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**THE PARLIAMENT OF REPUBLIC OF MACEDONIA**

On the basis of article 75, paragraph 1 and paragraph 2 of the Constitution of Republic of Macedonia, the President of Republic of Macedonia and the President of the Parliament of Republic of Macedonia hereby issue a

**DECREE  
FOR ENACTMENT OF THE LAW ON REAL ESTATE CADASTRE**

The Law on Real Estate Cadastre is hereby enacted, which was adopted by the Parliament of the Republic of Macedonia at a session dated April 10, 2013.

No. 07-1519/1  
April 10, 2013  
Skopje

President  
of  
Republic of Macedonia  
**Gjorge Ivanov**

President  
of the  
Parliament  
of Republic of Macedonia  
**Trajko Veljanovski**

**LAW ON REAL ESTATE CADASTRE**

**I. GENERAL PROVISIONS**

**Subject of the Law  
Article 1**

This Law hereby stipulates and regulates the management of the geodetic-cadastre 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 of special purposes, the real property survey performed in service of the real estate cadastre, the survey and the maintenance of the state borderline of Republic of Macedonia, the topographic maps, the mass property valuation, the establishment and the management of the graphic registry of construction land, the administration of the spatial units registry, the administration of the graphic registry of streets and house numbers, the supervision over the performance of the sole proprietors – authorized surveyors and trade 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" is an integrated and unique information system in the Republic of Macedonia which enables acquisition, processing, maintenance, management, use, distribution, issuance and a single access to the data from the real estate cadastre, the basic geodetic works, the geodetic works of special purposes, the real property survey performed in service of the real estate cadastre, the survey and the maintenance of the state borderline of Republic of Macedonia, the topographic maps, the spatial units registry, the graphic registry of streets and house numbers and the registry of construction land and other data of significance to the real properties;
2. "Real estate cadastre" is a public book which records the right to ownership and the other real property rights, real property rights data, as well as other rights and facts whose registration is defined by law;
3. "Real Property" is the land, buildings, special and common parts of buildings, and other objects and infrastructure objects,
4. "Authorized Officer" is a person authorized to perform registration of the real property rights in the real estate cadastre, to perform i.e. process changes in the established real estate cadastre, and to produce and issue data from the geodetic-cadastral information system;
5. "Cadastral units" are cadastral parcel and cadastral municipality;
6. "Cadastral parcel" is a basic cadastral unit which is a part of a land not smaller than 1m<sup>2</sup>, defined with borders, located within a cadastral municipality and is in possession of a certain ownership right holder(s).
7. "Cadastral municipality" is a cadastral unit comprising one inhabited area, unless otherwise stipulated by this law.
8. "Infrastructure object" is an object in the field of traffic (land, water and air traffic) underground and aboveground installation (line) and electronic communication networks and means, with all their supporting installations;
9. "Right holder" is any natural person, legal entity, the Republic of Macedonia or a local self-government unit and the city of Skopje, to whose title the real property right is registered in the Real Estate Cadastre;
10. "Spatial data" are detail point coordinates which define the real property within the single state reference system and state cartographic projection;
11. "Descriptive data" is data which describes the features and the characteristics of the real property (the land use, land class, place name, number of building or special, i.e. common part of a building or another object, entrance, floor, area, volume, identifier and type of infrastructure objects, length/height, value and other), the real property rights and the real property right holders, which as descriptive data are registered in a form of numeric or textual record;

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

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

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

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

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

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

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

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

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

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

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

23. "Registration applicant" is a real property right holder, its legal representative, proxy, authorized representative, legal successor of the deceased ownership right holder, interested individual or an individual authorized to request registration according the law.

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

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

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

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

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

### **Public Interest**

#### **Article 3**

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

### **Strategic Plan and Annual Program**

#### **Article 4**

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

(2) The Strategic Plan stipulated in paragraph 1 of this Article shall be adopted by the Government of Republic of Macedonia, at the motion of the Agency for Real Estate Cadastre for a period of 4 (four) years, and when needed can be amended i.e. supplemented within a period of two years.

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

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

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

#### **Article 5**

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

(2) The Agency may provide consultant services and carry out trainings in the country and abroad, for works in the area of establishing and maintenance the real estate cadastre, geodetic and

IT works for the purpose of establishment, management, advancement and technical development of the GCIS.

(3) The consultant services and the trainings stipulated in paragraph 2 of this article are carried out by experts employed at the Agency, as well as thru engagement of external domestic and foreign natural and legal entities on the basis of a signed contract with the Agency.

(4) The revenues generated from providing the consultant services and trainings stipulated in paragraph 2 of this article are paid to a special self-financing account of the Agency.

(5) Up to two thirds from the revenues stipulated in paragraph 4 of this article are used for the payment of external domestic and foreign natural and legal entities carrying out the consultant services and trainings, while the rest of the revenues stipulated in paragraph 4 of this article shall be used for the 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 is a legal entity, having rights, liabilities and responsibilities stipulated by this Law.

(2) The Agency has a Statute.

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

(4) For its performance, the Agency shall report to the Government of the Republic of Macedonia.

### **Operative Principles Article 7**

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

### **Competences of the Agency Article 8**

(1) The Agency is authorized to:

- Manage the geodetic-cadastre information system;
- Perform basic geodetic works;
- Perform real property survey;
- Perform survey and maintenance of the state borderline
- Perform geodetic works for special purposes
- Establish and maintain the real estate cadastre;
- Perform mass valuation of real properties registered in the real estate cadastre

- Establish and administer the graphic registry of construction land;
- Produce topographic maps;
- Administer a spatial units register;
- Administer graphic registry of streets and house numbers,
- Establish, maintain and provide public access to the National Spatial Data Infrastructure in compliance with a separate law;
- Monitor and supervise the performance of the sole proprietors – authorized surveyors and the trade companies for geodetic works.

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

(3) The geodetic works for special purposes stipulated in paragraph 2 of this Article are defined by a Decision enacted by the Government of Republic of Macedonia.

### **Bodies of the Agency** **Article 9**

(1) The bodies of the Agency are a Steering Board and Director.

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

### **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 a right to re-election.

(2) The Steering Board members shall elect a Chairman at the first session of the Steering Board. The elected Chairman 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 end of his/her term, another member shall be appointed for the remainder of the term of the replaced member.

(4) The Government of R. Macedonia can dismiss the Chairman or a Steering Board member before the end of the term:

- Upon his/her request;
- If sentenced with an effective court ruling for a committed criminal act to imprisonment longer than 6 months;
- He/she has been imposed a violation sanction - injunction 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; and

- If identified that during the performance of the function, the person by himself/herself or together with another member of the Steering Board has acted against the basic postulates of the law, which can be identified from the Audit Report on the degree of implementing the legal competences of the Agency.
- Due to unskilled, unprofessional and inadequate performance of the function Chairman or member of the Steering Board in the area of the material and financial performance, identified in the Audit report.

**Authority and method of work of the Steering Board of the Agency**  
**Article 11**

(1)

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

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

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

**Director and deputy Director**  
**Article 12**

(1) The Agency shall be managed by a Director. The Agency's Director shall have a deputy.

(2) The Director and the Deputy Director of the Agency shall be appointed and dismissed by the Government of the Republic of Macedonia for a period of five years with a possibility of another re-election.

(3) The Deputy Director shall replace the Director with all its authorizations and responsibilities during the management, in case when the Director is absent or is not in a position to perform the function due to illness or other reasons. The Deputy Director can perform the scope of duties entrusted by the Director.

### **Selection of Director and Deputy Director** **Article 13**

(1) The selection of a Director and a Deputy Director shall be performed through a public notice.

(2) The right to participate in the public notice have all natural persons that meet the following requirements:

- Have a university degree of at least VII/1 or 300 credits according to the ECTS, and
- Have at least five years of working experience after the graduation, out of which at least three years working experience at a management position.

(3) The public notice referred to in paragraph (2) of this Article is advertised by the Steering Board of the Agency. The selection of candidates is also performed 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 end of the term:

- If its ineffectual and incompetent work causes disruption in the Agency's performance and causes damage identified in a procedure compliant to Law,
- Does not work or act according the Law, the Statute and the Acts of the Agency, or if unjustifiably does not enforce the Steering Board decisions or acts against the Steering Board's decisions,
- If sentenced with an effective court ruling for a committed criminal act to imprisonment longer than 6 months,
- If he/she has been imposed a violation sanction - injunction 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 the business competence,
- Failure to submit a Report in compliance to article 15 paragraph 2 of this Law i.e. If after the expiration of the deadline identified in the same paragraph, the person does not rectify the omissions and/or if within the same deadline, omissions and/or financial losses are again identified in his/her performance; and
- Upon his/her request.

### **Duties performed by the Director** **Article 15**

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



- 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 brought by the Steering Board;
- Produce and propose to the Steering Board: Strategic Plan, Annual Program for implementation of the Strategic Plan, Annual Financial Plan and an Agency Performance Report for the previous year;
- Draft and propose to the Steering Board bylaws for implementation of this Law;
- Propose Tariff Lists stipulated with this Law;
- Propose Acts for organization and systematization of the working positions within the Agency in compliance to Law;
- Propose and implement acts for salary, salary surcharges 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 consultant services and trainings as well as the manner of distribution/division and use of the revenues stipulated in article 5 of this Law;
- Looks 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 bylaws enacted thereof;
- Enact separate acts for the employees in the area of the working relations;
- Enact a decision for deprival or limitation of the public authorizations of the Chamber of sole proprietors – authorized surveyors and trade companies for geodetic works (hereinafter referred as the Chamber),
- issue and revoke an authorization for the production of cartographic products,
- Issue approval for use of cartographic products,
- Issue, extend, confirm and revoke an authorization for a authorized surveyor,
- Issue a certificate to the authorized surveyors for the attended continuous training in the area of geodetic works,
- Issue and revoke a license for surveying work in case of Article 128, paragraph (6) of this Law and
- Decide upon other issues stipulated by Law and the Statute of the Agency.

(2) The Director of the Agency is obliged to submit an Agency Performance Report to the Government of the R. Macedonia on semi-annual basis. If the Report identifies omissions and/or losses in the financial performance of the Agency, the Director is obliged to eliminate the omissions and the losses in the following six months.

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

### **Authorization to perform works** **Article 16**

(1) The Director of the Agency may authorize certain employee of the Agency to sign acts, resolve certain issues and perform other works within the Agency's competence, except for acts and works which according to Law are exclusively under the Director's competence.

(2) The Director of the Agency may at any time revoke the authorization stipulated in paragraph 1 of this article.

(3) The authorization stipulated in paragraph 1 of this article does not prevent the Director to perform activities under his/her competence.

### **Defining the Internal Organization**

#### **Article 17**

(1) The Agency shall perform the activities within its scope of work through the Headquarters, the Center for REC – Skopje, the sectors for real estate cadastre, the departments for real estate cadastre and the cadastre front-desks.

(2) The work of the Sectors which refers to the real estate cadastre for the municipalities in the Skopje statistics region according to the nomenclature of territorial units for statistics (NTUS), is coordinated by the Center for REC – Skopje.

(3) The Sectors stipulated in paragraph 1 of this article shall be established according to the statistics regions defined by the nomenclature of territorial units for statistics (NTUS).

### **Statute of the Agency**

#### **Article 18**

The Agency has a Statute which specifically regulates:

- The works under the competence of the Agency as well as the method of performing the works,
- The authorities of the Steering Board and the Director;
- The method of selection and dismissal of the Steering Board members and the Director;
- The rights, the liabilities and the responsibilities of the employees;
- The internal and the international collaboration of the Agency.
- Other issues of significance to the Agency's performance.

### **Financing of the Agency**

#### **Article 19**

(1) The funds required for performance of the Agency shall be provided from the Budget of the R. Macedonia, revenues generated from fees, donations and other sources in compliance to Law.

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

(3) Provided that the Agency's performance 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, advancement and rewarding the employees.

### **Sources of Funds on contractual basis**

#### **Article 20**

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

(2) The resources for implementing separate projects and use of services, which are not envisaged with the Strategic Plan, the Annual Programs for implementation of the Strategic Plan and the Annual Financial Plan of the Agency, shall be provided by the project clients i.e. the clients requesting the services, on basis of a contract signed with the Agency.

### **Expert department Article 21**

The expert department of the Agency shall be comprised by the civil servants and the assisting staff of the Agency.

### **Application of the regulations on the Rights, Obligations and Liabilities of the employees Article 22**

(1) In reference to the rights, responsibilities and liabilities resulting from the working relation of the Civil Servants, the provisions from the Law on Civil Servants as well as the provisions in the area of health, pension and disablement insurance, the General Collective Agreement of the public sector of R. Macedonia and the Collective Agreement of the Agency shall be applied.

(2) In reference to the rights, responsibilities and liabilities resulting from the working relation of the Assisting Staff, the provisions stipulated in the Law on Working Relations, the Law on establishment of state commission for deciding in a administrative procedure and a procedure of working relation of second instance, the provisions in the area of health, pension and disablement insurance, the General Collective Agreement of the public sector of R. Macedonia and the Collective Agreement of the Agency shall be applied.

### **Civil servants with specific working obligations and specificity of the performance of their special obligations, tasks and authorizations Article 23**

(1) The Civil servants in the Agency performing works related to the establishment and maintenance of the real estate cadastre, the management and administering of the GCIS, works stipulated in article 241 of this Law, control over the establishment and maintenance of the real estate cadastre, due to the specific nature of the work assignments and the specifics in performing special duties and authorization, shall receive a 5% increase in their basic salary and additions to their salary.

(2) The civil servants performing works in the field of Information Communication Technology in service of the GCIS shall receive 30% increase to their basic salary and additions to their salary due to the specific nature or type of working tasks and due to the specificity of the performance of the special obligations, tasks and authorizations.

**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 shall obey 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 its working obligations.

(2) The Agency's employee must not be registered as a sole proprietor – authorized surveyor nor can act as an owner or a partner in a trade company for geodetic works.

(3) The Agency's employee must not perform works in competence of the sole proprietors – authorized surveyors and trade companies for geodetic works stipulated in paragraph 2 of this article.

**Cease of employment in case of conflict of interests**  
**Article 26**

(1) The employment of Agency employees shall cease with a Decision enacted by the Director of the Agency, if identified that the employees act contrary to article 25 of this Law.

(2) Against the decision for cease of employment stipulated in paragraph 1 of this article, the civil servants in the Agency can lodge a complaint to the Agency for Administration, and the assisting staff in the Agency can lodge a complaint to the state commission for deciding in an administrative procedure and a procedure of working relation of second instance.

**III. GEODETIC-CADASTRE INFORMATION SYSTEM**

**Content and management of the Geodetic – Cadastre Information System**  
**Article 27**

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

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

**Form and safekeeping of data from the GCIS**  
**Article 28**

- (1) The GCIS shall be administered in electronic and/or paper form.
- (2) The GCIS data in paper form shall be safe kept in special rooms, conditions and storage equipment in order to be permanently protected.
- (3) The electronic GCIS data shall be organized and safe kept in a centralized database, which is an integral part of the information infrastructure of the Agency.
- (4) The Agency shall provide for the safety of the data in electronic form in GCIS by safe keeping a safety copy of the data at a physically separate location.

### **Acquisition, processing and maintenance of the GCIS data**

#### **Article 29**

- (1) The GCIS data which are collected during the performance of the authorizations stipulated in article 8, paragraph 1, point 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Law, shall be processed and maintained in electronic and/or paper form.
- (2) The GCIS data in electronic form are processed and maintained using licensed software.
- (3) The GCIS data in paper form are maintained with direct processing of the paper/written medium.

### **Access, Distribution and Issuance of GCIS data**

#### **Article 30**

- (1) GCIS shall enable access, distribution, issuance and use of data to all interested entities in compliance with law.
- (2) The GCIS data in paper form can be directly accessed at the official premises of the Agency, in presence of an authorized officer employed at the Agency.
- (3) The clients can access and distribute the 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 is strictly controlled, with different levels of accessibility.
- (5) The GCIS data may be issued in paper or in electronic form.
- (6) The GCIS data stipulated in paragraph (5) of this article can be obtained by the interested entities in form of information or in form of a public document.

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

### **Article 31**

(1) Distribution of the data from the GCIS in electronic form can be performed by the Agency through other state bodies, public enterprises and other legal entities. The stated entities shall receive the data in electronic form signed by the Agency with a valid certificate issued by an authorized issuer, while the end clients shall receive data in paper form verified with a signature and a seal of the issuing entity and they shall be considered public documents.

(2) The manner of distribution of the data via the entities stipulated in paragraph 1 of this article shall be defined with a separate contract signed by the Director of the Agency with the legal entities.

### **Protection of the GCIS data**

#### **Article 32**

(1) The Agency shall undertake legal, organizational and technologic procedures and measures to secure and protect the GCIS data in order to prevent illicit acquisition, processing, safeguarding, use or transfer of data, accidental or intentional change or destruction of the data, as well as illegal reallocation of the data outside the Agency's premises.

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

### **Use of data from the GCIS**

#### **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 the content.

(2) The GCIS data may be used by the interested entities also for forming new products with added value, with the objective of achieving commercial objectives.

(3) The manner of use of the data stipulated in paragraph 2 of this article shall be defined with a separate contract to be signed by the Director of the Agency with the individuals managing the interested entities.

### **Interoperability**

#### **Article 34**

(1) The Agency shall participate in the performance of the administrative services via electronic means in compliance with the Law on Electronic management, together with the ministries, the other bodies of the state administration, the organizations defined by law and other state enterprises, courts, state prosecution offices and state attorney's offices, legal and other entities

which have been granted by law the right to perform public authorizations, the bodies of the local self government units, the city of Skopje and the municipalities of the city of Skopje.

(2) In the performance of the services stipulated in paragraph 1 of this article, the Agency shall provide access to all data and documents related to the required administrative services via electronic means in accordance with the law, in a manner that permits their recovery and safekeeping.

### **Collocation Article 35**

The Agency may safe keep the data from the GCIS at its facilities in an adequate server by means of collocation of a server or to use the services of third entities/operators.

### **Fee for use and inspection of GCIS data 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 ministries. If the ministries require the data for the use of third parties, they shall be charged a fee for use of the same.

(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: meter for length/height/depth and square/cubic meter; for descriptive data per the scope of the data), the form of the data (electronic/paper), the quantity of the data (number of identical issued data) and other.

(3) In case of an increased volume of submitted requests from a same applicant for use of the data, the Agency may sign a contract with the applicant which will prescribe the manner of payment 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 enacted by the Steering Board of the Agency and endorsed by the Government of R. Macedonia.

## **IV. BASIC GEODETIC WORKS**

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

### **Article 38**

The basic geodetic works 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 reference cartographic projection:

### **State Reference System**

#### **Article 39**

(1) The state reference 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) For 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, the horizontal reference system shall be applied.

(3) For the infrastructure objects during the establishment and maintenance of real estate cadastre, updating of the geodetic layers, as well as for the preparation of topographic maps, in addition to the horizontal, the vertical reference system shall also be applied.

(4) The Reference Systems referred to in paragraph (1) of this Article shall be defined by the official geodetic datum 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, scale, units of length and time evolution coincides with the European terrestrial reference system - European Terrestrial Reference System 1989 (hereinafter referred to ETRS 89).

### **Horizontal reference system**



### **Article 41**

(1) 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 Hermanskugel (Hermannskogel).

(2) The position of the points and objects in the horizontal reference system is 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 is Gauss- Krieger and has the following characteristics:

- Conformal, transversal, cylindrical projection with 3 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 project stipulated in paragraph 1 of this article are:

- Scale in the central meridian 0.9999
- Shifting according to the y-axis 500000 meters
- Shifting according to the x-axis 0

### **Vertical Reference System**

#### **Article 43**

(1) The vertical reference system is a one-dimensional coordinate system in which the reference surface is defined, in terms of which the heights of the points are expressed.

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

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

(4) The reference area for defining the physical heights is the quasigeoid and geoid.

### **Gravimetric reference system**

#### **Article 44**

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

(2) The Reference system in paragraph (1) of this Article shall be based on the international gravity standardization network IGSN 71 (International Gravity Standardization Network 1971).

### **Astronomical reference system**

#### **Article 45**

The astronomical reference system is an inertial three dimensional coordinate system, in which 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 reference system ICRS (International Celestial Reference Systems)

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

#### **Article 46**

Materialization of the reference systems referred to in Article 39 paragraph (1) of this Law shall be performed by placing and maintenance of the geodetic reference networks composed of geodetic points specified by coordinates in the appropriate reference system.

### **Geodetic reference networks**

#### **Article 47**

Geodetic reference networks are the basis for conducting survey in service of: real estate cadastre, spatial units, the state borderlines, topographic maps, geodetic works for special purposes, determining the Earth gravitational field, geodynamic researches and more.

### **Positioning of points from the geodetic reference networks**

#### **Article 48**

(1) The point from the geodetic reference networks shall be positioned on state-owned real properties.

(2) Notwithstanding paragraph (1) of this Article, if the points from the geodetic reference networks are positioned on a real property 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 after prior resolving of the legal-property affairs, in accordance with law.

(3) Minutes shall be produced by an expert from the Agency for the positioning of the reference network points stipulated in paragraph 1 and 2 of this law.

(4) Maintaining of the points from the geodetic reference networks is done ex officio or at the proposal of the sole proprietor-licensed surveyor or trading company for geodetic works, when during the on-site inspection it has been determined that points are removed, damaged, destroyed or relocated without a proper authorization.

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

#### **Article 49**

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

(2) The right holders of the real property, in which the reference network points have been positioned, are obliged to report to the Agency each removal, damaging, relocation or demolition of the points within 15 days from the day of such discovery.

### **Damage, displacement or destruction of the reference network points**

#### **Article 50**

(1) If construction or other type of works are performed on the real property where the reference network points are positioned, which can damage, relocate or destroy the points, the Contractor of the works is obliged to inform the Agency at least 15 days prior the commencement of such works.

(2) The expenses for relocating the points and the activities related to determining the parameters and the dimensions for integration of the points shall be borne by the Contractor of such works.

### **Geodetic Report for basic geodetic works**

#### **Article 51**

For the performed field geodetic works of the basic geodetic works, a Geodetic Report shall be produced, comprising the geodetic-technical documentation.

### **Metadata for the geodetic points**

#### **Article 52**

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

(2) The metadata shall be safe kept, maintained and browsed in the metadata catalogue, under the jurisdiction of the Agency.

### **Redefining the reference systems**

#### **Article 53**

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

(2) After the determination of the parameters and components referred to in paragraph (1) of this Article, the Agency shall perform the redefinition of geodetic reference systems referred to in Article 39 paragraph 1 items 1, 2, 3 and of the state projection in Article 42 of this Law, on the basis of which a new national reference system and state cartographic projection will be established.

(3) The Government of R. Macedonia, at the proposal of the Agency for Real Estate Cadastre shall enact a decision for start of the use of the new state reference system and state cartographic projection of paragraph (2) of this Article.

#### **Bylaws Article 54**

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

### **V. REAL PROPERTY SURVEY**

#### **Subject of the Survey Article 55**

Subject to the real property survey (hereinafter referred as “the survey”) is a procedure of acquisition of spatial and descriptive data for the state borderline, the borderline of the cadastre municipality, the cadastre parcels, buildings, separate and common parts of buildings and other structures, infrastructure objects, as well as their processing and formatting in service of the establishment and maintenance of the Real Estate Cadastre.

#### **Survey accuracy Article 56**

During the survey stipulated in article 55 of this law, the spatial data shall be collected with an accuracy conditioned by the scale of the map on which they are presented.

#### **Performance of the survey Article 57**

(1) The survey in the service of the establishment of the real estate cadastre and the survey for the purpose of maintaining the REC are performed at the request of a client.

(2) The survey is carried out ex officio by the Agency during the maintenance of the REC in service of registration of real properties owned by the Republic of Macedonia, in

service of the updating of the data from the REC under ex officio for real properties which remained with unregistered rights, as well as in service of the maintenance of the state borderline.

(3) The survey in service of updating the data from the REC is performed ex officio for cadastral municipalities which before the entry into force of the real estate cadastre were part of the land cadastre established on the basis of an inventory (inventory cadastre) and for which the percentage of unregistered rights during the establishment of the REC is greater than 20%.

### **State Borderline**

#### **Article 58**

(1) With the survey of the state borderline is performed tagging and collecting spatial and descriptive data for border points.

(2) During the survey of the state borderline an orthophoto map is prepared in a scale of 1:2500.

(3) Spatial Data for the border points are 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 for the borderline points are the names of the states that border and the number of border point.

(5) For the performed survey of the state borderline a Geodetic Report is produced, 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 govern and define the state borderline and international agreements signed with neighboring countries, ratified in accordance with the Constitution of the Republic of Macedonia.

(2) The competent state entities are obliged to provide the AREC experts, who carry out the work 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 includes 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 performance of the survey of the state borderline, the form and content of the geodetic report of the performed 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.

### **Boundaries and scope of a cadastre municipality**

#### **Article 62**

(1) The cadastre municipality as a basic cadastre unit, as a rule, covers an area of one settlement and all real properties within its borderline.

(2) The borderline of the cadastre municipality represents a polygon which is topologically defined with spatial data of the border points and lines of the parcels, which are common for the neighboring cadastre 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 cadastre municipality is 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 for changing the borderlines of cadastral municipalities.

### **Authority for maintenance of the cadastre municipalities**

#### **Article 64**

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

### **Bylaws**

#### **Article 65**

The method of changing the borderlines of cadastral municipalities, as well as the determination of cadastral municipalities under authority of maintenance of the Center for Real Estate Cadastre Skopje and the sectors for REC in the Republic of Macedonia, is prescribed by the Steering Board of the Agency.

### **Cadastral parcel data**

#### **Article 66**

(1) For the cadastral parcel data are collected spatial 2D data and descriptive data which are organized in a centralized database.

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

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

### **Single identification number of a cadastre parcel**

#### **Article 67**

(1) The cadastre parcel is marked with a single identification number within the GCIS, which is used for its connection with all the other spatial and descriptive real property data.

(2) The single identification number stipulated in paragraph 1 of this article is defined by the sequence number of the organizational unit within the Agency under whose authority is the cadastre municipality, the number of the cadastre 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 are the buildings, separate and common parts of buildings and other objects that represent a functional unit permanently positioned on a cadastre parcel.

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

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

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

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

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

(5) For other objects of the type fish ponds, granaries, reservoirs, pools and others which may be underground, on surface and above ground as well as for others for which data for the

internal/open area is not collected, besides the data from paragraph 3, point 1, 3, and 4 of this article, descriptive data for the volume shall be collected.

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

**Unique identifier for the buildings, separate and common parts of the buildings and other objects**  
**Article 69**

Buildings, separate and common parts of buildings and other objects are defined by a unique identifier in GCIS by the ordinal number of the organizational unit at the Agency in whose jurisdiction the cadastral municipality is, the number of cadastral municipality, cadastral parcel number, the number of building/object, the entrance number, floor number and the number of separate i.e. common part of the building.

**Geodetic Report from the survey during the maintenance of the real estate cadastre**  
**Article 70**

(1) For the performed survey of cadastral parcels, buildings, separate and common parts of the buildings and other objects, in service of maintaining the REC (registration of properties that remained with unregistered rights, processing of changes on the registered real properties and corrections of errors) a geodetic report shall be produced containing the geodetic-technical documentation of the performed survey.

(2) The producer of the geodetic report shall be liable for the accuracy of the spatial and descriptive data for the real properties contained in geodetic report.

**Survey of infrastructure objects**  
**Article 71**

(1) Subject to survey are also the infrastructure objects which may be located underground, on the surface and above ground.

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

(3) Spatial data are 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 are: identification number of the infrastructure objects, type of infrastructure objects 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 (ID number, title/name-surname, place/ address) and other information specific to the infrastructure object.

**Unique identifier for infrastructure objects**  
**Article 72**



(1) Infrastructure objects are marked with a unique identifier within the GCIS, which are associated with all other spatial and descriptive data for the infrastructure.

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

(3) The Agency determines the prefix, and the identifier is determined by the right holder of the infrastructure object.

### **Geodetic report for the infrastructure objects**

#### **Article 73**

(1) For the performed survey of the infrastructure objects in the service of the establishment and maintenance of real estate cadastre, a geodetic report shall be produced for the infrastructure objects which will contain the geodetic-technical documentation.

(2) The producer of the geodetic report shall be liable for the accuracy of the real property spatial and descriptive data contained in geodetic report.

### **Bylaws**

#### **Article 74**

The manner of execution of the survey, the form and content of the geodetic reports of the performed survey stipulated in Article 70 and Article 73 of this Law shall be prescribed by the Steering Board of the Agency.

### **Cadastre classification**

#### **Article 75**

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

(2) Natural conditions for agricultural, forest and other manufacture, in terms of paragraph 1 of this Article are the pedologic features of the land, the climate, the location, its exposition and the water regime, while the economic conditions represent the development of the road infrastructure and its remoteness from the market.

### **Cadastre land use and class**

#### **Article 76**

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

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

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

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

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

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

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

### **Determining the land use and class**

#### **Article 77**

For the purpose of defining the land use of the fertile land and the classes of the fertile land, benchmark lands shall be established within the cadastre district for each method of land use and land class separately.

### **Benchmark lands**

#### **Article 78**

Benchmark lands are individual cadastre parcels used to determine the average yield of agricultural, forest and other type of production for a certain land class.

### **Defining benchmark lands and changing the land use and class**

#### **Article 79**

The defining of benchmark lands within the cadastre municipality and the definition and the change of land use and land class shall be performed by the Agency.

### **Change of cadastre land use and class**

#### **Article 80**

(1) Change of land use and land class in the real estate cadastre shall be performed at the request of a client.

(2) Notwithstanding paragraph 1 of this article, change of a cadastre land use and class may be performed by ex officio:

– at the request of the body responsible for carrying out activities in the field of agriculture, forestry and water management, with an enclosed act for the established change of cadastre land use or class and

– At the request of the state administration body responsible for performing works in area of spatial planning and local government units, supplemented with an excerpt from the urban plan or urban planning documentation.

### **Bylaws**

#### **Article 81**

The method of the cadastre classification of land as well as the definition and the registration of the change in the cadastre land use and class shall be prescribed by the Steering Board of the Agency.

**Processing, modeling and data visualization**  
**Article 82**

(1) Data from the survey of real property (cadastral parcels, buildings and other objects) are processed, modeled and visualized through cadastral maps.

(2) Data from the survey of infrastructure objects are processed, modeled and visualized through maps of infrastructure objects.

(3) The processing, shaping and visualization of data in digital maps is performed with licensed software.

(4) Maintaining the changes in the data on 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 analog cadastral maps, the Agency shall perform the digitization of the analogue cadastral maps. When it is determined during the digitization that the boundaries of some of the cadastral parcels cannot be digitalized, the actual situation of the cadastral parcel shall be inspected and the data obtained from the inspection shall be complied with data from official records and applied to the digital cadastral plan. By putting into use the database of the digital cadastral maps, the data obtained from the digital cadastral maps shall be used.

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

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

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

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

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

(7) The decision referred to in paragraph (4) of this Article shall be published in the "Official Gazette of the Republic of Macedonia.

#### **Metadata**

#### **Article 84**

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

(2) The metadata are stored, maintained and browsed in the metadata catalog of Article 52.

#### **Bylaws**

#### **Article 85**

The method of processing, shaping 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 performing geodetic works for special purposes**

#### **Article 86**

The performing of geodetic works for special purposes includes the preparation of updated geodetic maps related to spatial planning, geodetic reports in the service of the implementation of urban plans and urban-planning documentation as well as geodetic reports for resolution of legal-property affairs of influence to the real estate cadastre in proceedings before the competent courts, state bodies, public services and bodies of local self-government and the City of Skopje and before other authorities.

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

#### **Article 87**

(1) The geodetic works for special purposes may be field and office works.

(2) Field geodetic works for special purposes are carried out by performing real property survey, office processing, modeling and visualization of data collected with the survey.

(3) Office geodetic works for special purposes are carried out by transferring data from urban plans and urban-planning documentation on the cadastral maps, through their office processing, modeling and visualization.

#### **Geodesy works for special purposes performed by the Agency**

#### **Article 88**

(1) The office geodetic works for special purposes related to the production of numerical data for the implementation of urban plans and urban planning documentation shall be executed by Agency.

(2) The fee for performing office geodetic works for special purposes of paragraph (1) of this article depends on the number of cadastral parcels, or their parts comprising the construction parcel, as well as the actual costs required for the preparation of numerical data, and is expressed through a unit number of the cadastral parcels.

### **Geodetic report for special purposes**

#### **Article 89**

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

#### **Bylaws**

#### **Article 90**

(1) The fee for performing office geodetic works for special purposes of Article 88 paragraph (2) of this Law shall be prescribed by the Steering Board of the Agency with a Tariff list, endorsed by the Government of the Republic of Macedonia.

(2) The manner of execution of the 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**

### **The authority responsible for production of topographic maps and orthophoto**

#### **Article 91**

The Agency is responsible for the production of topographic maps, preparation of orthophoto maps and cartographic database management.

### **Classification of topographic maps**

#### **Article 92**

Depending on the scale in which they are produced, the topographic maps are classified as:

- Large scale, in a scale of 1:25000 and 1:50000
- Mid scale, in a scale 1:100000 and 1:200000 and/or 1:250000
- Small scale, in a scale of 1:500000 and 1:1000000.

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

### **Article 93**

The survey for the purpose of production of topographic maps includes a survey of topographic objects and terrain with an accuracy determined by the scale in which they are made, collecting their qualitative and quantitative properties, as well as collecting data on the geographical names.

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

#### **Article 94**

(1) Topographic maps are produced in digital form based on data from the performed survey in accordance with cartographic standards.

(2) Data from topographic maps are organized in a cartographic database in vector and raster formats.

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

#### **Article 95**

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

- Administrative areas,
- Classification of land
- Road infrastructure,
- Railway Infrastructure
- Hydrographic infrastructure
- Small objects,
- Topographic features and
- Textual records.

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

### **Updating topographic maps**

#### **Article 96**

(1) The update of the topographic maps enables harmonization of data from the topographic maps with the actual situation on the field.

(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 orthophoto map developed on the basis of a performed aerial survey.

(3) The Agency has the authority to perform aerial survey in service of the production of orthophoto maps every 5 years.

### **Metadata for Topographic Maps**

#### **Article 97**

(1) The Agency produces metadata for the topographic maps, in accordance with international metadata standards.

(2) The metadata is stored, maintained and browsed in the metadata catalog of Article 52 of this Law.

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

#### **Article 98**

For the completed survey in service of the preparation and updating of topographic maps a geodetic report is produced for 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 is 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 register in 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) For the issuance of the authorization referred to in paragraph (2) of this Article a fee shall be paid in an amount which depends on the costs made for the inspection of the compliance with the requirements of paragraph (3) of this Article.

(5) For authorizations issued under paragraph (2) of this Article, the Agency shall keep records.

(6) The Agency shall perform supervision over the legal entities referred to in paragraph (2) of this Article, and in case of failure to meet the requirements of paragraph (3) of this Article, the Director of the Agency shall adopt a decision to revoke the 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 deprivation of the authorization.

(8) The decision of the Agency under paragraph (6) of this Article shall be final and enforceable, and a lawsuit against the same is 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 requirements shall be prescribed by the Steering Board of the Agency.

**Mandatory basis for thematic maps**  
**Article 100**

Data referring to the hydrographical, road and railway infrastructure, topographical features and administrative areas referred to in Article 95 of this Law are mandatory in the preparation of thematic maps.

**Consent for the issuance of cartographic products**  
**Article 101**

(1) Legal entities that produce cartographic products are required before the use of the cartographic products to submit a request for consent from the Agency.

(2) The consent 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 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 fee depends on the scope and content of cartographic products.

**Bylaws**  
**Article 102**

(1) The method of production of topographic maps, orthophoto maps 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 stipulated in Article 99, paragraph 2 of this Law as well as the consent stipulated in Article 101, paragraph 2 of this Law, shall be prescribed by the Steering Board of the Agency.

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

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

**Works performed by sole proprietors – authorized surveyors and trade companies for**  
**geodetic works**  
**Article 103**

(1) The field geodetic works, with the exception of the works from the survey stipulated 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 of special purposes, shall be performed by sole proprietors -



authorized surveyors and trade companies for geodetic works, under the conditions and manner stipulated by this law, as public authorizations.

(2) The field geodetic works referring to the topographic maps can be performed by the entities stipulated 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 trade companies for geodetic works in order to perform the field geodetic works stipulated in article 103 of this law, must meet the following conditions:

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

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

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

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

#### **Foreign Legal Entity Article 105**

(1) Field geodetic works listed in Article 103 of this Law may be carried out by a foreign legal person registered to perform geodetic works in a Member State of the European Union, if it fulfills the conditions for performing such operations in the country in which it is registered.

(2) Field geodetic works listed in Article 103 of this Law may be carried out by a foreign legal entity registered to perform geodetic works in a state that is/is not a member of the European Union, under conditions of reciprocity.

#### **Foreign Authorized Surveyor Article 106**

(1) A foreign geodetic engineer with an authorization from a Member Country of the European Union may perform geodetic works on the territory of the Republic of Macedonia if the geodetic works are performed in accordance with the laws and other regulations of the

Republic of Macedonia which refer to the field of geodetic works.

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

#### **Authorized Surveyor Article 107**

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

- Survey in service of the real estate cadastre;
- Field geodetic works which refer to the basic geodetic works for topographic maps; and
- Field geodetic works for special purposes.

#### **Acquiring a License for Authorized Surveyor Article 108**

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

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

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

- (3) For sitting the exam stipulated in paragraph 1, point 4 of this Article, a fee shall be paid to the Agency;
- (4) The amount of the fee for sitting the exam for acquiring a license for an authorized surveyor shall be determined on the basis of the expenditures required for providing facilities and material conditions for conveying the exam. The amount of the fee for sitting the exam shall be prescribed by the Steering Board of the Agency with a Decision.
- (5) The Agency is obliged to notify the persons which have failed the exam within five days after conveying the exam and issue a license to the persons who have successfully passed the exam.
- (6) The Agency shall record the licenses issued to the authorized surveyors in the Register of Authorized Surveyors administered by the Agency.

#### **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 renewed every five years.

(3) In order to renew the license for authorized surveyor the license holder shall submit an extension application to the Agency six months before the expiration. The license holder shall attach a certificate issued by the Agency stating that during the five years they have attended continuous education of 30 lessons per year related to the field of geodetic works by the Agency, of which at least 20 lessons were related to the real estate cadastre.

(4) For the extension of the license for authorized surveyor, the Agency shall enact a decision within 15 days of the submitting of the request.

(5) The decision of the Agency not to renew the license for authorized surveyor is final and executive and it can be appealed against before an administrative court within 15 days from the day of receiving the decision.

(6) The authorization of a foreign geodetic engineer stipulated in article 106, paragraph 2 from this Law, at the request of the foreign geodetic engineer shall be confirmed by the Agency with a decision. The request for confirmation of the authorization needs to be annexed with evidence of paid fee required to the Agency.

(7) The amount of the fee for confirming the authorization of the foreign geodetic engineer is defined depending on the expenditures made for the confirmation of the authorization, with a decision by the Steering Board of the Agency.

(8) The decision of the Agency not to confirm the authorization of the foreign geodetic engineer is final and executive, and it can be appealed against before an administrative court within 15 days from the day of receiving the decision.

#### **Duties of the licensed surveyor**

##### Article 110

(1) The authorized surveyor is obligated:

- To perform the geodetic works in accordance with the provisions of this law and the regulations made based on it, as well as the regulations and the standards of the geodetic profession.

- To sign every geodetic report made in hardcopy in its own hand, and to sign the geodetic report prepared in electronic format with a valid certificate issued by a licensed publisher.

- To use a licensed software during the production of the geodetic report,

- To use the data from the real estate cadastre and to use them only for the intent for which they are published,

- To submit a request for extension of the authorization within the deadline stipulated in article 109 paragraph 3 of this law.

- to produce geodetic reports after previously carried out survey and inspection of the real properties on the field, and

- To attend continuous education from the field of geodetic works.

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

### **Termination 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 its 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.
- If the authorization is not extended.
- After the expiry of the authorization.

(2) The Termination of the license stipulated in paragraph 1 of this article is registered in the Registry of authorized surveyors administered in the Agency, while the Agency is obliged to inform the Chamber of each change in the registry.

### **Deprivation of 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 accordingly to this law and the regulations based on the law, as well as accordingly to the rules and standards of the geodetic practice,
- the prepared geodetic reports in paper format are not signed by its own hand,
- the prepared geodetic reports in electronic format are not signed with a valid certificate issued by a licensed publisher,
- they do not use the data from the real estate cadastre and they fail to use them only for the purpose for which they are issued;
- they have been issued with an injunction to perform a profession, activity or duty,
- the authorized surveyor has partially lost their business competence,
- the authorized surveyor fails to submit a request to renew the license for authorized surveyor within the deadline set in Article 109 paragraph (3) hereof,
- produces geodetic reports without prior performed survey and inspection of the real property on the field,
- fails to attend the continuous education from the field of geodetic works, and
- The authorized surveyor that is not employed at the sole proprietor – authorized surveyor i.e. trade company for geodetic works is discovered to perform geodetic

works for the sole proprietors authorized surveyors i.e. trade companies for geodetic works,

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

(3) The Decision from paragraph (2) hereof is final and executive, and any discontent party may lodge a complaint before an administrative court, within 15 days from receiving the decision.

(4) The revoking of the authorization shall be registered in the Registry of authorized surveyors.

(5) The Agency is obligated to immediately inform the Chamber for the changes made to the Registry from paragraph 4 of this Article.

### **Acquiring a new license**

#### **Article 113**

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

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

### **Deprivation of License for authorized surveyor in case when an injunction for performing a profession, activity or duty has been imposed and the business competence has been partially lost**

#### **Article 114**

In the case stipulated in Article 112, paragraph 1, lines 5 and 6 of this Law, the Agency shall deprive the holder of its license for geodetic works. After the expiration of the measure for injunction for performing a profession, activity or duty i.e. after the cease of the reasons for partial loss of the business competence, the former license holder has the right to reclaim the license by providing a relevant act issued by a competent authority.

### **Deprivation of the License for authorized surveyor in case of failure to submit a request for renewal of the license for authorized surveyor, failure to attend continuous education in the field of geodetic works**

#### **Article 115**

(1) In the case stipulated in article 112, paragraph 1, line 7 and 9 of this Law, the license for authorized surveyor shall be deprived by the Agency, with right to reclaim the license.

(2) The authorized surveyor who has been deprived of its license in the case stipulated in article 112 paragraph 1 point 7 and 9 of the of this Law cannot reclaim the license before the expiration of 1 year from the day of such deprivation.

**Bylaws**  
**Article 116**

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

**Damage liability insurance**  
**Article 117**

(1) Prior the commencement of the work, the sole proprietor- authorized surveyor and the trade company for geodetic works are obliged 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 stipulated in paragraph 1 of this Article is €30,000 in MKD equivalency, according the official exchange rate from the list of exchange rates 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 trade company for geodetic works are obliged to regularly extend the damage liability insurance and submit a copy from the insurance contract i.e. the contract for extension of the insurance to the Agency within 7 days from the date of signing the insurance contract.

**License for Performing Geodetic Works**  
**Article 118**

(1) In order to start with the work, the sole proprietor – authorized surveyor i.e. trade company for geodetic works must obtain a license for performing geodetic works (hereinafter referred to as a “License”).

(2) The license stipulated in paragraph 1 of this article shall be issued by the Steering Board of the Chamber to the sole proprietors – authorized surveyor and trade company for geodetic works which beside the conditions stipulated in article 104, paragraph 1, point 1, 2, 3 and 4 of this law, meets the conditions for office facilities and equipment needed for performance of the geodetic works and does not have the term/word Cadastre in the title of the sole proprietors – authorized surveyor and trade companies for geodetic works.

(3) For inspecting the fulfillment of the conditions stipulated in paragraph 2 of this article, the steering board of the chamber shall form a commission of three members, two of which are from the Chamber and one at the proposal of the Agency.

(4) The commission shall draft Minutes from the performed inspection of the fulfillment of the conditions stipulated in paragraph 2 of this article.

(5) A fee for acquiring a license for performance of geodetic works shall be charged by the Chamber.

(6) The amount of the fee for issuing a license shall depend on the expenditures necessary for inspection 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 data for the issued licenses must be immediately submitted by the Chamber to the Agency.

(8) The licenses issued to the sole proprietors - authorized surveyors and the trade companies for geodetic works shall be recorded in the Registry of sole proprietors - authorized surveyors and trade companies for geodetic works, administered by the Chamber.

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

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

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

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

#### **Working Conditions for Branch office**

##### **Article 120**

(1) For performance of the geodetic works stipulated in article 103 of this Law, the trade companies for geodetic works can establish branch offices for performing geodetic works.

(2) The branch offices stipulated in paragraph 1 of this Article can start working only if they employ minimum one authorized surveyor and have facilities and equipment required to perform the geodetic works.

(3) The fulfillment of the conditions stipulated in paragraph 2 of this article, shall be inspected by the commission stipulated in article 118, paragraph 3 of this law.

(4) The commission shall draft Minutes for the performed inspection of the fulfillment of the criteria stipulated in paragraph 2 of this article.

(5) On the basis of the Minutes stipulated in paragraph 4 of this Article, the Chairman of the Steering Board of the Chamber shall enact a decision.

(6) On the basis of the decision stipulated in paragraph 5 of this Article, the branch offices shall be registered in the Registry of sole proprietors-authorized surveyors and trade companies for geodetic works stipulated in article 118, paragraph 8 of this Law.

(7) The data for the issued decision must be immediately submitted by the Chamber 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 fee stipulated in paragraph 8 of this article shall be determined depending on the expenditures required for inspection of the fulfillment of the conditions required for performance of the geodetic works. The fee shall be prescribed by the Steering Board of the Chamber.

#### **Obligations of the sole proprietor – authorized surveyor and Trade Company for geodetic works**

##### **Article 121**

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

#### **Verification /approval / processing of the Geodetic Report**

##### **Article 122**

(1) The sole proprietor-authorized surveyor and the trade companies for geodetic works shall prepare a Geodetic Report for the performed geodetic works stipulated in article 70, 73, 89 in paper/electronic form and deliver the same to the Agency for verification, approval and processing, while the geodetic reports for the performed geodetic works stipulated in article 51 and 98 in electronic form are to be delivered for verification and approval.



(2) With the verification, the Agency confirms that during the production of the geodetic reports, GCIS data has been used.

(3) For verification of the geodetic reports a fee shall be charged.

(4) With the approval, the Agency confirms that the geodetic reports are produced in compliance with the provisions of this Law and the rules and standards of the geodetic profession.

(5) The amount of the fee for verification of the geodetic report stipulated 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 issuing, termination and deprivation of the license for performing the geodetic works, the form and the content of the license form for performing geodetic works, the conditions for facilities and equipment required for performing the geodetic works, as well as the form, the content and the manner of registering and administering the Register of sole proprietors-authorized surveyors and trade companies for geodetic works shall be prescribed by the Steering Board of the Agency.

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

### **Obligation to use data from the real estate cadastre Article 124**

(1) The sole proprietors - authorized surveyors and the trade company for geodetic works are obliged to use the data from the Real Estate Cadastre during the performance of the geodetic works.

(2) The sole proprietors – authorized surveyors and the trade company for geodetic works are obliged to use the data stipulated in paragraph 1 of this article only for the purpose for which they have been issued.

(3) The sole proprietors – authorized surveyors and the trade company for geodetic works are obliged to connect with the Agency via electronic means.

### **Bylaws Article 125**

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

(2) The amount of the fee stipulated in paragraph 1 of this article shall be determined with a Tariff List proposed by the Chamber of authorized surveyors, enacted by the Steering Board of the Agency and endorsed by the Government of Macedonia.

**Log Book  
Article 126**

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

(2) The Log book stipulated in paragraph 1 of this article is administered according to the regulations for archive materials and archiving.

(3) The Log book stipulated in paragraph 1 of this article may be administered in paper or in electronic form.

(4) The form and the content of the Log book stipulated in paragraph 1 of this article shall be prescribed by the Steering Board of the Agency

**Chamber of Sole Proprietors - Authorized Surveyors and Trade Companies for Geodetic Works  
Article 127**

(1) The sole proprietors-authorized surveyors and trade 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 stipulated in paragraph 1 of this article shall manage the Chamber directly through its representatives.

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

(4) Sole proprietors - authorized surveyors and trade companies for geodetic works that do not pay an 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 is located in Skopje.

(6) The Chamber is an independent, non-profit and independent organization, acting in the capacity of a legal entity.

(7) The Chamber is registered in the Trade Registry within the Central Registry of the R. Macedonia.

(8) The Chamber has a stamp in round shape and a facsimile in rectangular form, which contain the title and the headquarters of the Chamber. The Chamber has its own trade mark.

**Competences of the Chamber  
Article 128**

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

(2) The public competences refer to the procedure for issuance and deprivation of the license for performance of geodetic works, for administering the Registry of sole proprietors - authorized surveyors and trade companies for geodetic works and to the procedure for drafting a proposal Tariff list for the amount of the fee for the performed geodetic works.

(3) The supervision over the performance of the public competences stipulated in paragraph 2 of this article shall be performed by the Agency by:

- identifying certain material and procedural weaknesses in the Chamber's work;
- providing recommendations for consistent implementation of the Law in the part of executing the public competences; and
- providing opinions and professional assistance.

(4) If the Chamber fails to remove the shortcomings from paragraph (3) point 1 hereof, the public authorizations shall be deprived or limited up to one year, with a Decision enacted by the Director of the Agency.

(5) The decision from paragraph (4) hereof is final and executive and a complaint against shall be allowed before an administrative court, within 15 days from the day of the receipt of the decision.

(6) The revoked or limited public authorizations referred to in paragraph (2) of this Article, shall be done by the Agency 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**

Activities, objectives and tasks of the Chamber are:

- Representing the common interests of the members of the Chamber, improving work efficiency and operation of the members and their organization,
- Expressing the interests of the members of the Chamber before the competent state bodies and institutions,
- Providing business and professional services needs of the members,
- Providing advices, information and assistance in order to improve the results of operations of the members of the Chamber, encouraging free business initiative, cooperation and competition,
- Participation in international geodetic chambers and other geodetic associations, outlining and presenting common positions on issues of international character,
- Establishing and fostering good business practices, development of business morality and establishing rules of business conduct of the members of the Chamber in their mutual relations and in relations with third parties and on the market,

- Support and providing recommendations to the members of the Chamber in establishing businesses, particularly abroad,
- Perform other activities of interest to members of the Chamber in accordance with this Law and the Statute of the Chamber.

**Bodies of the Chamber**  
**Article 130**

- (1) Bodies of the Chamber are: Assembly of the Chamber, Steering Board of the Chamber and President of the Chamber.
- (2) The organization, the competences, the composition, the method of election, the rights and the liabilities 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 is comprised of all sole proprietors-authorized surveyors or employees at trade companies for geodetic works.
- (2) The Assembly of the Chamber shall protect the reputation and the honor of the profession and shall ascertain that the field geodetic works as transferred public authorizations are performed conscientiously and in compliance to the Law.

**Competences of the Chamber's Assembly**  
**Article 132**

- (1) The Assembly of the Chamber shall:
  - enact a Statute and other Acts of the Chamber;
  - enact Proceedings of the Assembly;
  - elect members of the Steering Board and a President of the Chamber;
  - adopt the Annual Balance for the previous year and the proposal Financial Plan for the following year, review and adopt the Report for the overall activities drafted by the President of the Chamber;
  - decides upon the amount of the membership fee and its payment method,
  - form a commission for determining the eligibility for issuance, termination of validity and revoking of license for geodetic works, and
  - decides upon any other issues, stipulated by this Law and the Chamber's Statute.
- (2) The Chamber's Assembly shall meet once a year. The meetings shall require presence of minimum half of the total number of members, while the decisions shall be passed 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 proposal Financial Plan for the following year and shall review and adopt the Report for the overall activities.

(4) An extraordinary meeting of the Chamber's Assembly can be convened by the President of the Chamber, based upon a Decision by the Steering Board or by a written request of at least 30 members of the Chamber. If the President does not convene a session within 15 days from the date when the Steering Board has passed the decision i.e. from the date of submitting the request by the Chamber's members, the session shall be convened by a member of the Steering Board appointed by this body i.e. the members of the Steering Board submitting the request.

#### **Steering Board**

##### **Article 133**

(1) The Steering Board shall be comprised of 7 members, out of whom 4 members will be members of the Chamber and 3 members will 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
- prepare and propose to the Agency a program for continuous or additional education of the employees of the Chamber;
- supervise the performance of the activities, the objectives and the tasks stipulated in article 129 of this law.
- administer a registry of Authorized surveyors and trade companies for geodetic works;
- deliver the data for the issued and revoked licensed to the Agency, within 3 days from when the change was made
- organize the Assemblies of the Chamber,
- execute the decision reached at the Assembly of the Chamber,
- drafts proposals for the annual balance and proposal financial plan for the following year;
- ensure the collection of the membership fee;
- prepare annual report for the Chamber's activities, and
- decide upon other issues, which by Law or Statute of the Chamber are delegated as competences.

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

#### **President of the Chamber**

##### **Article 134**

(1) The President of the Chamber is 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 for a four year term with a right to re-election.

#### **Compensation for the Members of the Chamber Bodies**

##### **Article 135**

The President and the members of the Steering Board are entitled to compensation for the exercise of their function and the actual expenditures 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 expenditures from Article 135 of this Law shall be stipulated by the statute of the Chamber.

**IX. REAL ESTATE CADASTRE**

**Real Estate Cadastre as Public Book**  
**Article 137**

- (1) The right to ownership and other real rights shall be acquired with the registration in the Real Estate Cadastre.
- (2) The data registered in the Real Estate Cadastre are public and can be used by all parties, under the conditions stipulated by law.

**The Real Estate Cadastre as a segment of GCIS**  
**Article 138**

- (1) The Real Estate Cadastre is a segment of the GCIS and comprises real property data, real property right holders' data as well as spatial and descriptive real property data.
- (2) The Real Estate Cadastre stipulated 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 for the real properties and the compilation of documents.

**Compilation of Documents**  
**Article 140**

(1) The compilation of documents is comprised of Geodetic Reports from the survey, the legal basis for the sporadic 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 and/or paper format as archive material of permanent value, in accordance with the regulations for archive work.

**Originals and verified documents**  
**Article 141**

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

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

**Principle of Obligatory Registration**  
**Article 142**

(1) The registration of the right to ownership and other real property rights in the Real Estate Cadastre is obligatory, while the registration of other real property rights, temporary registration as well as conditional registration of facts of influence to the real property can be performed in cases prescribed by this Law or a separate law.

(2) The state bodies and the bodies of the local self-government units, the notary public, the lawyers, the enforcement officers and other public enterprises are obliged to use the data from the Real Estate Cadastre during enactment of decisions i.e. production and confirmation of documents.

**Principle of Constituency of Registration**  
**Article 143**

The right to ownership and other real property rights can be acquired by their registration 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 are public, unless otherwise predetermined with another Law.

**Principle of Accuracy and Trust in the Registered**  
**Article 145**

The data in the Real Estate Cadastre are considered to be accurate, 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**

During the registration in the Real Estate Cadastre, the authorized officer by ex-officio is obliged to inspect whether the criteria for registration stipulated by Law have been met, without investigating whether the documents for the legal basis are produced i.e. enacted according to a Law.

**Principle of Priority**  
**Article 147**

The registration in the Real Estate Cadastre shall be performed 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 property which is subject to the registration, the real property right holder as well as the rights i.e. the other facts which are registered.

**Principle of independence of the registration**  
**Article 149**

The official person which processes the applications for registration/processing the changes in the real estate cadastre shall independently enact a decision i.e. confirmation within its delegated authorizations.

**Reasons for exclusion of an official person**  
**Article 150**

The Official person who is authorized to process applications for registration/processing of changes in the real estate cadastre shall be excluded if:

- is an Applicant, co-owner, authorized agent or legal representative of the applicant,
- is a blood relative of first order with the applicant, with the agent or the legal representative of the applicant, and of fourth order, spouse or relative's spouse as to second order, even when the marriage has ceased;
- is a guardian, adopting parent, adopted offspring or provider to the applicant, authorized agent or the legal representative of the applicant.

**Exemption of an official person**  
**Article 151**

(1) When the official person, who processes the application for registration/processing the changes in the real estate cadastre, finds out about the existence of some of the reasons for exemption from Article 150 of this law, is obliged to suspend any further work and to inform directly the superior senior civil servant.



(2) The applicant may request an exemption of an official person processing the application for registration/processing the changes in the real estate cadastre, on the grounds referred to in Article 150 of this Law.

**Notification for exemption of an official person**  
**Article 152**

(1) The superior senior civil servant shall directly decide for the exemption of the official person who processes the application for registration / processing the changes in the real estate cadastre and shall issue a notification for such decision.

(2) The notification referred to in paragraph (1) 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 notification.

**Withdrawal of the application**  
**Article 153**

(1) The applicant can request to cancel/withdraw the application until the enactment of the notification by the official person.

(2) For the cancellation or the withdrawal of the application of paragraph (1) of this Article, the official person shall draft a notification.

(3) At the request of the applicant, the Agency shall return to the applicant all attachments submitted with the application for registration/processing of changes in the real estate cadastre.

(4) The notification referred to in paragraph (2) 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 notification.

**Case where institutes are not applied**  
**Article 154**

During 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 be applied.

**Issuing data from the Real Estate Cadastre**  
**Article 155**

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

- Property list
- Property list for infrastructure objects
- List for conditional registration of a construction
- Evidence list
- Evidence list for infrastructure objects,
- Certificate of historical overview of performed registrations,

- Certificate of historical overview of performed registrations of the property value,
- Certificate that the person is not registered in the real estate cadastre,
- List of cadastre parcel indications
- Copies of the document compilation
- Cadastral map copy;
- Copy from the plan of infrastructure objects
- Data for the property value and
- Other data resulting from the real estate cadastre

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

### **Property List Article 156**

- (1) The Property List is a public document proving the registered ownership right and other real property rights in compliance to Law.
- (2) The Property List comprises data for:
- a. The cadastral parcels;
  - b. The buildings, separate and common parts of buildings and other objects;
  - c. The real property right holders, with their address data, as well as data for the Personal Identification Number of the Citizen, i.e. the Entity;
  - d. The ownership right and other real property rights as well as any other rights whose registration is stipulated by Law;
  - e. The legal basis for registration;
  - f. The date and time of the registration and the application number according to which the registration is performed;
  - g. The ceiling of the loan granted with the collateral right;
  - h. The conditional registration;
  - i. The temporary registration.

### **Property List for infrastructure objects**

#### Article 157

- (1) The Property List for infrastructure objects is a public document proving the registered ownership right and other real rights of infrastructure objects in compliance to Law.
- (2) The Property List comprises data for:
- The infrastructure object;
  - Location of the beginning and the end of the infrastructure object expressed descriptively and with coordinates;

- The right holders of the infrastructure object, with their address data, as well as data for the Personal Identification Number of the Citizen, i.e. the Entity;
- The ownership right and other real rights of the infrastructure object as well as any other rights whose registration is stipulated by Law;
- The legal basis for registration;
- The date and time of the registration and the application number according to which the registration is performed;
- The amount of the loan granted with the collateral right;
- The conditional registration;
- The temporary registration.

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

#### Article 158

- (1) The List for conditional registration of an object can be issued for a conditionally registered ownership right to a building, separate and common part of building or any other object under construction.
- (2) The List stipulated in paragraph 1 of this Article is comprised of:
- Data for the individuals who have the right to construction, in compliance to the building permit;
  - data for the cadastre parcel on which the construction is built
  - Data on buildings, separate and common parts of buildings and any other objects copied from the original project design, verified by the relevant body/institution; and;
  - Data for the right to collateral (mortgage) on the object/construction and the other legal acts related to the performed conditional registration.

### **Evidence List**

#### Article 159

- (1) The Evidence list shall contain the data for:
- the cadastre parcel on which the illegally built objects are located,
  - the illegally built objects
  - the occupants of the illegally built objects
- (2) The Evidence List is not a public document and changes to the data stipulated in paragraph 1 of this article cannot be performed in the Evidence List.

### **Evidence List for infrastructure objects**

#### Article 160

- (1) The Evidence list for infrastructure objects shall contain data for:
- the location of the beginning and the end of the infrastructure object expressed descriptively and with coordinates,
  - the infrastructure objects
  - the occupants of the infrastructure objects

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

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

#### Article 161

The Certificate of historical overview of performed registrations is a public document which contains the facts and the data for the real properties, the real property right holders, the legal basis which were used to perform the registration/the changes and the time of the performed registration/changes in the real estate cadastre.

### **Certificate of historical overview of performed registrations of the property value**

#### Article 162

The Certificate of historical overview of performed registrations of the property value is a public document which contains the facts and the data for the real properties, the value of the real properties, the real property right holders, the legal basis which were used to perform the registration/changes in the value of the properties and the time of the registration/changes of the property 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 is a public document which, on the basis of facts and data contained in the real estate cadastre, proves that the person is not registered as a right holder in the real estate cadastre.

### **List of indications of cadastre parcels**

#### Article 164

The list of indications of cadastre parcels contains data for the personal and address data for the ownership right holder of the cadastre parcel, number of property list, number of cadastre parcel with a name place, cadastre land use, class, area and part of the right registered in the real estate cadastre.

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

#### Article 165

From the compilation of documents can be issued copies of the Geodetic Reports, the legal basis for the sporadic registrations, the confirmations by the Agency used to perform registration i.e. rejection of the applications for registration, data from the Intabulation Books as well as any other registration related documents.

### **Cadastre Map Excerpt**

#### Article 166

The Cadastre Map Excerpt is an excerpt from the centralized database in form of a visual graphic layout of the horizontal projection of the real properties.

### **Excerpt from the Map of infrastructure objects**

#### Article 167

Excerpt from the map of infrastructure objects is 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 application/notification for exemption of an official person, the form and the content of the application/notification for withdrawal of the application for registration/processing the changes in the real estate cadastre, the manner of issuance, as well as the form and the content of the data from article 155 paragraph 1 of this law which are issued on forms shall be prescribed by the Steering Board of the Agency.

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

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

#### Article 169

The types of registration in the Real Estate Cadastre are final registration, conditional and temporary registration.

### **Final Registration**

#### Article 170

The final registration is a complete and definite unconditional registration of the establishment or the termination of the:

- the right to ownership and sub-forms of the ownership right (co-ownership and joint ownership),
- other real rights (easement right, collateral right (mortgage), real encumbrance right and the right to a real long-term lease on construction land in compliance with the Law on construction land) under the conditions and in the manner stipulated by law.

### **Conditional Registration**

#### Article 171

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

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

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

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

### **Conditional Registration of buildings under construction**

#### Article 172

(1) Subject to conditional registration in the real estate cadastre are the ownership right, the sub-forms of the ownership right (co-ownership and joint ownership) of a building and separate part of a building, as well as the right of ownership of the common parts of the building which are in service of the separate part of the building, which is under construction, by registering data for the individuals who have construction right in compliance with the construction permit and the data for the buildings, separate and common parts of buildings copied from the basic project design verified by an authorized entity.

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

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

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

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

### **Temporary Registration**

#### Article 173

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

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

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

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

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

#### Article 174

- (1) The registration in the Real Estate Cadastre shall be performed on the basis of:
- The Law;
  - Enforceable court decisions; Decisions for temporary measure, previous measure and other acts for protection of liabilities in compliance to Law;
  - Decision of the Government of R. Macedonia
  - Final i.e. legally enforceable acts of the bodies of the state authority, the bodies of the local self-government units and the city of Skopje, legal and other entities authorized to perform public authorizations; and
  - Legal acts.

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

#### **Documents for registration**

#### Article 175

- (1) The documents which contain the legal basis stipulated in article 174, paragraph 1 of this law shall be used in the procedures of establishing and the maintenance of the Real Estate Cadastre.
- (2) For registration of real properties which remained with unregistered rights, for which there is no data in the land cadastre, the documents stipulated in paragraph 1 of this article should comprise sufficient data for the real property and for the real property right holders (address, number, entrance, apartment, etc), which compared to the data collected from the survey will enable identification of the real property (data compatibility).
- (3) For registration of infrastructure objects in the cadastre of infrastructure objects as part of the real estate cadastre, the documents stipulated in paragraph 1 of this article should contain sufficient data for the real property and for the right holders of the property (identification number of the infrastructure object, type of infrastructure object in the basic classification, type of sub-classification within the basis classification, length/height/area, personal and address data of the entities that are right holders of the infrastructure object (SIN/Tax no, title/name surname, headquarters/address) and other data typical for the infrastructure object) which compared to the data collected from the survey will enable identification of the real property (data compatibility).
- (4) Under a Real Estate Cadastre maintenance procedure, it shall be considered that there is data compatibility in reference to the right holder of the property and the property, provided that the data for the legal predecessor and the data for the property stated in the document for the legal basis are identical with the data for the right holder of the property and the property registered in the real estate cadastre before the submission of the application.
- (5) The registration of the property rights under a procedure for maintenance of the real estate cadastre shall not be performed if there is no compatibility of the data contained in the document for the legal basis.



### **Conditions for registration**

#### *Article 176*

(1) A condition for registration in the Real Estate Cadastre is the existence of a legal basis, eligible for registration.

(2) The legal basis stipulated in paragraph (1) of this Article is eligible for registration when:

- The documents for the legal basis are drafted in paper/electronic form and are verified by a competent authority in compliance to Law;
- The acts by the authorized entities are final i.e. legally enforceable; and
- There is compatibility of the data stipulated 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 performed upon submission of an application.

(2)The application for registration stipulated in paragraph 1 of this article shall comprise: personal and address data of the right holder/beneficiary of the infrastructure object, data for SIN/Tax number, e-mail address/mobile number, data for the legal basis for registration, data for the geodetic report for infrastructure objects and data for infrastructure objects.

(3)The application for registration stipulated in paragraph 1 of this article should be annexed with a document for the legal basis, a geodetic report for the infrastructure object and evidence of paid fee.

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

#### *Article 179*

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

(2) When the application and the supporting documents/annexes from paragraph (1) are submitted via electronic means, they shall 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 shall be borne by the applicant.

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

(3) In the event of an increased number of applications lodged by the same applicant, the Agency may make an agreement with the applicant which shall regulate the manner of payment.

### **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 expenditures required for undertaking the activities for registration and the amount of data subjected to registration, contained in the geodetic report: meters for length/ height/depth and square/cubic meters, and it is expressed through the measurement unit of meter, square meter and cubic meter, as well as the value of the secured loans.

(2) The amount of the fee from 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 RM.

### **Notification for accepting the application for registration**

#### Article 182

(1) The application for registration of the rights of the infrastructure objects is recorded in an electronic log book which automatically assigns a reference number and issues a Notification for acceptance of the application.

(2) The Notification for accepting the application from paragraph (1) of this article is issued on a template form which contains information for the time of submitting the application, the reference number under which the application is recorded in the electronic log book, and the supporting documents/annexes 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 performed according the time of accepting the application.

(2) In case of submitted several applications for registering a right over a same infrastructure object, the processing of the applications for registration shall be performed according the first accepted application.

### **Incomplete applications for registration**

#### Article 184

The applications for registration which do not contain the data stipulated in the article 178, paragraph 2 of this law, as well as the applications which do not comprise a geodetic report, shall be rejected by the Agency with a Rejection Note.

### **Confirmation 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 legal basis is compared with the data contained in the geodetic report.

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

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

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

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

#### Article 186

(1) The authorized officer is 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) If the authorized officer does not perform the requested registration or does not reject the application for registration within the period stipulated 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 is obliged to enact a decision. If the Director of the Agency does not have an archive, the request is to be submitted to the archive of the Headquarters of the Agency.

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

(4) Along with the request stipulated in paragraph (2) of this article, the applicant shall also submit a copy of the application for registration of infrastructure objects in the real estate cadastre stipulated in paragraph (1) of this article.

(5) Within a period of five working days from the day of submitting the request stipulated in paragraph (2) of this article to the archive of the Director of the Agency, the Director of the Agency is obliged to enact a decision stating that the request stipulated in paragraph (2) of this article is accepted or rejected.

(6) If the Director of the Agency does not enact a decision within the period stipulated in paragraph (5) of this Article, the applicant is eligible to notify the State Administrative Inspectorate within a period of 5 working days.

(7) Within a period of ten days from the day of receiving of the notification stipulated in paragraph (6) of this Article, the State Administrative Inspectorate is obliged 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.

(8) After the performed inspection in compliance to law, the Inspector from the State Administrative Inspectorate shall enact a decision obliging the Director of the Agency to decide upon the submitted request within a period of ten days, i.e. to reject or accept the request and to notify the Inspectorate of the enacted decision. The notification is to be accompanied by a copy of the decision enacted on the basis of the submitted request.

(9) If the Director of the Agency does not enact a decision within the period stipulated in paragraph (8) of this Article, the Inspector shall submit a request for initiation of a violation procedure for a violation stipulated by the Law on Administrative Inspection. The Inspector 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. In the same period, the Director is obliged to notify the Inspector of the enacted decision. The notification is to be accompanied by a copy of the decision enacted on the basis of the submitted request. The Inspector shall inform the applicant of the undertaken measures within a period of three working days.

(10) If the Director of the Agency does not enact a decision within the additionally set period stipulated in paragraph (9) of this article, the Inspector within a period of five working days shall submit a complaint to the relevant Public Prosecutor and within the same period shall inform the applicant of the undertaken measures.

(11) If the Inspector does not act according to the notification stipulated in paragraph (6) from this article, the applicant within five working days has 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 is to be submitted to the archive of the Headquarters of the Inspectorate.

(12) The Director of the State Administrative Inspectorate is obliged within three working days to review the complaint stipulated in paragraph (11) of this article and if identified that the Inspector has not undertaken any actions in reference to the notification submitted by the applicant in compliance to paragraph (7) and (8) and/or has not lodged a complaint in compliance to paragraph (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 5 working days in which the Inspector is to carry out an inspection in the Agency to identify whether the procedure has been carried out in compliance to Law and within a period of three working days from the day of the performed inspection shall inform the applicant for the undertaken measures.

(13) If the Inspector does not act within the additionally set period stipulated in paragraph (12) of this Article, the Director of the State Administrative Inspectorate shall submit a complaint to the relevant Public Prosecutor against the Inspector and within a period of three working days shall inform the applicant of the undertaken measures.

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

(15) In the case stipulated 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 undertaken measures.

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

(17) If the Director of the Agency does not enact a decision within the period stipulated in paragraph (10) of this article, the applicant may file an administrative lawsuit at the relevant court.

(18) The procedure at the Administrative Court is urgent.

(19) After the enforcement of the bylaw act stipulated in paragraph 3 of this article, the bylaw act shall be immediately or within 24 hours published at the web-page of the Agency.

### **Delivery of Notifications and Confirmations**

#### Article 187

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

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

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

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

### **Bylaws**

Article 188

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

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

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

Article 189

The maintenance of the Real Estate Cadastre is comprised of registration of the real properties which remained with unregistered rights, as well as registration of changes in the Real Estate Cadastre and the cadastre of infrastructure objects as part of the Real Estate Cadastre.

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

**Application for registration of real properties which remained with unregistered rights**

Article 190

(1) The registration of real properties which remained with unregistered rights is carried out by submitting an application for registration, enclosing a legal basis for registration, a geodetic report and evidence for the paid fee.

(2) The application for registration under paragraph (1) of this article shall include: personal and address data of the right holder/property user, data on PIN/Tax number, data on the legal basis for registration, data for the geodetic report, real property data and e-mail address/mobile phone number.

(3) The application for registration and the evidence for the paid fee shall be submitted in compliance 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 performed in compliance with the provisions of Article 182 and Article 183 of this Law.

**Incomplete applications for registration**

Article 192

The applications which do not contain the data stipulated in the Article 190, paragraph (2) of this Law, as well as the applications which do not comprise the legal basis for registration, a geodetic report or whose application fee hasn't been paid, shall be rejected by the Agency with a Rejection Note.

### **Comparison of data**

#### Article 193

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

### **Acceptable differences in the cadastre parcel area**

#### Article 194

(1) If during the registration of rights to real property located in cadastre municipalities where a Land Cadastre is established on the basis of performed survey (descriptive cadastre) is identified that the cadastre parcel area (comprised in the legal basis) is in discrepancy with the area collected with the survey and the difference accounts up to 5% of the cadastre parcel area (comprised in the legal basis) but is not bigger than 500 m<sup>2</sup>, then the real estate cadastre shall register the cadastre parcel area collected with the survey;

(2) If during the registration of rights to real properties located in cadastre municipalities where a Land Cadastre is established without a performed survey (inventory cadastre) is identified that the cadastre parcel area (comprised in the legal basis) is in discrepancy with the area collected with the survey and the difference accounts up to 20% of the cadastre parcel area (comprised in the legal basis) but it is not bigger than 1000 m<sup>2</sup>, then the real estate cadastre shall register the cadastre parcel area collected with the survey.

(3) The registration in compliance to paragraph (1) and (2) of this article shall be performed if the above specified differences are a result of the different survey techniques and methods.

(4) In case when the survey of the actual situation showed that the boundary line of the cadastral parcel, subject to the survey, deviates from the boundary line of the cadastral parcel registered in the real estate cadastre, whereby the difference of the area obtained in the survey is within the allowed difference from paragraph (1) of this Article, the area determined by the survey shall be recorded, if the geodetic report is accompanied by statements of consent for acceptance of the boundary line and the newly defined area of the cadastral parcel which is the subject of survey, signed by the right holders of the neighboring cadastral parcels and certified by a competent authority in accordance with law.

### **Unacceptable differences in the cadastre parcel area**

#### Article 195

When the differences in the areas of the cadastral parcels exceed the acceptable differences stipulated in Article 194 of this Law, data for the cadastral parcels shall be taken from the survey, compared to the situation of the cadastral map from the land cadastre and with the attached legal

basis, while the data regarding the right holders and the type of right shall be taken from the legal basis, i.e. the land cadastre.

### **Differences in the building use areas**

#### Article 196

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

### **Confirmation of registration and Rejection Note**

#### 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 to Article 175 paragraph (2) of this law, the registration shall be performed in the real estate cadastre, for which a confirmation of registration shall be issued to the applicant.

(2) The applications for registration which do not comprise eligible legal basis for registration shall be rejected with a Rejection Note.

### **Deadline for processing of application for registration**

#### Article 198

(1) The official is obliged to perform the requested registration or to reject the application for registration within a period not exceeding 15 days from the date of receipt of the application for registration.

(2) If the officer fails to perform the required registration or fails to reject the application for registration within the time period specified 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 is obliged to enact a decision. If the Director of the Agency does not have an archive, the request is to be submitted to the archive of the Headquarters of the Agency.

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

(4) Along with the request stipulated in paragraph (2) of this article, the applicant shall also submit a copy of the application for registration of infrastructural objects in the real estate cadastre stipulated in paragraph (1) of this Article.

(5) Within a period of five working days from the day of submitting the request stipulated in paragraph (2) of this article, to the archive of the Director of the Agency, the Director of the Agency is obliged to enact a decision stating that the request stipulated in paragraph (2) of this article is accepted or rejected.



(6) If the Director of the Agency does not enact a decision within the period stipulated in paragraph (5) of this article, the applicant is eligible to inform the State Administrative Inspectorate within a period of 5 working days.

(7) Within a period of ten days from the day of receipt of the information stipulated in paragraph (6) of this article, the State Administrative Inspectorate is obliged 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 days from the day of the performed inspection shall notify the applicant.

(8) After the performed inspection in compliance to law, the Inspector from the State Administrative Inspectorate shall enact a decision obliging the Director of the Agency to decide upon the submitted request within a period of ten days, i.e. to reject or accept the request and to notify the Inspectorate of the enacted decision. The notification is to be accompanied by a copy of the decision enacted on the basis of the submitted request.

(9) If the Director of the Agency does not enact a decision within the period stipulated in paragraph (8) of this article, the Inspector shall submit a request for initiation of a violation procedure for a violation stipulated by the Law on Administrative Inspection. The Inspector 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. In the same period, the Director is obliged to notify the Inspector of the enacted decision. The notification is to be accompanied by a copy of the decision enacted on the basis of the submitted request. The Inspector shall inform the applicant of the undertaken measures within a period of three working days.

(10) If the Director of the Agency does not enact a decision within the period stipulated in paragraph (9) of this article, the applicant is eligible to inform the State Administrative Inspectorate within a period of 3 working days, and the Inspector shall inform the applicant of the undertaken measures within that period.

(11) If the Inspector does not act according to the notification stipulated in paragraph (6) from this article, the applicant within five working days has 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 is to be submitted to the archive of the Headquarters of the Inspectorate.

(12) The Director of the State Administrative Inspectorate is obliged within three working days to review the complaint stipulated in paragraph (11) of this Article, and if identified that the Inspector has not undertaken any actions in reference to the notification submitted by the applicant in compliance to paragraph (7) and (8) and/or has not lodged a complaint in compliance to paragraph (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 5 working days in which the Inspector is to carry out an inspection in the Agency to identify whether the procedure has been carried out in compliance to Law and within a period of three working days from the day of the performed inspection shall inform the applicant for the undertaken measures.

(13) If the Inspector does not act within the additionally set period stipulated in paragraph (12) of this article, the Director of the State Administrative Inspectorate shall submit a complaint to the relevant Public Prosecutor against the Inspector and within a period of three working days shall inform the applicant of the undertaken measures.

(14) In the case stipulated in paragraph (13) of this article, the Director of the State Administrative Inspectorate shall immediately or within one working day authorize another Inspector to immediately carry out the inspection.

(15) In the case stipulated 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 undertaken measures.

(16) If the Director of the State Administrative Inspectorate does not act in compliance with paragraph (12) of this article, the applicant can lodge a complaint to the relevant Public Prosecutor within a period of eight working days.

(17) If the Director of the Agency does not enact a decision within the period stipulated in paragraph (10) of this article, the applicant may file an administrative lawsuit at the relevant court.

(18) The procedure at the Administrative Court is urgent.

(19) After the enforcement of the bylaw act, the bylaw act shall be immediately or within 24 hours published on the web-page of the Agency.

### **Submission**

#### Article 199

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

## **XII.2. REGISTRATION OF CHANGES IN THE REAL ESTATE CADASTRE AND THE CADASTRE OF INFRASTRUCTURE OBJECTS AS A 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 the cadastre of infrastructure objects, as a part of the real estate cadastre, includes the changes regarding data on:

- real property,
- real property rights,
- real property rights holders,
- conditional registration of facts which are of influence to the real property, and
- temporary registration

### **Changes of the data in the Real Estate Cadastre**

#### Article 201

(1) The changes in the real property data are the changes which have occurred in the land data, the data for the buildings, the separate/common parts of buildings and other objects, as well as infrastructure objects.

(2) The changes which have occurred in the real property rights data are changes of the registered real property rights.

(3) The changes which have occurred in the real property right holders data are the changes in the personal data, i.e. the name and surname of the natural entity and the name of the legal entity, as well as the change in the address data of the natural entity and the headquarters of the legal entity.

(4) The changes in the data for the conditional registration of facts which are of influence to the real property are the changes which are used to perform a conditional registration of facts which are of influence to the real estate rights, as well as their deletion.

(5) The changes in the data for the temporary registration are changes which are used to perform conditional and temporary registration of constructions underway, as well as their deletion.

### **Registration of changes in the real estate cadastre**

#### Article 202

The real property right holder is 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 property.

### **Application for registration of a change in the real estate cadastre**

#### Article 203

The application for registration of changes in the real estate cadastre, apart from the data stipulated in article 178, paragraph (2) and article 190, paragraph (2) of this Law, shall also comprise the data for the type of the change as well as the number of the geodetic report depending on the type of the change.

### **Submitting an application and evidence for the paid fee**

#### Article 204

The application for registration of a change and the evidence for the paid fee shall be submitted in compliance with provisions from Article 179 and Article 180 of this Law.

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

#### Article 205

The verification and confirmation for receipt of the application for change, as well as the sequence of registration of the applications are performed 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 data stipulated 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 with a Rejection Note.

#### **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 depending on the type of the change, the data in the geodetic report, shall be compared with the data for the subject real property and the real property right holder according to the data registered in the real estate cadastre.

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

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

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

#### **Registration of common parts**

##### Article 208

The legal basis which 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.

#### **Correction of errors**

##### Article 209

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

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

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

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

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

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

### **Updating of data**

#### Article 210

(1) During the maintenance of real estate cadastre, the real property data shall be updated.

(2) Updating of the data referred to in paragraph (1) of this Article shall be performed under ex officio procedure and at the request of a client.

### **Updating of data under ex officio procedure**

#### Article 211

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

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

(3) If the property subject to the application for registration was not identified by the holders of the property right during the survey referred to in Article 57 paragraph (3), performed under ex officio procedure, the property right shall be registered in the appropriate proportionate (co-ownership) parts.

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

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

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

### **Updating of data at the request of a client**

#### Article 212

(1) In service of harmonization of the real estate cadastre data with the actual condition on the field, updating of the data is performed at the request/application of a client.

(2) The application referred to in paragraph (1) shall be accompanied by a geodetic report and documentation for the legal basis.

(3) The geodetic report under paragraph (2) of this Article shall mandatory contain statements of consent for acceptance of the borderline and newly established area of the cadastral parcel which is subject to updating, signed by the right holders of the neighboring cadastral parcels and certified by a competent authority in accordance with law.

(4) The processing of the application for updating is done in accordance with the provisions of Article 190 paragraph (2) and paragraph (3), Article 191, Article 192, Article 193, Article 197 and Article 198 of this Law, and the delivery of the confirmation of performed updating is performed in accordance with the provisions from Article 187 of this Law.

### **Archiving in electronic form**

#### Article 213

The case files formed for the applications for issuing data from the GCIS, under ex officio procedure, as well as for the applications for registration, updating and correction of errors which have been submitted electronically and are verified in the electronic logbook, shall be archived in electronic form.

### **Registration fee**

#### Article 214

(1) The fee for registration of real properties which have 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 is determined depending on the actual costs of their registration and on the quantity of data subject to registration, contained in the geodetic report, and is expressed through units of measurement in meter, square meter and cubic meter, as well as through the value of secured loans.

(2) 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 properties which have remained with unregistered rights and for registration of 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 updating of data in the real estate cadastre, the form and content of the registration/change/correction of error/updating, the form and content of the confirmation note for registration/rejection/correction of error, is prescribed by the Steering Board of the Agency.

**XIII. VALUATION AND RECORDING OF THE VALUE OF THE REAL PROPERTIES**

**Valuation of the real properties**  
Article 216

- (1) The valuation of the real properties registered in the real estate cadastre is performed on the basis of a model for mass valuation.
- (2) The mass valuation of the real properties referred to in paragraph (1) of this Article shall be performed by the Agency under ex officio procedure.
- (3) The valuation i.e. the calculated value of the real properties referred to in paragraph 1 of this article can be used or taken under consideration during the determination of the amount of the property tax in compliance to law.

**Recording the value in the GCIS**  
Article 217

- (1) The data on the value of the real property determined with the mass property valuation shall be recorded in the GCIS.
- (2) The data for the manner in which the mass valuation has been performed, as well as the index stipulated in article 220 of this law shall be published at the web page of the Agency for REC and can be published in the printed bulletin of the Agency for REC.
- (3) The Agency for REC, under ex officio procedure, shall record in the GCIS the values of the real properties contained in the documents for the legal basis, which are annexed to the applications for registration i.e. processing of changes in the real estate cadastre.

**Notifying the applicant**  
Article 218

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

### **Mass Valuation Model**

#### Article 219

The Agency shall determine the methodologies for the model of mass valuation and shall categorize the real properties according the value and shall determine the cycles of calculating the values.

### **Determination of index of value**

#### Article 220

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

### **Recording the lease value**

#### Article 221

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

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

### **Bylaws**

#### Article 222

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

## **XIV. REGISTRIES IN THE GEODETIC CADASTRE INFORMATION SYSTEM**

### **Types of registries**

#### Article 223

The GCIS administers the Spatial Units Registry, the Graphic registry of streets and house numbers, and a Graphic registry of construction land.



## **XIV.1. SPATIAL UNITS REGISTRY**

### **Scope of the Spatial Units Registry**

#### Article 224

The Spatial Units Registry shall include the following spatial units:

- Local self-government units,
- Cadastre municipalities,
- Inhabited areas,
- Statistical areas,
- Census areas of the Republic of Macedonia

### **Content of the Spatial Units Registry**

#### Article 225

- (1) Within the spatial units' registry, the following data is registered for each spatial unit:
  - name, type and identification number (code) of the spatial unit,
  - graphic layout/description of the boundaries and the data source of the spatial unit,
  - data for the spatial unit which is connected to
  - type of change, the source and date of the change of the spatial unit
- (2) The Agency shall submit to the State Statistical Office the data from the Register of Spatial Units, for the purpose of conducting a census of population and agricultural land.

### **Bylaws**

#### Article 226

The form and the manner of administering the Spatial Units Registry shall be prescribed by the Steering Board of the Agency.

## **XIV.2. GRAPHIC REGISTRY OF STREETS AND HOUSE NUMBERS**

### **Content of the graphic registry of streets and house numbers**

#### Article 227

- (1) The graphic registry of streets and house numbers contains spatial and descriptive data for streets and house numbers, as well as spatial data for the scope line on the basis of which the connection of the house number with the street is determined.
- (2) The spatial data for the streets are coordinates of characteristic points which form a line that defines the location of the street.
- (3) The spatial data for the house numbers are coordinates of a point which define the location of the object for which the house number is being determined.

(4) The spatial data for the line of the territorial scope is coordinates on the basis of which the house numbers are determined that belong to the street and enable their visual graphic layout.

(5) Descriptive data on the streets include street name and its number.

(6) Descriptive data on house numbers contain the house number.

(7) The descriptive and spatial data of this article are connected with the data for the local self-government units and the populated areas contained in the Spatial Units Registry stipulated in article 224 of this law.

(8) The descriptive data stipulated 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 is administered within the Central Registry of R. Macedonia.

### **Unique identifier of streets and house numbers**

#### Article 228

(1) Streets and house numbers are marked with a unique identifier in the Graphic registry of streets and house numbers.

(2) The unique identifier for the streets referred to in paragraph (1) of this Article is defined by the municipality number, township number and street number.

(3) The unique identifier for house numbers referred to in paragraph (1) of this Article is defined by the municipality number, township number, street number and house number.

### **Submitting data to the Agency**

#### Article 229

(1) Local self government units are obliged within 5 working days to submit the documentation for the legal basis for the change of the data for streets and house numbers, and a geodetic report depending on the type of the change, to the Agency in electronic form.

(2) The Central Registry of the Republic of Macedonia is obliged, within 5 working days, to submit data in electronic form to the Agency for the changes made in the Registry of street names and house numbers, administered within the Central Registry of R. Macedonia.

### **Changes in the Registry**

#### Article 230

(1) On the basis of the submitted documentation for the legal basis and the data from Article 229 of this law, the Agency shall carry out changes in the graphical registry of streets and house numbers within a period of 30 days from the receipt of the data.

(2) During the conveyance of the changes referred to in paragraph (1) of this Article, if identified that the same street passes through several townships, the number of the street contained in the unique identifier referred to in Article 228 paragraph (2) of this law, shall not be changed.

**Bylaws**  
Article 231

The form and the manner of administering the graphic registry of streets and house numbers shall be prescribed by the Steering Board of the Agency.

**XIV.3. GRAPHIC REGISTRY OF CONSTRUCTION LAND**

**Scope of the graphic registry of construction land**  
Article 232

(1) The graphic registry of construction land contains spatial and descriptive data for 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 urban plans and urban planning documentation prepared in electronic form, compatible with the electronic form in which cadastral maps are prepared.

**Submitting data to the Agency**  
Article 233

The state enterprise/entity authorized to perform the works in the area of spatial planning as well as the local self-government units are obliged to submit urban plans and urban planning documentation to the Agency within a period of 30 days from the day of the enactment of the plans/documentation, for the purpose of administering the graphic registry of construction land.

**Purpose of the Registry**  
Article 234

The data contained in the graphic registry of construction land, shall be used by the Agency during performance of office geodetic works for special purposes related to the production of numerical data for the implementation of urban plans and urban planning documentation from Article 88 paragraph (1) of this Law.

**Excerpt from the Graphic Registry of Construction Land**  
Article 235

The Agency shall issue from the graphic registry of construction land an excerpt in the form of a visual graphic layout of the horizontal projection of the construction land.

**Bylaws**  
Article 236

The form and the manner of administering the graphic registry of construction land as well as the form of the excerpt from Article 235 of this Law shall be prescribed by the Steering Board of the Agency.

**XI. JUDICIAL PROTECTION**

**Establishing legitimacy of the application for registration**

Article 237

The Notes stipulated in article 83 paragraph (2), article 184, article 185, paragraph (2), article 192, article 197, paragraph (1) and paragraph (2), article 206, article 207, paragraph (2) and paragraph (3), article 209, paragraph (3), article 211 and article 212 of this law are final and enforceable. The applicant i.e. the right holder has the right to lodge a lawsuit against the above mentioned notes before the Administrative Court within a period of 15 days from the day of the receipt of the Note.

**Lawsuit for Deletion**  
Article 177

Every person who has legal interest may lodge a lawsuit before the Administrative Court and request for deletion of the registered in the real estate cadastre within 3 years from the date of the performed registration.

**XVI. INTERNAL CONTROL OF THE AGENCY AND AUDIT**

**Internal control of the Agency**  
Article 239

The Director of the Agency is obliged to establish internal control through implementation of an adequate system for financial management and control and internal audit in compliance to Law.

**Audit**  
Article 240

(1) The audit of the material and the financial performance of the Agency shall be conducted in compliance to Law.

(2) The annual financial reports of the Agency shall be inspected and evaluated by an authorized Audit Company.

(3)The Audit Company, stipulated in paragraph (2) of this Article, is obliged to submit to the Agency an Audit Report within a time period of three months after the end of the calendar year.

## **XVII. SUPERVISION OF THE WORK OF THE SOLE PROPRIETORS – AUTHORIZED SURVEYORS AND TRADE 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 trade companies for geodetic works under ex-officio procedure or by request of a client.

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

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

- if an employee of the Agency is registered as a sole proprietor authorized surveyor, i.e. acts as an owner or a partner in a trade company for geodetic works or the geodetic works of a sole proprietor authorized surveyor, i.e. trade company for geodetic works are carried out by employees of the Agency (Article 25 paragraph(2) and (3)),
- have an electronic connection with the Agency (Article 124, paragraph (3)), and
- the employed authorized surveyors attend continuous training in the field of geodetic works (Article 110, paragraph 1, point 7).

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

### **Authorized officials**

#### Article 242

(1) During the performance of the works from Article 241 of this Law, the provisions from the Law for the general administrative procedure shall apply, provided this law has not prescribed otherwise.

(2) The works from Article 241 of this Law shall be performed by authorized officers employed by the Agency, authorized by the Director of the Agency.

(3) The Authorized officers are independent in performing the works from paragraph (2) of this Law.

### **Procedure**

#### Article 243

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

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

(3) If during the execution of the article 241 of this law are determined irregularities in the application of Article 110, paragraph 1, point 7, Article 118 paragraph (2) and Article 126 of this Law, the minutes shall record the established irregularity and the authorized officer shall initiate a procedure for correction of such irregularity, i.e. sanctions proceedings, with a notification to remedy the irregularity within 15 working days.

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

### **Deprivation of the License**

Article 244

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

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

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

- Committed a violation of the provision of Article 25 paragraph (2) and (3) of this Law relating to conflict of interest,
- Does not meet the requirements of Article 104, paragraph (1) point 1 of this Law in relation to the main activity for performance of geodetic works,
- Committed an irregularity in relation to the obligation to obtain damage liability insurance in compliance to Article 117 of this Law,
- Do not meet the requirements of Article 104 paragraph (1) point 2 and Article 120, paragraph (2) of this Law in respect of the employees.
- Committed an irregularity in relation to the obligation to use the licensed software for production of the geodetic reports from Article 104 paragraph (1) point 4 of this law.
- Committed a violation of the provision of Article 124 paragraph (3), in relation to the obligation to electronically connect with the Agency.
- Committed the irregularity of Article 121 paragraph 1 point 3 of this Law and
- Do not allow for a smooth execution of the works, do not provide the conditions necessary for the work and for determination of the facts and do not present all the necessary documents and data in accordance with Article 243 paragraph (1) of this Law.

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

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

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

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

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

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

### **Deletion from Directory**

#### Article 245

(1) On the basis of the decision referred to in Article 244 paragraph (5) and (6) of this law, the sole proprietor authorized surveyor or trade company for geodetic works shall be deleted from the Directory of sole proprietors - authorized surveyors and trade companies for geodetic work which is administered within the Chamber.

(2) The sole proprietor authorized surveyor or the responsible person in the trade company for geodetic works, after the deprivation of the license for performance of geodetic works cannot within a period of five years register as a sole proprietor authorized surveyor, i.e. cannot establish a trade company for geodetic works.

(3) On the basis of the decision referred to in Article 244 paragraph (8) of this Law, the authorized surveyor shall be deleted from the Directory of Authorized Surveyors which is administered within the Agency.

### **XVIII. PENALTY PROVISIONS**

#### Article 246

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

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



2. Fails to report to the Agency within the set deadline, any construction and other types of work which may damage, destroy or dislocate points from the reference network stipulated in article 50 paragraph 1 of this law;
3. Fails to submit within the set deadline an application for registration of a change in the real estate cadastre to the Agency, in compliance with article 202 from this law;
4. Produces cartographic products without prior authorization issued by the Agency for REC in compliance with article 99, paragraph (2) of this Law, and
5. Puts into use cartographic products without consent from the Agency in compliance with article 101 of this law.

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

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

#### Article 247

A fine in the amount of 1.500 to 3.000 Euros in MKD equivalent shall be imposed to the authorized surveyor employed by a sole proprietor – authorized surveyor and to a trade company for geodetic works, if the authorized surveyor does not act in accordance with the provisions of Article 110 in this law i.e. if he/she:

1. Does not perform the geodetic works in accordance with the provisions of this law and the regulations made pursuant to it, as well as in accordance with the rules and standards of the geodetic profession,
2. Does not sign in his/her own hand every geodetic report prepared in hardcopy, and does not sign every geodetic report made in electronic format with a valid certificate issued by a authorized issuer,
3. Does not use a licensed software for the production of a geodetic report,
4. Does not use the data from the real estate cadastre and does not use them solely for the purpose for which they are issued,
5. Does not submit an application for renewing the license within the deadline set in Article 109, paragraph (3) of this Law,
6. Prepares geodetic reports without previously performing a survey and inspection of the real property on-site, and
7. Does not attend continuous education related to geodetic works.

#### Article 248

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

1. The employed authorized surveyors do not attend continuous training related to geodetic works. (Article 110, paragraph 1, point 7),
- 2 The title of the company contains the word 'cadastre' (Article 118 paragraph (2)),
3. Trade company does not record the applications of the clients in a log book and does not administer the log book in compliance with the regulations on archive materials and archiving (Article 126),

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

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

#### Article 249

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

1. The Trade Company is not registered with main activity for performance of geodetic works (Article 104, paragraph (1), point 1),
2. The Trade Company does not provide for unobstructed performance of the works, does not provide the conditions that are necessary for work and for the identification of the factual situation, and does not enable access to the documents and the data for the purpose of inspection that are required in compliance with Article 243, paragraph (1) of this Law,
3. Does not rectify the irregularities within five working days (Article 243, paragraph (3) of this Law,
4. Does not perform the geodetic works in accordance with the provisions hereof and the regulations made based on this law, as well as in accordance with the rules and the standards of the geodetic profession (Article 121, point 1),
5. Has committed a violation regarding the obligation for damage liability insurance from Article 117 of this Law,
6. Does not meet the requirements from articles: Article 104, paragraph (1) point 2 and Article 120 of this Law in respect to the employees,
7. Has committed a violation of the obligation for the use of licensed software from Article 104, paragraph (1), point 4,
8. Has committed a violation of the provision of Article 25 paragraph (2) and (3) of this law relating to conflict of interests,

9. Has committed a violation of the provision of Article 124, paragraph 3, regarding the obligation to connect with the Agency via electronic means,

10. Has prepared geodetic reports without previously performing a survey and inspection of the real property on-site. (Article 110, paragraph 1, point 6),

11. Does not use the data from the real estate cadastre and does not use them solely for the purpose for which they are issued (Article 124 paragraph (1) and (2)),

12. Charges a fee for the geodetic works which is not in accordance with Article 125 of this law,

13. Accepts clients and issues data from the performed geodetic works outside the headquarters of sole proprietor authorized surveyor, i.e. outside the trade company for geodetic works,

14. Does not sign in his/her own hand every geodetic report prepared in hardcopy, and does not sign every geodetic report made in electronic format with a valid certificate issued by a authorized issuer (Article 110, paragraph 1, point 2).

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

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

#### Article 250

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

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

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

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

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

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

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

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

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

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

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

#### Article 251

(1) When the authorized officer of the Agency establishes that a violation has been committed which is stipulated by this law, he/she shall submit a request for initiating a violation procedure to the Violations Commission.

(2) Before submitting the request for initiating a violation procedure, the authorized officer shall be obligated to propose a procedure for correction to the person committing the violation.

(3) If the person committing the violation agrees with the initiation of a procedure for correction, the authorized officer shall draft Minutes stating the relevant elements of the violations, 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 committing the violation, the authorized person of the Agency shall issue a payment order for the payment of a fine which is foreseen for the violation. By signing the payment order it shall be considered that the person committing the violation has agreed to pay the foreseen fine.

(5) The person committing the violation is obliged to pay the fine within eight days from receiving the payment order, to the account of the Agency. The person committing the violation shall pay only one half of the stated fine if the payment is made within eight days.

(6) If the person committing the violation does not pay the fine within the deadline set in paragraph (5) hereof, the authorized officer of the Agency shall submit a request for initiating a violation procedure before the competent Violations Commission.

## **XIX. XVIII. TRANSITIONAL AND FINAL PROVISIONS**

### Article 252

(1) For the initiated procedures for processing the applications for registration of real property rights and for the processing of changes in the real estate cadastre, initiated before the day of entry into force of this Law, which are processed by the Agency for REC and the State Commission for administrative procedures and procedure for employment relation of second degree, i.e. the Administrative Court, the provisions of this law shall apply.

### 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 from the day of the enactment of this law.

### Article 254

During the registration of real properties which remained with unregistered rights, the legal basis documents, concluded between natural i.e. legal entities and the authorized state bodies and other legal entities authorized by the authorized state body, as well as the construction companies, until the start of the implementation of the Law on performance of notary works (Official Gazette of R. Macedonia no. 59/1996 and 25/1998) shall represent the legal basis for registration even if they are not verified by an authorized body i.e. shall represent a legal basis for registration even without a clause for evidence of paid tax, until the enactment of the Law on property taxes (Official Gazette of R. Macedonia no. 80/1993, 3/1994, 71/1996, 54/2000, 24/2003).

### Article 255

When the data for 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 enacted as of 01.07.2005, the Agency shall record the data for 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 are obliged within a period of one year from the day of the enforcement of this law to submit to the Agency the data for the infrastructure objects in the form and the content prescribed by the Agency for the purpose of recording of such infrastructure objects in the cadastre of infrastructure objects.
- (2) The right holders i.e. the holders of the infrastructure objects are obliged within a period of five years from the day of the enactment of this law to submit to the Agency applications for registration/recording of the infrastructure objects in compliance 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" No. 40/2008, 158/2010, 17/2011, 51/2011 and 74/2012) and the bylaws adopted on the basis of the Law, 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 the establishment of the cadastre of infrastructure objects.

#### Article 258

The authorizations for authorized surveyors issued in accordance with the Law on Survey, Cadastre and Registration of Real Estate Rights (Official Gazette of RM no. 27/86, 17/91, 84/2005, 109/2005 and 70/2006) and the Law on Real Estate Cadastre ("Official Gazette" No. 40/2008, 158/2010, 17/2011, 51/2011 and 74/12) shall continue to apply until the expiration of the period for which they have been issued, with a possibility for extension in compliance to the provisions of this Law.

#### Article 259

(1)The sole proprietors - authorized surveyors and trade companies for geodetic works are obliged within a period of 3 months from the day of enactment of this Law to conform their performance in compliance to the provisions stipulated in article 117, paragraph 2 of this law.

(2)The sole proprietors - authorized surveyors and trade companies for geodetic works which will not conform their performance according to 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 Registry/Directory of sole proprietors authorized surveyors and trade companies for geodetic.

#### Article 260

The sole proprietors authorized surveyors and trade companies for geodetic works as well as all other entities with transferred public authorizations, which according to the law are obliged to submit the documents for the legal basis under ex officio to the Agency, are obliged within a period of 60 days from the day of the enactment of this law to establish a connection with the Agency via electronic means.

#### Article 261

(1) The sole proprietors authorized surveyors and trade companies for geodetic works are obliged within a period of one month from the day of the enactment of the bylaw regulations stipulated in article 123 of this law to conform their performance according to the provisions of this law.

(2) After the expiry of the deadline set in paragraph 1 of this article, the sole proprietors authorized surveyors and trade companies for geodetic works are 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 from the day of the enactment of this law, shall re-register itself into a Chamber of sole proprietors authorized surveyors and trade companies for geodetic works, as a legal successor.
- (2) The authorizations of the Chamber of sole proprietors authorized surveyors and trade 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 is obliged to hand over the Registry/Directory of authorized surveyors to the Agency on the day of enforcement of this law, for which Minutes shall be drafted by representatives from the Chamber and the Agency.
- (2) The Agency is obliged to hand over the Registry/Directory of sole proprietors authorized surveyors and trade companies for geodetic works to the Chamber within a period of 30 days from the day of the re-registration of the Chamber.

#### Article 264

(1) The interested entities, within a period of five years from the publication of the data from the intabulation books in compliance with the provisions from Article 52 paragraph (1) and paragraph (2) of the Law on Amending the Law on Real Estate Cadastre ("Official Gazette of the Republic of Macedonia" br.74/2012) may submit an application for registration of the real property rights and for registration of the data from the intabulation books in the real estate cadastre, and they shall attach a legal basis to the application for registration of the real properties and data which result from the intabulation books, a geodetic report and a statement for identification prepared by a sole proprietor – authorized surveyor or a trade company for geodetic works.

(2) The data for the real property or the real property rights holders which have remained unidentified or with 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 are published in the "Official Gazette of the Republic of Macedonia".

#### Article 265

(1) The civil servants, who have been assigned to a working position that requires a geodetic educational background on the day of the enactment of this law, and for which they do not meet the required conditions in the Act for Systemization of working positions and in the Law on Civil Servants regarding the credit points obtained in accordance with the ECTS, shall keep the working position, and shall have the obligation to acquire 300 credit points in accordance with ECTS from the field of geodetic sciences within a period of three years from the day of the enactment of this law.

(2) The employees stipulated in paragraph (1) of this Article who shall not acquire 300 ECTS points according to ECTS from the field of geodetic sciences, within the stipulated deadline, shall be re-assigned to working positions for which they meet the conditions prescribed in the Act for Systemization of working positions.

#### Article 266

The Central Registry of Republic of Macedonia, the municipalities and the City of Skopje are obliged to submit the data from the Registry of street names and house numbers to the Agency within a period of one year from the day of the enactment of this law for the needs of the Graphic Registry of streets and house numbers.

#### Article 267

- (1) The entity authorized for performance of works in the area of spatial planning and the local self government units are obliged to submit the data from the urban plans and the urban planning documentation in electronic form, compatible with the form of the cadastre maps, to the Agency within a period of two years from the day of the enactment of this law.
- (2) The provisions from article 88, paragraph 1 of this law shall apply after the delivery of the data from paragraph 1 of this article and the establishment of the Graphic registry of construction land, while by the expiry of the deadline stipulated in paragraph 1 of this article, the works stated in article 88, paragraph 1 of this law shall be carried out by the sole proprietors authorized surveyors and trade companies for geodetic works.

#### Article 268

- (1) The bylaw regulations stipulated in article 37, article 54, article 61, article 65, article 74, article 81, article 85, article 90, article 99, article 102, article 116, article 125, article 168, article 181, article 188, article 215, article 222, article 226, article 231 and article 236 from this law shall be enacted within a period of 6 months from the day of the enactment of this law, while the bylaw regulations stipulated in article 123 of this law shall be enacted within a period of three months from the day of the enactment 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 from the day of the enactment of this law.
- (3) The bylaw regulations enacted on the basis of the Law on Real Estate Cadastre (Official Gazette of R. Macedonia no. 40/2008, 158/2010, 17/2011, 51/2011 and 74/2012) shall continue to apply until the day of the enactment of the bylaw regulations stipulated in a paragraph 1 and 2 of this article.

#### Article 269



On the day of the enactment of this law, the Law on Registration of underground and aboveground infrastructure objects and supporting installations (Official Gazette of R. Macedonia no.6/2012) as well as the Law on Real Estate Cadastre (Official Gazette of R. Macedonia no. 40/2008, 158/2010, 17/2011, 51/2011 and 74/2012) shall cease to apply, with the exception of the provisions from 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 from the day of the accession of the Republic of Macedonia into the European Union.

Article 271

This law shall come into force on the eighth day of the day of its publication in the ‘Official Gazette of the Republic of Macedonia’.