of a legal basis suitable for registration.

(2) The legal basis referred to in paragraph (1) of this Article shall be suitable for registration when:

- The documents for the legal basis are concluded in hardcopy/electronic form and are verified by a competent body in accordance with the Law;
- The acts of the competent bodies are final i.e. legally enforceable; and
- There is compatibility of the data referred to in article 175 of this Law.

## **XI. ESTABLISHMENT OF CADASTRE OF INFRASTRUCTURE OBJECTS**

### **Cadastre of Infrastructure Objects as part of the Real Estate Cadastre**

#### **Article 177**

The Cadastre of Infrastructure Objects shall be established as part of the Real Estate Cadastre.

### **Registration of infrastructure objects**

#### **Article 178**

(1) The registration of the rights of infrastructure objects in the Cadastre of Infrastructure Objects shall be done upon submission of an application.

(2) The application for registration referred to in paragraph (1) of this Article shall especially comprise: personal and address data of the right holder/beneficiary of the infrastructure object, data on the PIN of the citizen or the legal entity, e-mail address/mobile telephone number, data on the legal basis for registration, data on the geodetic report for infrastructure objects and data on infrastructure objects.

(3) The applicant should enclose a document for the legal basis, geodetic report for the infrastructure object and evidence for effectuated fee to the application for registration referred to in paragraph (1) of this Article. In case of repeated submission of the application due to previous return of the rejected application regarding the same infrastructure object, no evidence for effectuated fee should be enclosed to the application.

### **Submission of application for registration**

#### **Article 179**

(1) The application for registration, along with the supporting documents can be submitted via electronic means or in hardcopy, in person or by mail.

(2) In the event when the application for registration and the supporting documents referred to in paragraph (1) of this Article shall be submitted via electronic means, they should be signed with a valid certificate issued by an authorized issuer.

### **Registration fee**

#### **Article 180**

(1) The fee for registration of the rights of the infrastructure objects in the Cadastre of Infrastructure Objects shall be borne by the applicant.

(2) In case of electronic payment of the fee, the evidence of the effectuated fee shall be verified electronically by the Agency.

(3) In case of increased number of applications submitted by the same applicant, the Agency may conclude an agreement with the applicant which shall regulate the payment method.

### **Bylaws**

#### **Article 181**

(1) The amount of the fee for registration of the infrastructure objects in the Cadastre of Infrastructure Objects shall be determined on the basis of the actual expenses required for undertaking the activities for registration and the amount of data subjected to registration, contained in the geodetic report: meter for length/height/depth and square/cubic meter, expressed through the measurement unit of meter, square meter and cubic meter, as well as the value of the secured claims.

(2) The amount of the fee referred to in paragraph (1) of this Article shall be determined by a Tariff List adopted by the Steering Board of the Agency and endorsed by the Government of Republic of Macedonia.

### **Confirmation of receipt with regards to the application for registration**

#### **Article 182**

(1) The application for registration of the rights of the infrastructure objects shall be recorded in electronic log book which automatically assigns reference number and issues confirmation of receipt with regards to the application for registration.

(2) The confirmation of receipt with regards to the application for registration referred to paragraph (1) of this Article shall be issued on a template containing the information on the time of submitting the application, the reference number under which the application is recorded in the electronic log book, and the supporting documents enclosed to the application.

### **Sequence of processing the application for registration**

#### **Article 183**

(1) The registration of the rights of infrastructure objects in the Real Estate Cadastre shall be done according to the time when the application was received.

(2) In case of submitted several applications for registration of the right over the same infrastructure object, the action upon the applications for registration shall be done with the first accepted application.

## **Incomplete applications for registration**

### **Article 184**

The Agency shall submit a confirmation of rejection with regards to the applications for registration which do not contain the requested data referred to in Article 178 paragraph (2) of this Law, as well as the applications without enclosed geodetic report thereto.

## **Certificate for registration and notification for recording an infrastructure object**

### **Article 185**

(1) After receiving the application for registration of an infrastructure object in the Cadastre of Infrastructure Objects, the data contained in the document for the legal basis shall be compared with the data contained in the geodetic report.

(2) In case when based on the comparison it is established that there is a compliance of the data within the meaning of Article 175 paragraph (3) of this Law, registration shall be done in the Cadastre of Infrastructure Objects, and the applicant shall be issued with a certificate for registration.

(3) In case when based on the comparison it was established that there is no compliance of data within the meaning of Article 175 paragraph (3) of this Law, the application for registration shall be rejected with submission of confirmation of rejection and the infrastructure object shall be recorded in the Cadastre of Infrastructure Objects. The applicant shall be notified with a confirmation of rejection.

(4) The recording in the Cadastre of Infrastructure Objects shall be also carried out in case when document for the legal basis is not enclosed to the application for registration, for which the applicant shall be issued with notification for performed recording.

## **Deadlines for processing the application for registration**

### **Article 186**

(1) The authorized officer shall be obliged to perform the requested registration or reject the application for registration within a period not longer than 15 working days from the date of receiving the application for registration.

(2) In case when the authorized officer does not perform the requested registration or does not reject the application for registration within the period referred to in paragraph (1) of this Article, the applicant has the right within a period of three working days to submit a request to the archive of the Director of the Agency and the Director shall be obliged to adopt a decision. If the Director of the Agency does not have an archive, the request should be submitted to the archive of the Headquarters of the Agency.

(3) The form and content of the request referred to in paragraph (2) of this Article shall be prescribed by the Steering Board of the Agency.

(4) The applicant shall, along with the request referred to in paragraph (2) of this Article, also submit a copy of the application for registration of infrastructure objects in the Real Estate Cadastre referred to in paragraph (1) of this Article.

(5) The Director of the Agency shall be obliged to issue a certificate stating that the request referred to in paragraph (2) of this Article is accepted or rejected, within a period of five working days as of the day of submission of the request referred to in paragraph (2) of this Article to the archive of the Director of the Agency.

(6) In case when the Director of the Agency does not issue a certificate within the period referred to in paragraph (5) of this Article, the applicant shall be entitled to notify the State Administrative Inspectorate within a period of five working days.

(7) The State Administrative Inspectorate shall be obliged within a period of ten days from the day of receiving of the notification stipulated in paragraph (6) of this Article, to carry out an inspection in the Agency and identify whether the procedure has been conveyed according to the law and within a period of three working days from the day of the performed inspection shall notify the applicant of the taken measures.

(8) The Inspector from the State Administrative Inspectorate shall adopt a decision after the

performed inspection pursuant to the law, obliging the Director of the Agency to decide upon the submitted request within a period of ten days, i.e. reject or accept the request and notify the Inspectorate of the adopted decision. The notification shall be accompanied by a copy of the decision adopted on the basis of the submitted request.

(9) In case when the Director of the Agency does not adopt a decision within the period referred to in paragraph (8) of this Article, the Inspector shall submit a request for initiation of a violation procedure for a violation stipulated in the Law on Administrative Inspection and shall set an additional period of five working days in which the Director of the Agency can decide upon the request submitted by the applicant, whereby the Director shall be obliged, within the same period, to notify the Inspector of the adopted decision. The notification shall be accompanied by a copy of the decision adopted on the basis of the submitted request. The Inspector shall inform the applicant of the taken measures within a period of three working days.

(10) In case when the Director of the Agency does not adopt a decision within the additionally set period referred to in paragraph (9) of this Article, the Inspector within a period of three working days shall submit a complaint to the relevant Public Prosecutor and within the same period shall inform the applicant of the taken measures.

(11) In case when the Inspector does not act according to the notification referred to in paragraph (6) of this Article, the applicant within five working days shall have the right to submit a complaint to the archive of the Director of the State Administrative Inspectorate. If the Director of the Inspectorate does not have an archive, the complaint should be submitted to the archive of the Headquarters of the State Administrative Inspectorate.

(12) The Director of the State Administrative Inspectorate shall be obliged within three working days to review the complaint referred to in paragraph (11) of this Article and if established that the Inspector has not taken any actions in reference to the notification submitted by the applicant in accordance with paragraphs (7) and (8) and/or has not lodged a complaint in accordance with paragraphs (9) and (10) of this Article, the Director of the State Administrative Inspectorate shall submit a request for initiation of a violation procedure for a violation stipulated in the Law on Administrative Inspection against the Inspector and shall set an additional period of five working days in which the Inspector shall carry out an inspection in the Agency in order to establish whether the procedure has been carried out pursuant to the law and within a period of three working days from the day of the performed inspection shall inform the applicant of the taken measures.

(13) In case when the Inspector does not act within the additionally set period referred to in paragraph (12) of this Article, the Director of the State Administrative Inspectorate shall submit a complaint to the competent Public Prosecutor against the Inspector and within a period of three working days shall inform the applicant of the taken measures.

(14) In the case referred to in paragraph (13) of this Article, the Director of the State Administrative Inspectorate shall immediately, and within one working day at the latest, authorize another Inspector to immediately carry out the inspection.

(15) In the case referred to in paragraph (14) of this Article, the Director of the State Administrative Inspectorate within a period of three working days shall inform the applicant of the taken measures.

(16) In the case when the Director of the State Administrative Inspectorate does not act in accordance with paragraph (12) of this Article, the applicant can lodge a complaint to the competent Public Prosecutor within a period of eight working days.

(17) In the case when the Director of the Agency does not enact a decision within the period referred to in paragraph (10) of this Article, the applicant may file an administrative lawsuit to the competent court.

(18) The procedure before the Administrative Court shall be deemed urgent.

(19) After the enactment of the bylaw referred to in paragraph (3) of this Article, the bylaw shall be immediately or within 24 hours posted to the website of the Agency.



## **Delivery of certificates and notifications**

### **Article 187**

(1) The certificates referred to in Articles 152 and 153 and Articles 184 and 185 paragraphs (2) and (3) and the notifications referred to in Article 185 paragraph (4) of this Law enacted upon the applications and accompanying documents thereto electronically delivered to the Agency, shall be delivered to the applicants by using electronic means.

(2) The delivery referred to in paragraph (1) of this Article shall be done via the e-desk of the Agency.

(3) The time of proper delivery shall be deemed the time delivery and availability of the certificates/notifications referred to in paragraph (1) of this Article via the e-desk to the applicants.

(4) In the event when the courts, ministries, state administration bodies, local self-government units, notaries public, enforcement officers and all other entities with assigned public authorizations electronically submit the applications for registration/recording in the name and at the expense of the real estate right holders to the Agency, they shall be obliged to submit the electronically received applications for registration/recording back to the right holders on behalf of which they submitted the applications within three working days.

(5) In the event when the applications and the documents enclosed thereto are submitted in writing, the certificates in writing shall be submitted to the applicants via the Agency or by mail within three days as of the day of the registration.

(6) In the case referred to in paragraph (5) of this Article when the delivery of the certificates/notifications cannot be realized, the delivery shall be done by publishing the certificates/notifications on the Bulletin Board in the premises of the Agency and on the website of the Agency, whereby the PIN datum shall not be published. The delivery shall be deemed to be properly realized after eight days as of the day of publishing the certificates/notifications on the Bulletin Board in the premises of the Agency or on the website of the Agency.

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

## **Bylaws**

### **Article 188**

The manner of registering infrastructure objects, the form and content of the application for registration of an infrastructure object, the confirmation of receipt with regards to the application, the certificate for registration, the confirmation of rejection and the notification for recording shall be prescribed by the Steering Board of the Agency.

## **XII. MAINTENANCE OF THE REAL ESTATE CADASTRE**

### **Scope of maintenance of the Real Estate Cadastre**

#### **Article 189**

The maintenance of the Real Estate Cadastre shall comprise registration of real estates which remained with unregistered rights, as well as registration of changes in the Real Estate Cadastre and in the Cadastre of Infrastructure Objects, as part of the Real Estate Cadastre.

### **XII.1. REGISTRATION OF REAL ESTATE WHICH REMAINED WITH UNREGISTERED RIGHTS**

#### **Application for registration of real estate with unregistered rights**

##### **Article 190**

(1) Registration of real estate which remained unregistered shall be done with the submission of application for registration with the enclosed legal basis for registration, geodetic report and evidence for effectuated fee. In case of repeated submission of application due to previous return of the rejected application regarding the same real estate, no evidence for effectuated fee should be enclosed to the application.

(2) Notwithstanding paragraph (1) of this Article, the evidence for effectuated fee shall not be enclosed for real estate for which in the procedure for systematic registration of the real estate rights, the right holder responded to the invitation or submitted an application for registration and the same remained with unregistered rights, and when the subject of registration is a land without any built object thereon, no geodetic report should be enclosed to the application.

(3) Notwithstanding paragraph (1) of this Article, with regards to the real estate with unregistered rights located in cadastral municipalities for which the Real Estate Cadastre was established on the basis of the survey from the land cadastre, if the subject of registration is a land without any built object thereon, no geodetic report should be enclosed to the application.

(4) Notwithstanding paragraph (1) of this Article, with regards to the real estate with unregistered rights located in cadastral municipalities for which prior to the entering into force of the Real Estate Cadastre a Land Cadastre was effective which was established on the basis of inventory (inventory cadastre), for which it is determined that the right holder was recorded in the corresponding inventory block, only the legal basis for registration shall be enclosed to the application for registration. In case when there is an object built on such land, geodetic report should be enclosed to the application.

(5) Notwithstanding paragraph (1) of this Article, with regards to the real estate with unregistered rights located in cadastral municipalities for which prior to the entering into force of the Real Estate Cadastre a land cadastre was effective which was established on the basis of inventory (inventory cadastre), for which it is determined that the right holder was recorded in the corresponding inventory block and there are no collected data on the cadastral parcel and the objects during the survey, only the legal basis for registration and geodetic report shall be enclosed to the application for registration.

(6) The application for registration referred to in paragraph (1) of this Article shall especially comprise: personal and address data on the right holder/real estate user, data on the PIN of the citizen or the legal entity, data on the legal basis for registration, data on the geodetic report, data on the real estate and e-mail address/mobile telephone number.

(7) The application for registration and the evidence for effectuated fee shall be submitted in accordance with the provisions of Article 179 and Article 180 of this Law.

### **Verification, confirmation of receipt and sequence of registration**

#### **Article 191**

The verification and the confirmation of the receipt of the application for registration, as well as the sequence of registration shall be done in compliance with the provisions of Article 182 and Article 183 of this Law.

### **Incomplete applications for registration**

#### **Article 192**

The applications for registration which do not contain the enclosed documents referred to in Article 190, paragraphs (1), (2), (3), (4) and (5) of this Law, as well as the requested data referred to in Article 190 paragraph (6) of this Law shall be rejected by submitting a confirmation of rejection.

### **Comparison of data**

#### **Article 193**

After the acceptance of the application for registration, the data in the application for registration shall be compared with the data in the document for the legal basis and the data collected with the survey comprised in the geodetic report.

### **Registration of the rights of real estate with unregistered rights in cadastral municipalities for which Land Cadastre was established on the basis of carried out survey (Survey Cadastre)**

#### **Article 194**

(1) In case when Land Cadastre established on the basis of performed survey was effective in

the course of registration of the rights of real estate located in cadastral municipalities, it shall be established that the area of the cadastral parcel contained in the legal basis is incompatible with the area established with the survey and specified in the geodetic report, while the borderlines of the cadastral parcel subjected to the survey and contained in the geodetic report are not changed with regards to the borderlines from the land cadastre and the Real Estate Cadastre or in case of any deviation of the borderlines of the cadastral parcel due to the different techniques and recording methods, the cadastral parcel shall be recorded in the Real Estate Cadastre according to the data contained in the cadastral map from the Real Estate Cadastre.

(2) In the event when deviation of the borderlines of the cadastral parcel is established in the case referred to in paragraph (1) of this Article, which deviation is not a result of the different techniques and recording methods used, and when statements of acceptance of the newly determined borderline and area of the cadastral parcel signed by the right holders of the neighbouring cadastral parcels are enclosed to the geodetic report from the survey, for which deviation was established or by the legal successor of the deceased right holders, the cadastral parcel shall be recorded in the Real Estate Cadastre according to the data collected with the survey and contained in the geodetic report. In case when the statements of acceptance are not enclosed to the geodetic report from the survey, the cadastral parcel shall be recorded according to the data from the cadastral map from the Real Estate Cadastre, and data on the right holders shall be copied from the legal basis.

(3) If established in the cases referred to in paragraphs (1) and (2) of this Article that part was encompassed within the cadastral parcel subject to survey, which was registered in the land cadastre of Republic of North Macedonia, this part shall be deemed as a separate cadastral parcel and registered in the name of Republic of North Macedonia.

(4) The registration of the real estate rights when it comes to real estate with unregistered rights located in cadastral municipalities for which the Real Estate Cadastre was established on the basis of the survey from the Land Cadastre, if the subject of registration is a land with no object built thereon, the registration of the real estate rights shall be done on the basis of the data from the Land Cadastre. In case when an object is built on the land, geodetic report shall be enclosed containing data on the borderline of the parcel which shall be used from the cadastral map from the Real Estate Cadastre, whereby a survey shall be carried out and recorded according to the enclosed legal basis for registration and geodetic report.

(5) With regards to real estate with unregistered rights for which there is no recorded datum on the right holder of the land, i.e. which is specified in the records as “unknown”, the land shall be registered with the right to ownership of Republic of North Macedonia.

### **Registration of the rights of real estate with unregistered rights in cadastral municipalities for which Land Cadastre was established without carried out survey (Inventory Cadastre)**

#### **Article 194-a**

(1) With regards to the real estate with unregistered rights located in cadastral municipalities for which prior to the entering into force of the Real Estate Cadastre a Land Cadastre was effective which was established without carried out inventory (Inventory Cadastre), for which it is determined that the right holder was registered in the Inventory Cadastre in the corresponding inventory block, the area of the cadastral parcel established during the survey in function of systematic registration of the real estate rights deriving from the cadastral map from the Real Estate Cadastre shall be registered in the Real Estate Cadastre, and with regards to the real estate right holder data shall be taken on the registered right holder in the inventory cadastre i.e. their legal successor in accordance with the enclosed legal basis. In case when there is an object built on the land, geodetic report should be enclosed consisting of data on the borderline of the parcel taken from the cadastral map from the Real Estate Cadastre, and survey shall be carried out for the object and registered according to the enclosed legal basis for registration and the geodetic report.

(2) In the case referred to in paragraph (1) of this Article, the part which was separated as

special cadastral parcel and remained with unregistered rights in the course of registration in the Real Estate Cadastre shall be joined to the cadastral parcel.

(3) When established in the course of registration of the real estate rights referred to in paragraph (1) of this Article that the applicant i.e. the person for which the application was submitted was recorded in the inventory cadastre in the corresponding inventory block, and that no data on the cadastral parcel were collected during the survey, the data on the real estate and the data on the real estate right holder collected with the survey and presented in the geodetic report shall be registered. In case when the borderlines established with the geodetic report compared to the cadastral map encompass part of the parcels with registered rights, statement of acceptance of the newly determined borderline of the cadastral parcel signed by the right holders of the neighbouring cadastral parcels or by the legal successor of the deceased right holders shall be enclosed thereto. In case when no statements of acceptance are enclosed to the geodetic report, the data of the cadastral map from the Real Estate Cadastre shall be used.

(4) When established that the applicant i.e. the person for whom the application was submitted is not recorded as right holder in the inventory cadastre and no legal basis for registration is submitted, the collected data from the survey shall be registered in the Real Estate Cadastre and Republic of North Macedonia shall be recorded as real estate right holder.

(5) With regards to the registration referred to in paragraph (4) of this Article, it shall be temporarily registered in the Property Deed that the registration is done on the basis of paragraph (4) of this Article and if within three years the applicant submits the relevant legal basis, the temporary registration shall be deleted and the right to ownership shall be registered according to the enclosed legal basis. After the expiry of three years from the temporary registration, it shall be deleted under ex-officio procedure or at the request of the State Attorney's Office of Republic of North Macedonia.

## **The title before Article 195 and Article 195 shall be deleted**

### **Registration of real estate for which fictitious records existed in the Land Cadastre**

#### **Article 195-a**

After receiving an application from a client with geodetic report and statement of acceptance of the actual situation enclosed thereto and provided by the real estate right holders recorded as a result of the fictitious records in the land cadastre, given at authorized surveyor, which is integral part of the geodetic report, the real estate rights can be registered in the Real Estate Cadastre in actual parts.

### **Deviations for useful area**

#### **Article 196**

(1) The registration for application shall be rejected in case when the data on the area of the buildings, separate and common parts of the buildings and other objects collected with the survey differ from the data contained in the legal basis for registration.

(2) In the event when the differences in the data on the area referred to in paragraph (1) of this Article occur due to the difference as a result of the final processing of the separate/common parts of the building (plastering, insulation and other), whereby the conditions for registration in the Real Estate Cadastre stipulated with Article 176 of this Law are met and geodetic report is submitted, the registration of the reduced interior area contained in the geodetic report shall be recorded.

### **Confirmation of registration and rejection**

#### **Article 197**

(1) If during the comparison it is determined that there is a compliance of the data contained in the legal basis and the geodetic report, as well as compliance within the meaning of Article 175 paragraph (2) of this Law, the registration shall be done in the Real Estate Cadastre, for which a confirmation of registration shall be issued to the applicant.

(2) The applications for registration with legal bases enclosed thereto which are not eligible for registration shall be rejected by issuing a confirmation of rejection.

### **Deadline for processing the application for registration**

#### **Article 198**

(1) The authorized officer shall be obliged to perform the requested registration or to reject the application for registration within a period not exceeding 15 working days from the date of receiving the application for registration.

(2) If the authorized officer fails to perform the required registration or fails to reject the application for registration within the time period referred to in paragraph (1) of this Article, the applicant has the right, within a period of three working days, to submit a request to the archive of the Director of the Agency and the Director shall be obliged to adopt a decision. If the Director of the Agency does not have an archive, the request should be submitted to the archive of the Headquarters of the Agency.

(3) The form and content of the request referred to in paragraph (2) of this Article shall be prescribed by the Steering Board of the Agency.

(4) The applicant shall, along with the request referred to in paragraph (2) of this Article, also submit a copy of the application for registration of infrastructure objects in the Real Estate Cadastre referred to in paragraph (1) of this Article.

(5) Within a period of five working days from the day of submitting the request referred to in paragraph (2) of this Article to the archive of the Director of the Agency, the Director of the Agency shall be obliged to adopt a decision stating that the request referred to in paragraph (2) of this Article is either accepted or rejected.

(6) The applicant shall be entitled to inform the State Administrative Inspectorate within a period of five working days if the Director of the Agency does not adopt a decision within the period referred to in paragraph (5) of this Article.

(7) The State Administrative Inspectorate shall be obliged to carry out an inspection in the Agency within a period of ten days from the day of receipt of the notification referred to in paragraph (6) of this Article, and identify whether the procedure has been conveyed pursuant to the law and within a period of three working days as of the day of the performed inspection shall notify the applicant of the taken measures.

(8) The Inspector from the State Administrative Inspectorate shall, after the inspection carried out in compliance with the law, adopt a decision obliging the Director of the Agency to decide upon the submitted application within a period of ten days i.e. reject or accept the application and notify the Inspectorate of the decision. Copy of the decision adopted on the basis of the submitted application should be enclosed to the notification.

(9) In case when the Director of the Agency does not adopt a decision within the period referred to in paragraph (8) of this Article, the Inspector shall submit a request for initiation of a violation procedure for a violation stipulated in the Law on Administrative Inspection and shall set an additional period of five working days in which the Director of the Agency can decide upon the request submitted by the applicant, whereby the Director shall be obliged, within the same period, to notify the Inspector of the adopted decision. The notification shall be accompanied by a copy of the decision adopted on the basis of the submitted request. The Inspector shall inform the applicant of the taken measures within a period of three working days.

(10) In case when the Director of the Agency does not adopt a decision within the additionally set period referred to in paragraph (9) of this Article, the Inspector within a period of three working days shall submit a complaint to the relevant Public Prosecutor and within the same period shall inform the applicant of the taken measures.

(11) In case when the Inspector does not act according to the notification referred to in paragraph (6) of this Article, the applicant within five working days shall have the right to submit a complaint to the archive of the Director of the State Administrative Inspectorate. If the Director of the Inspectorate does not have an archive, the complaint should be submitted to the archive of the Headquarters of the State Administrative Inspectorate.

(12) The Director of the State Administrative Inspectorate shall be obliged within three working days to review the complaint referred to in paragraph (11) of this Article and if established that the Inspector has not taken any actions with reference to the notification submitted by the applicant in accordance with paragraphs (7) and (8) and/or has not lodged a complaint in accordance with paragraphs (9) and (10) of this Article, the Director of the State Administrative Inspectorate shall submit a request for initiation of a violation procedure for a violation stipulated in the Law on Administrative Inspection against the Inspector and shall set an additional period of five working days in which the Inspector shall carry out an inspection in the Agency in order to establish whether the procedure has been carried out pursuant to the Law and within a period of three working days from the day of the performed inspection shall inform the applicant of the taken measures.

(13) In case when the Inspector does not act within the additionally set period referred to in paragraph (12) of this Article, the Director of the State Administrative Inspectorate shall submit a complaint to the competent Public Prosecutor against the Inspector and within a period of three working days shall inform the applicant of the taken measures.

(14) In the case referred to in paragraph (13) of this Article, the Director of the State Administrative Inspectorate shall immediately, and within one working day at the latest, authorize another Inspector to immediately carry out the inspection.

(15) In the case referred to in paragraph (14) of this Article, the Director of the State Administrative Inspectorate within a period of three working days shall inform the applicant of the taken measures.

(16) In the case when the Director of the State Administrative Inspectorate does not act in accordance with paragraph (12) of this Article, the applicant can lodge a complaint to the competent Public Prosecutor within a period of eight working days.

(17) In the case when the Director of the Agency does not enact a decision within the period referred to in paragraph (10) of this Article, the applicant may file an administrative lawsuit at the relevant court.

(18) The procedure before the Administrative Court shall be deemed urgent.

(19) After the enforcement of the bylaw referred to in paragraph (3) of this Article, the bylaw shall be immediately or within 24 hours posted to the website of the Agency.

### **Submission**

#### **Article 199**

(1) The confirmations referred to in Article 192 and Article 197 of this Law shall be submitted to the applicants.

(2) When change of data on the neighbouring cadastral parcels is also done with the confirmations for registration referred to in Article 197 paragraph (1) of this Law in accordance with the provisions of Article 194 paragraph (4) of this Law, the confirmations shall be also submitted to the right holders of the neighbouring cadastral parcels.

(3) The submission of the confirmations of referred to in paragraphs (1) and (2) of this Article shall be done in accordance with the provisions of Article 187 of this Law.

## **XII.2. REGISTRATION OF CHANGES IN THE REAL ESTATE CADASTRE AND IN THE CADASTRE OF INFRASTRUCTURE OBJECTS AS PART OF THE REAL ESTATE CADASTRE**

### **Scope of the registration of changes in the Real Estate Cadastre**

#### **Article 200**

The registration of changes in the Real Estate Cadastre and in the Cadastre of Infrastructure Objects, as part of the Real Estate Cadastre, shall include the changes regarding data on:

- Real estate;
- Real estate rights;
- Real estate right holders;

- Temporary registration of facts affecting the real estate; and
- Conditional registration.

## **Changes of data in the Real Estate Cadastre**

### **Article 201**

(1) The changes in the real estate data shall be the changes which have occurred in the data on the land, the data on the buildings, the separate/common parts of buildings and other objects, as well as infrastructure objects.

(2) The changes which have occurred in the data on real estate rights shall be changes of the registered real estate rights.

(3) The changes which have occurred in the data on real estate right holders shall be the changes in the personal data, i.e. the name and surname of the natural person and the title of the legal entity, as well as the change in the address data of the natural person and the headquarters of the legal entity.

(4) The changes in the data on the temporary registration of facts affecting the real estate shall be the changes used to perform a temporary registration of facts affecting the real estate rights, as well as their deletion.

(5) The changes in the data on the conditional registrations shall be the changes used to perform conditional registration of buildings under construction, as well as their deletion.

## **Registration of change in the Real Estate Cadastre**

### **Article 202**

The real estate right holder shall be obliged to submit an application for registration of the change in the Real Estate Cadastre within 30 days from the day of the occurrence of the change on the real estate.

## **Application for registration of change in the Real Estate Cadastre**

### **Article 203**

The application for registration of change in the Real Estate Cadastre, apart from the data referred to in Article 178 paragraph (2) and Article 190 paragraph (2) of this Law, shall also comprise the data on the type of the change and the number of the geodetic report depending on the type of the change.

## **Submission of application and evidence for effectuated fee**

### **Article 204**

The application for registration of change and the evidence for effectuated fee shall be submitted in compliance with provisions of Article 179 and Article 180 of this Law. In case of repeated submission of application for registration of change due to previous return of the rejected application regarding the same real estate, no evidence for effectuated fee should be enclosed to the application.

## **Verification, confirmation of receipt and sequence of registration**

### **Article 205**

The verification and confirmation of receipt of the application for change, as well as the sequence of registration of the applications shall be done in compliance with the provisions of Article 182 and Article 183 of this Law.

## **Incomplete applications for registration**

### **Article 206**

The applications for registration of changes which do not contain the requested data referred to in the Article 178 paragraph (2) and Article 190 paragraph (2) of this Law, as well as the applications which do not comprise the legal basis for registration or which do not comprise a geodetic report, depending on the type of the change, shall be rejected by the Agency by sending

a confirmation of rejection.

### **Comparison of data**

#### **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 the data comprised in the geodetic report depending on the type of the change, shall be compared with the data on the respective real estate and the real estate right holder according to the data registered in the Real Estate Cadastre.

(2) If the comparison of the data referred to in paragraph (1) of this Article identifies that there is incompatibility or inconsistency in the legal bases in accordance with Article 176 of this Law, the application for registration of the change shall be rejected with a confirmation of rejection.

(3) If the comparison of the data referred to in paragraph (1) of this Article identifies that the data are compatible and consistent, the registration shall be done and the applicant shall receive a confirmation for registration.

(4) The confirmation of rejection/registration referred to in paragraphs (2) and (3) of this Article shall be submitted within one working day for changes processed without geodetic report and within three working days for changes processed with geodetic report.

(5) The confirmations referred to in Article 206 of this Law and the confirmations referred to in paragraph (2) and (3) of this Law shall be submitted in accordance with the provisions of Article 187 of this Law.

### **Registration of common parts**

#### **Article 208**

The legal basis is used to register the ownership right and the sub-forms of the ownership right (co-ownership and joint ownership) of the separate part of the building can also be used to register the ownership right of the common parts of the building which are in service of the separate part of the building.

### **Registration of changes of the registrations in the Real Estate Cadastre as a result of the fictitious records in the Land Cadastre**

#### **Article 208-a**

Change can be done in the Real Estate Cadastre by registering the real estate right in actual parts upon application submitted by a client with enclosed geodetic report and statement of consent for accepting the actual situation provided by the real estate right holders recorded in ideal parts in the Real Estate Cadastre, as a result of fictitious records in the land cadastre verified by a notary public.

### **Correction of errors**

#### **Article 209**

(1) The errors shall be corrected in the course of maintaining the Real Estate Cadastre made while carrying out the survey and the registration of real estate data, which refer to:

- Real estate data as a result of miscalculation of the area of the parcel i.e. building or the separate part of the building constructed on the parcel, error in the decoding of the real estate, error in determining the borderline of the cadastral parcel/building, error in the digitalization of the cadastral maps, as well as error while drafting and calculating the data on the infrastructure objects;
- Marking of address data on the real estate and the personal and address data on the real estate right holders; and
- Entering of the data in the cadastral maps and in the electronic database.

(2) The errors referred to in paragraph (1) indent 2 of this Article referring to the personal



data may be corrected according to the data from the personal ID card or passport at the request of the ownership right holder.

(3) The errors referred to in paragraph (1) of this Article shall be corrected, regardless of whether changes were made of data on the real estate rights and real estate right holders.

(4) In the course of maintaining the Real Estate Cadastre errors shall be corrected which refer to the data on the real estate rights and real estate right holders registered when establishing and maintaining the Real Estate Cadastre, if no changes were made in the course of maintaining the Real Estate Cadastre with regards to the real estate right and real estate right holder, which can be established by inspecting the legal basis for registration.

(5) The errors referred to in paragraphs (1) and (4) of this Article shall be corrected in the Property Deed after application of a client or under ex-officio procedure with certificate for correction of error.

(6) The errors referred to in paragraph (4) of this Article shall be corrected if changes were made with regards to the type of the right and right holder if statement of consent for correction of error is enclosed to the application for correction of error, verified by a notary public and given by the right holders registered in the Real Estate Cadastre and the entities on whose behalf other actual rights, burdens, limitations and temporary registrations are recorded. In case when the statements of consent for correction of error are not enclosed or the existence of the error is established under ex-officio procedure, the error shall not be corrected and the existence of the error shall be temporarily registered in the Property Deed with certificate for registration of the change.

(7) The certificates shall be submitted, upon request of a client, to the applicants and to the right holders registered in the Real Estate Cadastre the error correction/conditional registration refers to, and the certificates shall be submitted under ex-officio procedure to the right holders the error correction refers to, who are registered in the Real Estate Cadastre. The submission of the certificates shall be done in accordance with the provisions of Article 187 of this Law.

(8) Fee shall not be charged for correction of the errors referred to paragraphs (1), (2), (3), (4) and (6) of this Article.

### **Data update**

#### **Article 210**

(1) The real estate data shall be updated in the course of maintaining the Real Estate Cadastre.

(2) The update of data referred to in paragraph (1) of this Article shall be done under ex-officio procedure and upon request from a client.

### **Data update under ex-officio procedure**

#### **Article 211**

(1) The data update in the Real Estate Cadastre under ex-officio procedure shall be carried out for the cadastral parcel right holders registered in the Real Estate Cadastre with registered rights expressed in ideal parts deriving from the different techniques and recording and measuring methods, whose total area does not exceed 5% of the total parcel area.

(2) The data shall be updated in a manner in which the Agency shall delete under ex-officio procedure the right holders referred to in (1) of this Article. The certificate for the update according to the provisions of Article 187 of this Law shall be submitted to all persons registered as right holders, as well as to the entities in the name of which other actual rights, burdens, limitations and temporary registrations were recorded.

### **Data update at the request of a client**

#### **Article 212**

(1) The update of data on the cadastral parcel right holders registered in the Real Estate Cadastre with rights expressed in ideal parts deriving from the different recording and measuring techniques and methods, whose total area does not exceed 5% of the total parcel area can be also

done at the request of a client.

(2) When there are no changes of the borderline and the area of the cadastral parcel registered in the Real Estate Cadastre, with rights expressed in ideal parts deriving from the different recording and measuring techniques and methods, whose total area does not exceed 5% of the total parcel area, the data shall be updated at the request of a client. Statements of consent given by the holders of the rights registered in ideal parts or by the legal successor of the deceased right holder verified by a notary public should be enclosed to the request.

(3) Evidence for effectuated fee and geodetic report should not be enclosed to the request referred to in paragraphs (1) and (2) of this Article.

(4) For the purpose of compliance of the actual situation of the real estate with the situation in the Real Estate Cadastre, in case of any deviations of the cadastral parcel borderlines as a result of establishing a Real Estate Cadastre by means of conversion or when the deviation as a result of establishing and maintaining the Real Estate Cadastre is due to the use of different recording and measuring techniques and methods, the data update can be done at the request of a client.

(5) Geodetic report from the survey and evidence for effectuated fee for data update shall be enclosed to the request referred to in paragraph (4) of this Article. Statements of consent with regards to the acceptance of the newly determined borderline and area of the cadastral parcel signed by the right holders of the neighbouring cadastral parcels, for which deviation in the borderlines was determined or deviation by any of the legal successors of the deceased right holders, shall be enclosed to the geodetic report from the survey. If the deviation of the borderline refers to the parcel subjected to update and not to the neighbouring cadastral parcels, as a result of which its area reduces, statements of consent with regards to the acceptance of the newly determined borderline and area of the cadastral parcel should not be enclosed. The difference of the area as a result of the deviation shall be annexed to the neighbouring cadastral parcels and registered with right to ownership of the right holders of the neighbouring cadastral parcels.

(6) In case when the subject to update are the data on the interior area of the buildings, separate and common parts of the buildings and other objects registered in the Real Estate Cadastre for which no data were collected during the survey or the registration was not done on the basis of the collected data, geodetic elaborate and evidence for effectuated fee for registration should be enclosed to the request. The legal basis on the basis of which the real estate right was registered during the update shall serve as the legal basis, and the updated area shall be registered to the current right holder specified in the Property Deed.

(7) The real estate data can be updated at the request of a client with regards to the real estate for which, in the period from the carried out survey in service of the systematic registration of the real estate rights until the establishing of the Real Estate Cadastre, changes were made upon the legal bases in the Land Cadastre and which were not enclosed or considered in the procedure for systematic registration. The update shall be done in a manner in which the data on the real estate registered in the Real Estate Cadastre shall be in compliance with the legal bases and the geodetic reports based on which the changes in the Land Cadastre were made.

(8) The action upon the request for update shall be done in accordance with the provisions of Article 190 paragraphs (6) and (7), Articles 191, 192, 193, 197 and 198 of the Law and the certificate for the update shall be submitted in accordance with the provisions of Article 187 of this Law.

(9) When the certificates for update are used for change of the data on the neighbouring cadastral parcels in accordance with the provisions of paragraph (5) of this Article, the certificates shall be also submitted to the right holders of the neighbouring cadastral parcels.

### **Archiving in electronic form**

#### **Article 213**

The case files formed according to the requests for issuing data from the GCIS, under ex-

officio procedure, as well according to the applications for registration, update and correction of errors which have been submitted electronically and are verified in the electronic logbook, shall be archived in electronic form.

**Data on the personal identification number of the natural person i.e. the legal entity specified in the certificates**

**Article 213-a**

The certificates referred to in Article 83 paragraph (2), Articles 152, 153, 184, 185 paragraphs (2) and (3), Articles 192 and 197 paragraphs (1) and (2), Articles 206 and 207 paragraphs (2) and (3), Article 209 paragraph (3), Articles 211 and 212 of this Law shall also contain datum on the personal identification number of the natural person i.e. the legal entity submitting the applications for registrations.

**Registration fee**

**Article 214**

(1) The amount of the fee for registration of real estate which remained with unregistered rights and for registration of changes in the Real Estate Cadastre and the Cadastre of Infrastructure Objects as part of the Real Estate Cadastre shall be determined depending on the actual expenses of their registration and the quantity of data subject to registration, contained in the geodetic report, and shall be expressed through units of measurement in meter, square meter and cubic meter, as well as through the value of secured claims.

(2) The amount of the fee referred to in paragraph (1) of this Article shall be determined by a Tariff List enacted by the Steering Board of the Agency, and endorsed by the Government of the Republic of Macedonia.

**Bylaws**

**Article 215**

The manner of registration of the real estate with unregistered rights and the registration of the changes in the Real Estate Cadastre and the Cadastre of Infrastructure Objects as a part of the Real Estate Cadastre, the manner of correcting the errors, the manner of data update in the Real Estate Cadastre, the form and content of the registration/change/correction of error/update templates, the form and content of the statements referred to in Article 32 paragraph (2), Article 33 paragraph (3), Article 37 paragraph (6) and Article 39 paragraphs (2) and (5) of this Law, the form and content of the certificate for registration, the confirmation of rejection, the certificate of correction of error shall be prescribed by the Steering Board of the Agency.

**XIII. CALCULATION AND RECORDING THE REAL ESTATE VALUE**

**Evaluation of the real estate value**

**Article 216**

(1) The calculation of the real estate value registered in the Real Estate Cadastre shall be done on the basis of a mass evaluation model.

(2) The mass evaluation of the real estate referred to in paragraph (1) of this Article shall be done by the Agency under ex-officio procedure.

(3) The calculated value of the real estate referred to in paragraph (1) of this Article can be taken into consideration during the determination of the amount of the property tax pursuant to the law.

**Recording the value in the GCIS**

**Article 217**

(1) The datum on the real estate value determined with the mass evaluation shall be recorded in the GCIS.

(2) The data on the manner in which the mass evaluation was done, as well as the index

referred to in Article 220 of this Law shall be posted on the website of the Agency for REC and can be also published in the printed publication of the Agency for REC.

**The title before Article 218 and Article 218 shall be deleted**

**Mass Evaluation Model**

**Article 219**

The Agency shall determine the methodologies for the mass evaluation model and categorize the real estate according to the value and determine the cycles of value calculation.

**Determination of the index of value**

**Article 220**

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

**Register of prices and lease fees**

**Article 221**

(1) The Agency shall establish Registry of Prices and Lease Fees for the purpose of carrying out mass evaluation of the real estate value referred to in Article 216 of this Law.

(2) The Agency shall record the prices of the real estate in the Registry of Prices and Lease Fees under ex-officio procedure, contained in the legal bases for real estate sale enclosed to the applications for registration i.e. for making changes in the Real Estate Cadastre.

(3) The real estate value on the basis of which the real estate sales tax is calculated, as well as other data on the real estate contained in the application given by the seller and verified by a notary public shall be registered in the Registry referred to in paragraph (1) of this Article.

(4) The notaries public shall be obliged to enclose the application referred to in paragraph (3) of this Article to the applications and the documents for the legal bases referred to in paragraph (2) of this Article.

(5) The Agency shall record the value of the lease fees in the Registry referred to in paragraph (1) of this Article, on the basis of the data contained in the documents for the legal bases used to establish the lease of real estate.

(6) The bodies i.e. the entities authorized to conclude, verify or confirm documents for the legal basis used to establish the lease of the real estate shall be obliged to submit thereof to the Agency for the purpose of temporary registration of the lease in the Real Estate Cadastre and recording the value of the lease fees in the Registry referred to in paragraph (1) of this Article.

(7) The bodies i.e. the entities shall enclose evidence for effectuated fee and application for registration to the documents for the legal bases referred to in paragraph (5) of this Article i.e. the temporary registration of the lease in the Real Estate Cadastre. In case of repeated submission of the documents for the legal basis and the application due to previous return as a result of rejection thereof regarding the same real estate, no evidence for effectuated fee should be enclosed thereto.

(8) The deletion of the temporary registered lease fees in the Real Estate Cadastre shall be done on the basis of the legal basis pursuant to the Law.

**Bylaws**

**Article 222**

(1) The method of performing mass evaluation and change of the recorded value shall be prescribed by the Government of Republic of Macedonia.

(2) The form and content of the statement referred to in Article 221 paragraph (3) of this Law, as well as the manner of administering and the form and content of the Registry of Prices and Lease Fees shall be prescribed by the Steering Board of the Agency.

## **XIV. REGISTRIES IN THE GEODETIC CADASTRAL INFORMATION SYSTEM**

### **Types of registries**

#### **Article 223**

The GCIS shall administer Registry of Spatial Units, Graphical Registry of Streets and House Numbers, Graphical Registry of Construction Land, Registry of Prices and Lease Fees and Registry of Taken Over Real Estate Intended for Sale.

### **XIV.1. REGISTRY OF SPATIAL UNITS**

#### **Scope of the Registry of Spatial Units**

##### **Article 224**

The Registry of Spatial Units shall include the following spatial units:

- State;
- Statistical region;
- Local self-government units;
- Cadastral municipalities;
- Populated area;
- Statistical areas; and
- Census regions of Republic of Macedonia.

#### **Content of the Registry of Spatial Units**

##### **Article 225**

(1) The following data shall be registered in the Registry of Spatial Units for each spatial unit in particular:

- Name, type, personal identification number (code) and area of the spatial unit;
- Graphic layout/description of the boundaries and the data source of the spatial unit;
- Respective spatial unit the data refers to; and
- Type of change, source and date of the change of the spatial unit.

(2) The Agency shall submit to the State Statistical Office the data from the Registry of Spatial Units, for the purpose of conducting a census of the population and the inventory of agricultural land.

### **Bylaws**

#### **Article 226**

The form and the manner of administering the Registry of Spatial Units shall be prescribed by the Steering Board of the Agency.

### **XIV.2. GRAPHICAL REGISTRY OF STREETS AND HOUSE NUMBERS**

#### **Content of the Graphical Registry of Streets and House Numbers**

##### **Article 227**

(1) The Graphical Registry of Streets and House Numbers shall contain spatial and descriptive data on streets and house numbers, as well as spatial data on the scope on the basis of which the connection of the house number with the street shall be determined.

(2) The spatial data on the streets shall be coordinates of characteristic points which form a line that defines the location of the street.

(3) The spatial data on the house numbers shall be coordinates of a point which define the location of the object for which the house number is being determined.

(4) The spatial data on the line of the territorial scope shall be coordinates on the basis of which the house numbers are determined that belong to the street and enable their visual graphic layout.

(5) The descriptive data on the streets shall include street name and number.

(6) The descriptive data on house numbers shall contain the house number.

(7) The descriptive and spatial data referred to in this Article shall be connected with the data

on the local self-government units and the populated areas contained in the Registry of Spatial Units referred to in Article 224 of this Law.

(8) The descriptive data referred to in paragraph (1) of this Article shall be taken over by the Agency for REC under ex-officio procedure from the Registry of Names of Streets and House Numbers which shall be administered within the Central Registry of Republic of Macedonia.

### **Unique identifier of streets and house numbers**

#### **Article 228**

(1) The streets and house numbers shall be marked with a unique identifier in the Graphical Registry of Streets and House Numbers.

(2) The unique identifier of the streets referred to in paragraph (1) of this Article shall be defined by the number of municipality, number of populated area and street number.

(3) The unique identifier of house numbers referred to in paragraph (1) of this Article shall be defined by the number of municipality, number of populated area, street number and house number.

### **Data submission to the Agency**

#### **Article 229**

(1) The local self-government units shall be obliged within five working days to electronically submit to the Agency the documentation for the legal basis for the change of the data on streets and house numbers, as well as geodetic report depending on the type of the change.

(2) The Central Registry of the Republic of Macedonia shall be obliged within five working days to submit data in electronic form to the Agency on the changes made in the Registry of Street Names and House Numbers administered within the Central Registry of Republic of Macedonia.

### **Changes in the Registry**

#### **Article 230**

(1) The Agency shall carry out changes in the Graphical Registry of Streets and House Numbers on the basis of the submitted documentation for the legal basis and the data referred to in Article 229 of this Law, within a period of 30 days from the receipt of the data.

(2) The number of the street contained in the unique identifier referred to in Article 228 paragraph (2) of this Law shall not be changed in the course of performing the changes referred to in paragraph (1) of this Article, if determined that the same street passes through several populated areas.

### **Bylaws**

#### **Article 231**

The form and the manner of administering the Graphical Registry of Streets and House Numbers shall be prescribed by the Steering Board of the Agency.

## **XIV.3. GRAPHICAL REGISTRY OF CONSTRUCTION LAND**

### **Scope of the Graphical Registry of Construction Land**

#### **Article 232**

(1) The Graphical Registry of Construction Land shall contain spatial and descriptive data on the construction land.

(2) The Registry referred to in paragraph (1) of this Article shall be established and administered on the basis of the data obtained from the urban plans and the urban planning documentation prepared in electronic form compatible with the electronic form in which the cadastral maps are prepared.

### **Data submission to the Agency**

#### **Article 233**

The state administration body competent for the matters from the area of landscaping and the local self-government units shall be obliged to submit urban plans and urban planning documentation to the Agency within a period of 30 days as of the day of adopting thereof, for the purpose of administering the Graphical Registry of Construction Land.

### **Purpose of the Registry**

#### **Article 234**

The data contained in the Graphical Registry of Construction Land shall be used by the sole proprietors – authorized surveyors and the trading companies for geodetic works during performance of geodetic works for special purposes related to the preparation of geodetic reports for numerical data for the implementation of urban plans and urban planning documentation.

### **Certificate from the Graphical Registry of Construction Land**

#### **Article 235**

The Graphical Registry of Construction Land shall issue certificate, numerical data and other data on the construction land.

### **Use of data from the Graphical Registry of Construction Land**

#### **Article 235-a**

(1) The sole proprietors – authorized surveyors and the trading companies for geodetic works shall pay a fee for using data from the Graphical Registry of Construction Land.

(2) The amount of the fee referred to in paragraph (1) of this Article shall be determined on the basis of the expenses incurred for maintaining the Graphical Registry of Construction Land according to the Tariff List referred to in Article 37 paragraph (2) of this Law.

### **Bylaws**

#### **Article 236**

The form and the manner of administering the Graphical Registry of Construction Land, as well as the form of the certificate referred to in Article 235 of this Law shall be prescribed by the Steering Board of the Agency.

## **XIV.4 REGISTRY OF TAKEN OVER REAL ESTATE INTENDED FOR SALE**

### **Scope of the Registry of Taken Over Real Estate Intended for Sale**

#### **Article 236-a**

The Registry of Taken Over Real Estate Intended for Sale shall contain spatial and descriptive data on the taken over real estate intended for sale in a procedure for collection of claims or upon other bases, as well as data on the entity which took over the real estate.

### **Data submission to the Agency**

#### **Article 236-b**

All entities which took over real estate in a procedure for collection of claims or upon other bases shall be obliged to submit the data on the taken over real estate intended for sale to the Agency within 30 days as of the day of taking over the real estate, for the purpose of administering the Registry of Taken Over Real Estate Intended for Sale.

### **Purpose of the Registry**

#### **Article 236-c**

The Registry of Taken Over Real Estate Intended for Sale shall be used for obtaining data from one place on the taken over real estate intended for sale.

**Bylaws**  
**Article 236-d**

The manner of administering, the form and content of the Registry of Taken Over Real Estate Intended for Sale and the form and content of the data on the taken over real estate intended for sale referred to in Article 236-b of this Law shall be prescribed by the Steering Board of the Agency.

**XV. JUDICIAL PROTECTION**  
**Establishing legitimacy of the application for registration**

**Article 237**

The certificates referred to in Article 83 paragraph (2), Articles 184 and 185 paragraphs (2) and (3), Articles 192 and 197 paragraphs (1) and (2), Articles 206 and 207 paragraphs (2) and (3), Article 209 paragraph (3), Articles 211 and 212 of this Law shall be final and enforceable and the applicant i.e. the right holder shall have the right to lodge a lawsuit against the aforementioned certificates before the Administrative Court within a period of 15 days from the day of receiving the certificate.

**Lawsuit for deletion**

**Article 238**

Every person who has legal interest may lodge a lawsuit before the Administrative Court and request deletion of the data registered in the Real Estate Cadastre within three years from the date of the performed registration.

**XVI. INTERNAL CONTROL AND AUDIT OF THE AGENCY**

**Internal control of the Agency**

**Article 239**

(1) The Agency shall conduct a control of the establishing of the Cadastre of Infrastructure Objects under ex-officio procedure as part of the Real Estate Cadastre and of the maintaining of the Real Estate Cadastre.

(2) The Director of the Agency shall be obliged to establish internal control and audit through the implementation of an adequate system for financial management in accordance with the Law.

**Audit**

**Article 240**

(1) The audit of the material and financial operation of the Agency shall be conducted in accordance with the Law.

(2) The annual financial statements of the Agency shall be inspected and assessed by an authorized audit company.

(3) The audit company, referred to in paragraph (2) of this Article, shall be obliged to submit an audit report to the Agency within a period of three months after the end of the calendar year.

**XVII. SUPERVISION OF THE WORK OF THE SOLE PROPRIETORS – AUTHORIZED SURVEYORS AND THE TRADING COMPANIES FOR GEODETIC WORKS**

**Supervision**

**Article 241**

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

(2) The supervision referred to in paragraph (1) of this Article shall identify whether the sole proprietors – authorized surveyors and the trading companies for geodetic works:



- 1) Have been registered in the Trade Registry with main activity – performance of geodetic works (Article 104 paragraph (1) indent 1);
- 2) Perform the geodetic works in accordance with the provisions of this Law and the regulations enacted thereupon, as well as in accordance with the rules and standards of the geodetic profession (Article 121 indent 1);
- 3) 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);
- 4) Use the data from the Real Estate Cadastre during the performance of the geodetic works solely for the purpose for which they were issued (Article 124 paragraphs (1) and (2));
- 5) Charge fee for the performed geodetic works in accordance with Article 125 of this Law;
- 6) Fulfil the conditions stipulated by this Law with regards to the employees, premises and equipment required for performance of the geodetic works (Article 104 paragraph (1) indent 2, Article 118 paragraph (2) and Article 120 paragraph (2));
- 7) Record the client applications for performance of geodetic works in the log book (Article 126);
- 8) Draft each geodetic report according to previously carried out survey and carry out on-site inspection of the real estate (Article 110 paragraph (1) indent 6), personally sign every geodetic report prepared in hardcopy and sign the geodetic report prepared in electronic form with a valid certificate issued by a licensed certification authority (Article 110, paragraph (1) indent 2);
- 9) Use licensed software for drafting geodetic reports (Article 104, paragraph (1) indent 4);
- 10) Accept clients and publish data from the performed geodetic work only at the headquarters of the sole proprietor - authorized surveyor or the trading company for geodetic works (Article 121, indent 3);
- 11) Has incorporated the word “cadastre” in the title (Article 118 paragraph (2));
- 12) If an employee of the Agency is registered as a sole proprietor - authorized surveyor, i.e. acts as an owner or a partner in the trading company for geodetic works or the geodetic works of a sole proprietor - authorized surveyor, i.e. trading company for geodetic works are carried out by employees of the Agency (Article 25 paragraphs (2) and (3));
- 13) Have an electronic connection with the Agency (Article 124, paragraph (3)); and
- 14) The employed authorized surveyors attend continuous training in the field of geodetic works (Article 110 paragraph (1) indent 7); and
- 15) Have placed the Tariff List referred to in Article 125 of this Law on a visible place in their headquarters and in the subsidiary, if there is any.

(3) The Agency may carry out an on-site control of the carried out surveys by a sole proprietor - authorized surveyor or trading company for geodetic works while conducting the supervision referred to in paragraph (1) of this Article.

### **Authorized officers**

#### **Article 242**

(1) The provisions of the Law on the General Administrative Procedure shall apply to the performance of the works referred to in Article 241 of this Law, unless otherwise stipulated with this Law.

(2) The works referred to in Article 241 of this Law shall be performed by authorized officers employed by the Agency and authorized by the Director of the Agency.

(3) The authorized officers shall independently perform the works referred to in paragraph (2) of this Article.

### **Procedure**

#### **Article 243**

(1) The sole proprietors - authorized surveyors and trading companies for geodetic works shall provide the authorized officer a smooth execution of his/her work, ensure the conditions

necessary for the work and for the determination of the actual situation and make available all the necessary documents and data.

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

(3) If throughout the execution of Article 241 of this Law irregularities are determined in the application of the provisions of Article 118 paragraph (2) of this Law with regards to the fulfilment of the necessary conditions for premises and equipment for performance of the geodetic works and the obligation for not containing the word “cadastre” in the title of the sole proprietors – authorized surveyors and trading companies for geodetic works, Article 121 indent 3 of this Law, as well as irregularity in the application of Article 126 of this Law, the irregularity shall be recorded in the minutes and the authorized officer shall initiate a procedure for correction of such irregularity, i.e. violation procedure with indication the irregularity to be remedied within 15 working days.

(4) The authorized officer shall submit a copy of the minutes referred to in paragraph (2) of this Article to the sole proprietor - authorized surveyor and the trading company for geodetic works on the day of performance of the works.

### **License revocation**

#### **Article 244**

(1) If after the expiry of the deadline stipulated in Article 243 paragraph (3) of this Law is established that the irregularities have been rectified, a conclusion shall be made for stopping the procedure. However, if established that the irregularities were not rectified, the Agency shall initiate a procedure for correction, i.e. violation procedure and shall submit a proposal to the Chamber for license revocation.

(2) When established that the sole proprietor - authorized surveyor and the trading company for geodetic works does not act in accordance with Article 110 paragraph (1) indents 2, 6 and 7, Article 124 paragraphs (1) and (2) and Article 125 of this Law, the authorized officer shall initiate a procedure for correction i.e. a violation procedure.

(3) The authorized officer shall initiate a procedure for correction i.e. violation procedure and submit a proposal for license revocation to the Chamber once established that the sole proprietor - authorized surveyor and the trading company for geodetic works:

- Committed violation of the provision of Article 25 paragraphs (2) and (3) of this Law relating to conflict of interest;
- Do not meet the requirements referred to in Article 104, paragraph (1) indent 1 of this Law in relation to the main activity for performance of geodetic works;
- Committed irregularity in relation to the obligation for obtaining damage liability insurance in accordance with Article 117 of this Law;
- Do not meet the requirements referred to in Article 104 paragraph (1) indent 2 and Article 120 paragraph (2) of this Law in respect of the employees;
- Committed irregularity in relation to the obligation to use the licensed software for preparation of geodetic reports referred to in Article 104 paragraph (1) indent 4 of this Law;
- Committed violation of the provision of Article 124 paragraph (3), in relation to the obligation to electronically connect with the Agency;
- Committed the irregularity referred to in Article 121 indents 1 and 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 actual situation 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 a proposal for license revocation to the Chamber in case of violation referred to in Article 243 paragraph (3) of this Law, as well as for the violations referred to in Article 110 paragraph (1) indents 2 and 6, Article 124 paragraphs (1) and (2) and Article 125 of this Law, if the sole proprietor - authorized surveyor and trading company for

geodetic works were previously fined for a committed violation.

(5) The Chamber shall be obliged to decide upon the proposal for license revocation and enact a decision within five working days.

(6) The Director of the Agency shall adopt a decision for license revocation if the Chamber does not make such decision within the specified period.

(7) The decision referred to in paragraphs (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 establishes that the authorized surveyor does not act in accordance with the provisions of Article 112 paragraph (1) of this Law, the Director of the Agency at the proposal of the authorized officer shall adopt a decision for revocation of the license for authorized surveyor. Procedure for correction i.e. violation procedure shall be initiated for non-compliance with the provisions of Article 112 paragraph (1) indents 1, 2, 3, 4, 8 and 10 of this Law.

(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.

### **Deletion from the Directory**

#### **Article 245**

(1) The sole proprietor - authorized surveyor or the trading company for geodetic works shall be deleted from the Directory of Sole Proprietors - Authorized Surveyors and Trading Companies for Geodetic Works administered within the Chamber, on the basis of the decision referred to in Article 244 paragraphs (5) and (6) of this Law.

(2) The sole proprietor - authorized surveyor i.e. the responsible person of the trading company for geodetic works after the revocation of the license for performance of geodetic works cannot register as a sole proprietor - authorized surveyor, i.e. cannot establish a trading company for geodetic works within a period of five years.

(3) The authorized surveyor shall be deleted from the Directory of Authorized Surveyors administered within the Agency on the basis of the decision referred to in Article 244 paragraph (8) of this Law.

### **XVIII. PENALTY PROVISIONS**

#### **Article 246**

(1) A fine in the amount of EUR 2,500 in MKD equivalence shall be imposed due to violation to the legal entity i.e. sole proprietor if they:

1) Remove, damage, destroy or relocate without authorization a point from the geodetic reference network referred to in Article 49 paragraph (1) of this Law or fail to report to the Agency any type of destruction, damage or unauthorized relocation within 15 days from the day of such discovery in accordance with paragraph (2) of the same Article;

2) Fail 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 referred to in Article 50 paragraph (1) of this Law;

3) Fail to submit within the set deadline an application for registration of change in the Real Estate Cadastre to the Agency, in compliance with Article 202 of this Law;

4) Produce cartographic products without prior authorization issued by the Agency for REC in accordance with Article 99, paragraph (2) of this Law, and

5) Put into use cartographic products without consent from the Agency in accordance with Article 101 of this Law.

(2) A fine in the amount of 30% of the calculated fine for legal entity i.e. sole proprietor shall be imposed to the responsible person employed at the legal entity for the violation referred to in paragraph (1) of this Article.

(3) A fine in the amount EUR 250 to EUR 325 in MKD equivalence shall be imposed to the

natural person for the violation referred to in paragraph (1) of this Article.

#### **Article 246-a**

(1) A fine in the amount EUR 5.000 in MKD equivalence shall be imposed to the authorized legal entity which technically carries out the exam referred to in Article 108-d of this Law, if the legal entity does not record, provide live broadcast on the website of the Agency and post the entire recording of the entire exam on the website of the Agency.

(2) A fine in the amount EUR 500 to EUR 800 in MKD equivalence shall be imposed to the authorized representative referred to in Article 108-d paragraph (5) of this Law, if acting contrary to Article 108-e paragraph (9) of this Law.

(3) A fine in the amount EUR 5.000 in MKD equivalence shall be imposed to the authorized institution carrying out the exam referred to in Article 108-d of this Law, if the institution does not terminate the exam in accordance with Article 108-e paragraphs (5) and (6) of this Law.

(4) A fine in the amount EUR 1.000 to EUR 1.300 in MKD equivalence shall be imposed to the Director of the Agency if the Director does not enact the decision within the deadline referred to in Article 108-k and paragraph (9) of this Law.

(5) A fine in the amount EUR 2.000 to EUR 3.000 in MKD equivalence shall be imposed to the person referred to in Article 108-d paragraph (1) of this Law, allowing a candidate who does not meet the prescribed conditions for taking the exam for acquiring license for authorized surveyor.

(6) A fine in the amount EUR 10.000 in MKD equivalence shall be imposed to the legal entity which technically carries out the exam referred to in Article 108-d paragraph (1) of this Law, if the legal entity does not block the radio frequency range in the premise where the exam is taken.

(7) A fine in the amount EUR 2.000 to EUR 3.000 in MKD equivalence shall be imposed to the authorized representatives referred to in Article 108-d paragraph (6) of this Law, if they allow the candidate to act contrary to Article 108-e paragraphs (2), (3) and (4) of this Law.

(8) A fine in the amount EUR 100 to EUR 200 in MKD equivalence shall be imposed to the candidate acting contrary to Article 108-e paragraphs (2), (3) and (4) of this Law.

(9) A fine in the amount EUR 2.000 to EUR 3.000 in MKD equivalence shall be imposed to the members of the commission referred to in Article 108-k paragraph (5) of this Law, if they established any irregularities while carrying out the exam and did not specify such irregularities in the report submitted to the Director of the Agency.

#### **Article 247**

(1) A fine in the amount of EUR 1.500 to EUR 2.500 in MKD equivalence shall be imposed to the authorized surveyor employed by a sole proprietor – authorized surveyor and to the trading company for geodetic works, if the authorized surveyor does not act in accordance with the provisions of Article 110 of this Law if they:

- 1) Do not perform the geodetic works in accordance with the provisions of this Law and the regulations enacted thereupon, as well as in accordance with the rules and standards of the geodetic profession;
- 2) Do not personally sign every geodetic report prepared in hardcopy and every geodetic report prepared in electronic form with a valid certificate issued by certification authority;
- 3) Do not use licensed software for the preparation of geodetic report;
- 4) Do not use the data from the Real Estate Cadastre solely for the purpose for which they were issued;
- 5) Prepare geodetic reports without previously carried out on-site survey and inspection of the real estate.

(2) A fine in the amount of EUR 1.500 to EUR 2.500 in MKD equivalence shall be also imposed to the authorized surveyor not employed by a sole proprietor – authorized surveyor and to the trading company for geodetic works, if the authorized surveyor performs geodetic works

for sole proprietor – authorized surveyor and to the trading company for geodetic works (Article 110 paragraph (2)).

#### **Article 248**

(1) A fine in the amount of EUR 4.000 in MKD equivalence shall be imposed to the trading company for geodetic works i.e. to the sole proprietor – authorized surveyor if:

- 1) The employed authorized surveyors do not attend continuous training related to geodetic works (Article 110 paragraph (1) indent 7);
- 2) The title of the company contains the word “cadastre” and does not meet the necessary requirements for premises and equipment (Article 118 paragraph (2));
- 3) They do not record the requests from the clients in the logbook and if they do not keep the logbook in accordance with the regulations for archive material and archive operations (Article 126); and
- 4) They have not placed the Tariff List referred to in Article 125 of this Law on visible place in their headquarters and in the subsidiary, if there is any.

(2) A fine in the amount of 30% from the calculated fine to the legal entity i.e. sole proprietor shall be also imposed to the responsible person of the legal entity i.e. the sole proprietor for violation referred to in paragraph (1) of this Article.

#### **Article 249**

(1) A fine in the amount of EUR 8.000 in MKD equivalence shall be imposed to the trading company for geodetic works i.e. to the sole proprietor – authorized proprietor for a violation, if they:

- 1) Are not registered with main activity for performance of geodetic works (Article 104 paragraph (1) indent 1);
- 2) Do not provide for unobstructed performance of the works, do not provide the conditions necessary for work, do not identify the factual situation, and do not enable access to the documents and the data for the purpose of inspection that are required in accordance with Article 243 paragraph (1) of this Law;
- 3) Do not rectify the established irregularities within 15 working days (Article 243 paragraph (3) of this Law);
- 4) Do not perform the geodetic works in accordance with the provisions of this Law and the regulations enacted thereupon, as well as in accordance with the rules and the standards of the geodetic profession (Article 121, indent 1);
- 5) Have committed a violation regarding the obligation for damage liability insurance referred to in Article 117 of this Law;
- 6) Do not meet the requirements referred to in the Articles as follows: Article 104 paragraph (1) indent 2 and Article 120 of this Law in respect to the employees;
- 7) Have committed a violation of the obligation for the use of licensed software referred to in Article 104 paragraph (1) indent 4 of this Law;
- 8) Have committed a violation of the provision of Article 25 paragraphs (2) and (3) of this law in relation with conflict of interests;
- 9) Have committed a violation of the provision of Article 124 paragraph 3 regarding the obligation to connect with the Agency via electronic means;
- 10) Have prepared geodetic reports without previously carried out survey and on-site inspection of the real estate (Article 110 paragraph (1) indent 6);
- 11) Do not use the data from the Real Estate Cadastre and do not use them solely for the purpose for which they were issued (Article 124 paragraphs (1) and (2));
- 12) Charge a fee for the geodetic works not in accordance with Article 125 of this Law;
- 13) Accept clients and issue data on the performed geodetic works outside the headquarters of the sole proprietor - authorized surveyor, i.e. outside the trading company for geodetic works (Article 121 indent 3);
- 14) Do not personally sign every geodetic report prepared in hardcopy, and do not sign

every geodetic report made in electronic form with a valid certificate issued by certification authority (Article 110, paragraph (1) indent 2); and

15) Have committed violation of the provision of Article 110 paragraph (2) of this Law with regards to the obligation for non-performance of geodetic works by the authorized surveyor not employed with the trading company for geodetic works i.e. to the sole proprietor – authorized proprietor.

(2) A fine in the amount of 30% of the calculated fine imposed to the legal entity i.e. sole proprietor shall be imposed for a violation referred to in paragraph (1) of this Article to the responsible person of the legal entity i.e. sole proprietor.

### **Article 250**

(1) Violation procedure shall be administered and sanctions for the violation shall be issued by the Agency (hereinafter referred to as: the violation body) for the violations stipulated in this Law, except for the violation referred to in Article 246-a of this Law for which the violation procedure shall be administered and sanctions for the violations shall be issued by the competent court.

(2) The violation procedure referred to in paragraph (1) of this Article before the violation body shall be administered by a Commission deciding upon violation (hereinafter referred to as: Commission for violations) established by the Director of the Agency.

(3) The Commission for violations shall consist of President and two members. The President should be a graduated lawyer with passed BAR exam and five years of professional experience in their relevant field, and the members should have a high level educational background and five years of professional experience in their own relevant fields, one of whom should be graduated lawyer and the other graduated geodetic engineer.

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

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

(6) The Commission for violations shall adopt Rules of Procedure for its operation and shall keep unique records on violations, issued sanctions and adopted decisions.

(7) The members of the Commission for violations shall be entitled to a reward for their operation in the Commission for violations which shall be determined by the Steering Board of the Agency which shall be reasonably adequate for the meaning, the scope of work of the members and the complexity of the violations (revoked with a Resolution of the Constitutional Court of Republic of Macedonia published in the “Official Gazette of Republic of Macedonia” no. 101/14).

(8) The Commission for violations shall work in a Council and decide with the majority of the total number of votes of the members.

(9) The President and the members of the Commission for violations shall be independent in the work of the Commission for violations and shall decide based on their expert knowledge and their individual belief.

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

(11) A lawsuit can be lodged against the decision of the Commission for violations to the Second Instance Commission Deciding in the Area of Inspection Supervision and Violation Procedure.

(12) Violation procedure cannot be initiated against the violations foreseen with this Law or conducted after the expiry of two years as of the day of the committed violation.

### **Article 251**

(1) When the authorized officer of the Agency establishes that a violation has been committed

stipulated by this Law, the authorized officer shall draw up minutes wherein the authorized officer shall specify the important elements of the action related to the violation, the time and place and the manner in which the violation was committed, as well as the persons present on the site of the committed violation, upon which the authorized officer shall submit a request for initiating a violation procedure to the Commission for violations.

(2) Before submitting the request for initiating a violation procedure with regards to the violations foreseen with this Law, the authorized officer shall be obliged to propose a procedure for correction to the person committing the violation by issuing a violation order.

(3) If the person committing the violation agrees with the initiation of a procedure for correction, the authorized officer shall draw up minutes stating the relevant elements of the violation, the time, place and manner of committing the violation, the description of the violation and the persons present on the site.

(4) If the person committing the violation admits to have committed the violation, the authorized officer of the Agency shall issue a payment order for payment of the fine foreseen for the respective violation. By signing the payment order it shall be deemed that the person committing the violation has agreed to pay the foreseen fine.

(5) The person committing the violation shall be obliged to pay the fine within eight days as of the day of receiving the payment order, to the account of the Agency. The person committing the violation shall pay only one half of the imposed fine if the payment is effectuated within eight days.

(6) If the person committing the violation does not pay the fine within the deadline set in paragraph (5) of this Article, the authorized officer of the Agency shall submit a request for initiating a violation procedure before the competent Commission for violations.

#### **Article 251-a**

(1) The authorized officers at the Agency shall be obliged to keep records of the issued violation payment orders and of the result of the initiated procedures.

(2) In the records referred to in paragraph (1) of this Article shall be collected, processed and kept the following data: name and surname i.e. title of the person/entity committing the violation, place of residence, accommodation, headquarters, type of violation, number of the violation payment order being issued and the result of the initiated violation procedure.

(3) The personal data referred to in paragraph (2) of this Article shall be kept five years as of the day of entering thereof in the records.

(4) The form and content of the violation payment order shall be prescribed by the Steering Board of the Agency.

#### **Article 251-b**

The amount of the fines imposed to the legal entity i.e. sole proprietor prescribed by this Law shall be determined in accordance with the Law on Violations.

### **XIX. TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 252**

The provisions of this Law shall apply to the initiated procedures for processing the applications for registration of real estate rights and for the processing of changes in the Real Estate Cadastre, initiated before the day of entering into force of this Law, which are processed by the Agency for REC and the Second Degree State Commission Deciding on Administrative Procedure and Employment Procedure, i.e. the Administrative Court.

#### **Article 253**

The conditionally recorded facts and circumstances in the Real Estate Cadastre, whose

registration in the Real Estate Cadastre is not stipulated with this or other law, shall be deleted by the Agency for REC under ex-officio procedure within a period of six months as of the day of entering into force of this Law.

#### **Article 254**

In the course of registration of real estate with unregistered rights, the documents for the legal basis concluded between natural persons i.e. legal entities and the competent state bodies and other legal entities authorized by competent state body, as well as the construction companies, until the commencement with the implementation of the Law on Notarial Practice (“Official Gazette of Republic of Macedonia” no. 59/96 and 25/98) shall represent a legal basis for registration even if they are not verified by a competent body i.e. shall represent a legal basis for registration even without a clause for evidence of paid tax, until the entering into force of the Law on Property Taxes (“Official Gazette of Republic of Macedonia” no. 80/93, 3/94, 71/96, 54/2000 and 24/2003).

#### **Article 255**

When the data on the area of the buildings, separate and common parts of buildings and other objects collected with the survey differ from the data contained in the legal basis for registration adopted until 1 July 2005 inclusive, the Agency shall record the datum on the area of the building, the separate and the common parts of the buildings and other objects contained in the legal basis for registration, while the difference in the area shall be recorded in the evidence list for the illegally built objects.

#### **Article 256**

(1) The holders of the infrastructure objects shall be obliged within a period of one year as of the day of entering into force of this Law to submit to the Agency the data on the infrastructure objects in the form and the content prescribed by the Agency for the purpose of recording thereof in the Cadastre of Infrastructure Objects.

(2) The right holders i.e. the holders of the infrastructure objects shall be obliged within a period of five years as of the day of entering into force of this Law to submit to the Agency applications for registration/recording of the infrastructure objects in accordance with Article 178 of this Law.

#### **Article 257**

The infrastructure objects registered in the Real Estate Cadastre under the provisions of the Law on Real Estate Cadastre (“Official Gazette of Republic of Macedonia” no. 40/2008, 158/10, 17/11, 51/11 and 74/12) and the bylaws enacted thereupon shall be transferred in the Cadastre of Infrastructure Objects as part of the Real Estate Cadastre within a period of one year from the day of establishing thereof.

#### **Article 258**

The licenses for authorized surveyor issued in accordance with the Law on Survey, Cadastre and Registration of Real Estate Rights (“Official Gazette of Republic of Macedonia” no. 27/86, 17/91, 84/2005, 109/2005 and 70/2006) and the Law on Real Estate Cadastre (“Official Gazette of Republic of Macedonia” no. 40/2008, 158/10, 17/11, 51/11 and 74/12) shall continue to apply until the expiry of the period for which they have been issued, with a possibility for extension in accordance with the provisions of this Law.

#### **Article 259**

(1) The sole proprietors - authorized surveyors and the trading companies for geodetic works shall be obliged within three months as of the day of entering into force of this Law to conform their operation in accordance with the provisions of Article 117 paragraph (2) of this Law.



(2) The sole proprietors - authorized surveyors and the trading companies for geodetic works which shall not conform their operation within the deadline referred to in paragraph (1) of this Article shall be deprived by the Chamber of their license for performance of geodetic works and shall be deleted from the Directory of Sole Proprietors - Authorized Surveyors and Trading Companies for Geodetic Works.

#### **Article 260**

The sole proprietors - authorized surveyors and trading companies for geodetic works, as well as all other entities with assigned public authorizations, which pursuant to the law are obliged to submit the documents for the legal basis under ex-officio procedure to the Agency, shall be obliged within a period of 60 days as of the day of entering into force of this Law to establish a connection with the Agency via electronic means.

#### **Article 261**

(1) The sole proprietors - authorized surveyors and trading companies for geodetic works shall be obliged within a period of one month as of the day of entering into force of the bylaw regulations stipulated in article 123 of this Law to conform their operation in accordance with the provisions of this Law.

(2) After the expiry of the deadline referred to in paragraph (1) of this Article, the sole proprietors - authorized surveyors and trading companies for geodetic works shall be obliged to submit a request to the Chamber for replacement of the license for performance of geodetic works issued by the Agency, with a license issued by the Chamber.

#### **Article 262**

(1) The Chamber of Authorized Surveyors, within a period of three months as of the day of entering into force of this Law, shall re-register itself into a Chamber of Sole Proprietors - Authorized Surveyors and Trading Companies for Geodetic Works, as a legal successor thereof.

(2) The authorizations of the Chamber of Sole Proprietors - Authorized Surveyors and Trading Companies for Geodetic Works shall be executed by the Agency until the re-registration of the Chamber.

#### **Article 263**

(1) The Chamber of Authorized Surveyors shall be obliged to hand over the Directory of Authorized Surveyors to the Agency on the day of entering into force of this Law, for which Minutes shall be drawn up by representatives from the Chamber and the Agency.

(2) The Agency shall be obliged to hand over the Directory of Sole Proprietors - Authorized Surveyors and Trading Companies for Geodetic Works to the Chamber within a period of 30 days from the day of re-registration of the Chamber.

#### **Article 264**

(1) The stakeholders, within a period of five years from the publication of the data from the intabulation books in accordance with the provisions of Article 52 paragraphs (1) and (2) of the Law Amending the Law on Real Estate Cadastre ("Official Gazette of Republic of Macedonia" no. 74/2012) may submit an application for registration of the real estate rights and for registration of the data from the intabulation books in the Real Estate Cadastre and shall enclose a document for the legal basis to the application for registration of the real estate and data deriving from the intabulation books, a geodetic report and a statement for identification prepared by a sole proprietor – authorized surveyor or a trading company for geodetic works.

(2) The data on the real estate or the real estate rights holders with unidentified or unregistered rights shall be deleted by the Agency from the published list at the request of the creditor, on the basis of a notarized statement, which confirms that the liabilities of the debtor to the creditor are settled and that deleting of data in the published list is required, as well as on the basis of an evidence from an adequate registry, issued by an authorized body which administers

the Registry, confirming that the creditor has ceased to exist as a legal entity. The deleted data shall be published in the “Official Gazette of the Republic of Macedonia”.

#### **Article 265 shall be deleted**

#### **Article 266**

The Central Registry of Republic of Macedonia, the municipalities and the City of Skopje shall be obliged to submit the data from the Registry of Street Names and House Numbers to the Agency within a period of one year as of the day of entering into force of this Law for the needs of the Graphical Registry of Streets and House Numbers.

#### **Article 267**

(1) The body competent for performance of works in the field of landscaping and the local self-government units shall be obliged to submit the data from the urban plans and the urban planning documentation in electronic form, compatible with the form of the cadastral maps, to the Agency within a period of two years as of the day of entering into force of this Law.

(2) The provisions of Article 88 paragraph (1) of this Law shall apply after the submission of the data referred to in paragraph (1) of this Article and the establishment of the Graphical Registry of Construction Land, while the works stipulated in Article 88 paragraph (1) of this Law shall be carried out by the sole proprietors - authorized surveyors and the trading companies for geodetic works until the expiry of the deadline referred to in paragraph (1) of this Article.

#### **Article 268**

(1) The bylaw regulations stipulated in Articles 37, 54, 61, 65, 74, 81, 85, 90, 99, 102, 116, 125, 168, 181, 188, 215, 222, 226, 231 and 236 of this Law shall be enacted within a period of six months as of the day of entering into force of this Law, while the bylaw regulations stipulated in Article 123 of this Law shall be enacted within a period of three months as of the day of entering into force of this Law.

(2) The bylaw regulations stipulated in Article 186 paragraph (3) and Article 198 paragraph (3) of this Law shall be enacted within a period of 15 days as of the day of entering into force of this Law.

(3) The bylaw regulations enacted pursuant to the Law on Real Estate Cadastre (“Official Gazette of Republic of Macedonia” no. 40/2008, 158/10, 17/11, 51/11 and 74/12) shall continue to apply until the day of entering into force of the bylaw regulations referred to in paragraphs (1) and (2) of this Article.

#### **Article 269**

The Law on Registration of Underground and Aboveground Infrastructure Objects and Supporting Installations (“Official Gazette of Republic of Macedonia” no.6/12), as well as the Law on Real Estate Cadastre (“Official Gazette of Republic of Macedonia” no. 40/2008, 158/10, 17/11, 51/11 and 74/12) shall cease to apply on the day of entering into force of this Law, with the exception of the provisions stipulated in Chapter XIV – National Spatial Data Infrastructure.

#### **Article 270**

The provisions stipulated in Article 105 paragraph (1) and Article 106 paragraph (1) of this Law shall apply as of the day of the accession of the Republic of Macedonia into the European Union.

#### **Article 271**

This Law shall enter into force on the eighth day of publishing thereof in the “Official Gazette of Republic of Macedonia”.

**TRANSITIONAL AND FINAL PROVISIONS OF THE LAW AMENDING  
THE LAW ON REAL ESTATE CADASTRE  
(“Official Gazette of RM” no. 41/14)**

**Article 2**

The provisions referred to in Article 1 of this Law referring to the conditions on the knowledge of foreign language shall start to apply after the period of two years as of the day of the entering into force of this Law.

**Article 3**

This Law shall enter into force on the eighth day as of the day of publishing thereof in the “Official Gazette of Republic of Macedonia” and shall start to apply after the period of one year as of the entering into force of this Law.

**TRANSITIONAL AND FINAL PROVISIONS OF THE LAW AMENDING  
THE LAW ON REAL ESTATE CADASTRE  
(“Official Gazette of RM” no. 115/14)**

**Article 57**

The owners of infrastructure facilities shall be obliged by 24 April 2017 at the latest to submit the applications for registration/recording of 40% of the totally submitted data on infrastructure objects in accordance with Article 256 paragraph (1) of this Law, and to submit the applications for registration/recording of the remaining 60% of the totally submitted data on infrastructure objects by 24 April 2019 at the latest to the Agency.

**Article 58**

The Agency shall be obliged to connect to the unique electronic system for taking the exam within one year as of the day of entering into force of this Law.

**Article 59**

The Steering Board of the Agency shall enact the bylaws foreseen in Article 15 of this Law within one year as of the day of entering into force of this Law.

The Government of Republic of North Macedonia shall enact the regulation referred to in Article 46 paragraph (1) of this Law within two years as of the day of entering into force of this Law.

The Steering Board of the Agency shall enact the regulation referred to in Article 46 paragraph (2) of this Law within six months as of the day of entering into force of this Law.

**Article 60**

The initiated procedures for taking the exam for acquiring license for authorized surveyor until the commencement with the application of this Law shall be completed in accordance with the provisions from the regulations they started upon.

**Article 61**

The data from the intabulation books registered in the Real Estate Cadastre in the name of the legal entities as mortgage creditors which ceased to exist shall be deleted upon request from the real estate right holders within two years as of the day of entering into force of this Law.

The real estate right holders should enclose evidence from the competent entity to the application for deletion of the data from the intabulation books referred to in paragraph (1) of

this Article, confirming that the legal entity registered as mortgage creditor ceased to exist without having any legal successor.

#### **Article 62**

The sole proprietors – authorized surveyors and trading companies for geodetic works shall be obliged to ensure that their operation is in accordance with the provisions of this Law within one month as of the entering into force of this Law.

#### **Article 63**

The courts, ministries, state administration bodies, enforcement officers and all other entities with assigned public authorizations shall be obliged within six months as of the entering into force of this Law to electronically connect with the Agency.

#### **Article 64**

With regards to the real estate without harmonization of the data on the real estate in accordance with the provisions of Article 153 and Article 158 of the Law on Real Estate Cadastre (“Official Gazette of Republic of Macedonia” no. 40/2008, 158/10, 17/11, 51/11 and 74/12), within one year as of the entering into force of this Law, the Agency shall modify under ex-officio procedure the data on real estate and the data on the real estate right holders for the real estate by harmonizing thereof. The Agency shall inform the real estate right holders registered in the Real Estate Cadastre the modification i.e. harmonization refers to, by submitting a certificate for modification of data.

#### **Article 65**

(1) The holders of the licenses for authorized surveyors who acquired the license in accordance with the conditions stipulated by the Law enforceable at the time of acquiring such license and who do not meet the conditions for education prescribed with this Law shall be obliged to complete their education within four years as of the entering into force of this Law.

(2) The license for authorized surveyor shall be revoked from the holders of such license who shall not meet the conditions for completion of the education referred to in paragraph (1) of this Article.

(3) The provisions referred to in paragraphs (1) and (2) of this Article shall not refer to the authorized surveyor license holders who acquired such license according to the conditions stipulated with the Law on Survey, Cadastre and Registration of Real Estate Rights (“Official Gazette of Republic of Macedonia” number 27/86, 17/91, 84/2005, 109/2005 and 70/2006).

#### **Article 66**

The provisions referred to in Article 3 of this Law amending Article 8 paragraph (2) of the Law on Real Estate Cadastre (“Official Gazette of Republic of Macedonia” no. 55/13 and 41/14), in the part referring to the survey for the recipients of social and continues monetary aid and the persons with low gross income up to MKD 168,000 per year in the procedure for determining the legal status of illegally built objects shall apply until the expiry of the deadline for submission of geodetic reports stipulated in the Law on Dealing with Illegally Built Objects.

#### **Article 67**

The provisions of Article 30 paragraph (2) of this Law shall apply after the expiry of the deadline for submission of requests for privatization of state-owned construction land prescribed with the Law on Privatization and Lease of State-Owned Construction Land.

#### **Article 68**

This Law shall enter into force on the eighth day as of the day of publishing thereof in the “Official Gazette of Republic of Macedonia”, and the provisions of Article 11 of this Law shall

commence to apply after one year as of the day of entering into force of this Law.

***TRANSITIONAL AND FINAL PROVISIONS OF THE LAW AMENDING  
THE LAW ON REAL ESTATE CADASTRE  
("Official Gazette of RM" no. 116/15)***

**Article 11**

(1) The body competent for matters from the area of landscaping and local self-government units which failed to submit the data from the urban plans and the urban planning documentation in electronic form, compatible with the form of the cadastral maps, within the deadline determined in Article 267 of the Law on Real Estate Cadastre ("Official Gazette of Republic of Macedonia" no. 55/13, 41/14 and 115/14), shall be obliged to submit thereof to the Agency within two years as of the day of entering into force of this Law.

(2) The Agency shall perform office geodetic works for special purposes, referring to the preparation of numerical data for the purpose of realization of the urban plans and the urban planning documentation, upon the submission of the data referred to in paragraph (1) of this Article to the Graphical Registry of Construction Land, whereby these works shall be performed by the sole proprietors – authorized surveyors and trading companies for geodetic works until the expiry of the deadline referred to in paragraph (1) of this Article.

**Article 12**

This Law shall enter into force on the day following the day of publishing thereof in the "Official Gazette of Republic of Macedonia".

***TRANSITIONAL AND FINAL PROVISIONS OF THE LAW AMENDING  
THE LAW ON REAL ESTATE CADASTRE  
("Official Gazette of RM" no. 153/15)***

**Article 11**

The bylaw stipulated with this Law shall be enacted within 30 days as of the day of entering into force of this Law.

**Article 12**

The Legislative and Legal Commission of the Assembly of Republic of Macedonia shall be authorized to determine the revised text of the Law on Real Estate Cadastre.

**Article 13**

The provisions of Article 174-a set forth in Article 2 of this Law shall start to apply as of 1 January 2016.

**Article 14**

This Law shall enter into force on the day of publishing thereof in the "Official Gazette of Republic of Macedonia".

***FINAL PROVISION OF THE LAW AMENDING  
THE LAW ON REAL ESTATE CADASTRE  
("Official Gazette of RM" no. 192/15)***

**Article 8**

This Law shall enter into force on the eighth day as of the day of publishing thereof in the "Official Gazette of Republic of Macedonia".

**TRANSITIONAL AND FINAL PROVISIONS OF THE LAW AMENDING  
THE LAW ON REAL ESTATE CADASTRE  
(“Official Gazette of RM” no. 61/16)**

**Article 5**

In the Law Amending the Law on Real Estate Cadastre (“Official Gazette of Republic of Macedonia” no. 115/14), in Article 57 the words: “24 April 2016” shall be replaced with the words: “24 April 2017”, and the words: “24 April 2018” shall be replaced with the words: “24 April 2019”.

**Article 6**

This Law shall enter into force on the day of publishing thereof in the “Official Gazette of Republic of Macedonia”.

**FINAL PROVISION OF THE LAW AMENDING  
THE LAW ON REAL ESTATE CADASTRE  
(“Official Gazette of RM” no. 172/16)**

**Article 2**

This Law shall enter into force on the day of publishing thereof in the “Official Gazette of Republic of Macedonia”.

**TRANSITIONAL AND FINAL PROVISIONS OF THE LAW AMENDING  
THE LAW ON REAL ESTATE CADASTRE  
(“Official Gazette of RM” no. 64/18)**

**Article 2**

The provisions of Article 13 paragraph (2) item 5) of the Law on Real Estate Cadastre (“Official Gazette of Republic of Macedonia” no. 55/13, 41/14, 115/14, 116/14, 153/15, 192/15, 61/16 and 172/16), and the provisions referred to in Article 1 of this Law on the basis of which new indent 6 after indent 5 is added in Article 13 paragraph (2) item 5) shall not apply as of the day of entering into force of this Law until 1 September 2018.

**Article 3**

The Director and the Deputy Director elected in the period from the day of entering into force of this Law until 1 September 2018 shall be obliged to meet the conditions for knowledge of foreign language within maximum one year as of the day of their appointment.

The mandate of the Director and the Deputy Director failing to meet the condition for knowledge of foreign language referred to in paragraph (1) of this Article shall cease to be valid.

**Article 4**

This Law shall enter into force on the eighth day of publishing thereof in the “Official Gazette of Republic of Macedonia”.

**TRANSITIONAL AND FINAL PROVISIONS OF THE LAW AMENDING  
THE LAW ON REAL ESTATE CADASTRE  
(“Official Gazette of RNM” no. 124/19)**

**Article 50**

(1) The stakeholders, within ten years as of the publishing of the data from the intabulation books in accordance with the provisions of Article 52 paragraphs (1) and (2) of the Law Amending the Law on Real Estate Cadastre (“Official Gazette of Republic of Macedonia” no. 74/12), may submit an application for registration of the real estate rights and for registration of the data from the intabulation books in the Real Estate Cadastre with legal basis for registration of the real estate and the data deriving from the intabulation books, geodetic report and statement for identification drafted by the sole proprietor – authorized surveyor or trading companies for geodetic works enclosed thereto.

(2) The Agency shall delete the data on real estate or the real estate right holders which are not identified or without registered rights from the published list at the request of the creditor, based on the creditor’s statement verified by a notary public confirming that the liabilities of the debtor to the creditor are settled and that deletion of the data in the published list is requested, as well as based on evidence from the relevant Registry, issued by the competent body administering the said Registry confirming that the creditor ceased to exist as a legal entity. The deleted data shall be published in the “Official Gazette of Republic of North Macedonia”.

**Article 51**

(1) The ownership rights of infrastructure objects of public interest, constructed on a land in private ownership shall be registered in the Cadastre of Infrastructure Objects, with the obligation for the owners of the infrastructure objects to resolve the property-legal relations of the land within ten years as of the day of entering into force of this Law.

(2) The Agency shall temporary register the obligation for resolving the property-legal relations of the land referred to in paragraph (1) of this Article in the Property Deed wherein the infrastructure objects are specified.

**Article 52**

(1) The holders of the licenses for authorized surveyor who acquired the license for authorized surveyor until the day of entering into force of this Law in accordance with the Law on Real Estate Cadastre (“Official Gazette of Republic of Macedonia” no. 40/2008, 158/10, 17/11, 51/11 and 74/12) and the Law on Real Estate Cadastre (“Official Gazette of Republic of Macedonia” no. 55/13, 41/14, 115/14, 116/15, 153/15, 192/15, 61/16, 172/16 and 64/18), shall be obliged to complete their education within three years as of the day of entering into force of this Law.

(2) The license for authorized surveyor shall be revoked from the holders of the licenses for authorized surveyor who failed to complete their education within the deadline referred to in paragraph (1) of this Article.

**Article 53**

The bylaws foreseen with this Law shall be enacted within 90 days as of the day of entering into force of this Law.

**Article 54**

The entities referred to in Article 236-b of this Law shall be obliged to submit the data on the taken over real estate intended for sale to the Agency within six months as of the entering into force of this Law, for the purpose of establishing the Registry of Taken Over Real Estate

Intended for Sale.

#### **Article 55**

The body competent for matters from the area of landscaping and local self-government units which failed to submit the data from the urban plans and the urban planning documentation in electronic form, compatible with the form of the cadastral maps, within the deadline determined in Article 11 paragraph (1) of the Law Amending the Law on Real Estate Cadastre (“Official Gazette of Republic of Macedonia” no. 116/15) shall be obliged to submit thereof to the Agency within two years as of the day of entering into force of this Law.

#### **Article 56**

The Agency shall delete under ex-officio procedure the temporarily registered facts and circumstances in the Real Estate Cadastre whose registration in the Real Estate Cadastre is not stipulated with this and other Law, and which are not deleted within the deadline referred to in Article 253 of this Law, within one year as of the day of entering into force of this Law.

#### **Article 57**

The Legislative and Legal Commission of the Assembly of Republic of North Macedonia shall be authorized to determine the revised text of the Law on Real Estate Cadastre.

#### **Article 58**

This Law shall enter into force on the eighth day as of the day of publishing thereof in the “Official Gazette of Republic of North Macedonia”.