

LAW ON CENTRAL REGISTRY

I.GENERAL PROVISIONS

Article 1

This Law shall regulate: the establishment, organization and scope of the operations of the Central Registry in the Republic of Macedonia (hereinafter: Central Registry), the relations between this registry and the other basic registries (hereinafter: basic registries) and the beneficiaries thereof; the relations with the other legal entities; as well as the issues connected with the input, the processing and keeping and distribution of relevant data from the Central Registry to the users of these data

II.ESTABLISHMENT

Article 2

The Central Registry shall be established as a central information base of legal and other relevant data, which in accordance with this or other Law, or by a Contract, shall be entered in it.

The Central Registry is a legal person, with its rights, obligations and accountabilities stipulated by this Law.

The head office of the Central Registry is in Skopje.

Article 3

On the basis of other Laws, basic registers in which the rights are constituted, shall be established within the Central Registry, as well registries in which the rights are not constituted.

Basic registers that are anticipated with Laws other than the Central Registry, shall be maintained in the Central Registry as well.

III. ORGANIZATION

Article 4

The registers referred to in Article 3, paragraph 1 in which the rights are being constituted, shall be organized as separate units, managed by heads of units as persons with special authorities.

The heads of the units shall be appointed by the Director of the Central Registry and they shall report to him.

Article 5

The Management Board and the Directors are the bodies of the Central Registry.

The Management Board shall consist of 5 persons.

The Management Board members shall be appointed by the Government of the Republic of Macedonia with a 6 year-term of service.

Two members of the Management Board shall be appointed at a proposal of the Ministry of Finance, one at a proposal of the Ministry of Justice, one at a proposal of the Ministry of Economy and one at a proposal of the National Bureau for Geodesic Operations.

The Management Board shall work and make decisions at sessions, in accordance with its Rule-book.

Article 6

The Director of the Central registry shall be appointed by the Management Board of the Central Registry for a period of 4 years.

The Director of the Central Registry shall be a managing body that represents and acts for the Central Registry and reports to the Management Board.

Article 7

The Central Registry Status shall be enacted by the Management Board, and it shall be approved by the Government of the Republic of Macedonia.

The Status shall specifically determine the internal organization of the Central Registry as well as the rights, obligations and the responsibilities of its bodies.

IV SCOPE OF WORK

Input of data

Article 8

The database determined with this Law, shall be entered in the Central Registry where they are electronically processed, integrated, selected, kept and made available to the interested beneficiaries.

The processing, integration and classification of the entered data shall be carried out by the Central Registry according to its procedures and forms.

When the data are entered and dealt with, the Central Registry shall adhere to the principle of professionalism, independency, objectivity, economy and efficiency.

Article 9

The Central Registry shall contain the data from the basic registers that are or are not legal persons, as well as data from other legal and physical persons.

The data that refer to the constituted rights to ownership and the real rights to third party's items (pledge, mortgage, servitude, real burdens, long-term lease and transfer of the ownership of objects and transfer of rights for security), acquired status of trade company or status of another type of legal person and final statements, shall obligatorily be entered in the Central Registry.

The entrance of other types of data, such as: credit information, nuptial contracts, different types of insurance and similar, shall be carried out on a basis of an Agreement, provided nothing else is stipulated by law for certain types of data.

Article 10

The entrance of data in the Central Registry, the basic registers and the other entities of the Central Registry, shall be carried out on the basis of unique procedures and forms in an electronic or any other manner (form) in order to achieve rationality in the operations and their easier and faster availability to the interested users.

Article 11

The data in the Central Registry shall be entered according to the contents determined in a special form, in which the details of certain basic registers or some other legal entities are determined.

The contents of the form shall be jointly determined by the Central registry and the relevant basic registry.

Data keeping

Article 12

The processed, integrated and classified data from the Central Registry shall be stored and kept at the head office of the registry.

The data that refer to the constituted rights to ownership and the real rights to third party's items (pledge, mortgage, servitude, real burdens, long-term lease and transfer of the ownership of objects and transfer of rights for security), acquired status of trade company or status of another type of legal person, the final statements as well as the financial and economic ability of the legal persons shall obligatorily be entered in the Central Registry.

Article 13

The data entered in the Central Registry may be modified, supplemented, updated and deleted only by the basic registers and the other legal and physical persons that entered them.

Usage of the data

Article 14

The data from the Central Registry may be used by all physical and legal persons, both domestic and foreign, unless otherwise stipulated by a law or Contract for some of them.

Article 15

The fee for using the data from the Central registry shall be determined with a tariff set forth by the Government of the Republic of Macedonia at a proposal of the Management Board of the Central Registry.

Article 16

The interested beneficiaries may perform an insight in the data entered in the registers, while for the data from the departments with a status of registers, they may require a certified copy that shall be obligatorily issued to them.

The data referred to in paragraph 1 of this Article may be received by the Central Registry in an electronic manner (telephone, fax, orally, personally etc.).

The manners of receiving data from the Central Registry shall be regulated more specifically with a special Rule-book passed by the director of the Central Registry.

Article 17

The Central Registry may make available the data entered in it, in a form of information as unprocessed, processed or in any other form stipulated by this Law.

Article 18

The Central Registry may develop its own infrastructure for receipt or distribution of the data, or by agreement with the other entities, a joint infrastructure on the territory of the Republic of Macedonia.

IV RELATIONS BETWEEN THE CENTRAL REGISTRY AND THE OTHER REGISTRIES AND THEIR BENEFICIARIES

Article 19

In the realization of its activity, the Central Registry shall cooperate with the state bodies, legal and physical persons and shall exchange information with other registries from abroad, unless otherwise stipulated by a Law for certain kinds of exchange of information.

Article 20

The Central Registry and the basic registries as well as the other legal and physical persons are obliged to mutually cooperate and to present each other the data that have at their disposal, as well as to give explanations and assistance with regard to the performance of the activities for which they are responsible.

The bodies that maintain the basic registries and the other legal entities, are obliged to enable smooth usage of the data by the Central Registry in order to realize its functions stipulated by this Law.

Article 21

The Central Registry shall provide technical possibility for mutual connection between the basic registries and the other legal entities, which on the basis of this or some other Law or Agreement, shall enter legal and other type of relevant data.

Article 22

The basic registers may also give oral and written information for the constituted rights and other features entered in the basic registries.

The written information issued by the Central Registry shall have exclusively informative purpose.

Article 23

The one who enters the data in the Central Registry shall be responsible for their accuracy, according to the General rules of the Civil Law.

Article 24

Provided the data contained in the Central Registry do not comply with the data entered in the basic registries, the data in the basic registers shall be legally binding.

Article 25

The relations between the Central Registry and other entities who enter certain data (such as insurance of property and persons, nuptial contracts and other legal deeds etc) in the Central Registry on the basis of agreement, shall be regulated with an agreement.

For the issues that are not regulated with an agreement, the provisions of this Law shall be appropriately applied.

IV FINANCING AND MONITORING

Article 26

The financing and the operations of the Central Registry shall be carried out with own resources.

In a case of shortage of own resources, funds from the Budget of the Republic of Macedonia shall be provided.

The revenues realized from the operations of the Central Registry shall be used for covering the current expenditures, the development of the employees' salaries as well as for covering the costs for the basic registries incurred by entering the data in the Central Registry.

The excessive revenues shall be transferred to the Budget of the Republic of Macedonia.

The amount of the revenues and the expenditures shall be determined by a financial plan, which shall be approved by the Government of the Republic of Macedonia.

Article 27

The Ministry of Finance shall monitor the implementation of this Law.

Article 28

The Central Registry shall report to the Government for the performance of the operation stipulated by this Law.

VI PENALTY PROVISIONS

Article 29

A legal person shall be fined for offence with 100,000 to 300,000 denars, should:

- it fails to enter in the Central Registry the data for the constituted rights to ownership, the real rights to third party's items and the acquired status of a trade company or other type of status of the legal entity (Article 9);

- it fails to enter the data on the basis of unique procedures, instruments and from forms in an electronic or some other manner (Article 10);
- it fails to keep the data from the Central Registry in a form of a copy (Article 12, paragraph 2);
- it refuses or in any other manner fails to provide free access to the data entered in the registries or refuses to issue certified copy to all interested parties (Article 16, paragraph 2); and
- it fails to provide to the Central Registry smooth usage of the data entered with the other legal entities (Article 20).

For the offence referred to in paragraph 1 of this Article , the responsible person within the legal entity shall be fined with 40,000 to 50,000 denars.

Article 30

The legal entity shall be fine for offence with 100,000 to 200, 000, should :

- it fails to enter the data on an appropriate form (Article 11);
- it fails to perform the processing, integration and classification of the entered data according to the determined procedures, instruments and forms (Article 12);
- it refuses to provide information for certain data even if they are not processed (Article 17);
- it fails to cooperate and exchange information with the other state bodies, legal and physical persons (Article 20);
- if rejects unfoundedly to submit the required data which are available to it, or to provide explanations or assistance with regard to the operations (Article 20).

For the offence referred to in paragraph 1 of this Article, the responsible person within the legal entity shall be fined with 30,000 to 40,000 denars.

VII. TRANSITIONAL AND FINAL PROVISIONS

Article 31

The Government of the Republic of Macedonia shall appoint the members of the Managing Board of the Central Registry within 30 days from the day this Law enters into force.

The Managing Board of the Central Registry shall appoint the Director within 15 days from the appointment of the Management Board members.

Article 32

The basic registers are obliged, as their official duty, to enter in the Central Registry within six months from the day it becomes operational, the data for the constituted legal rights, the acquired legal subjectivity of the legal persons and the acquired features registered until the date this Law enters into force, except for the data for the right to ownership for which the deadline is 12 months calculated from the day the Central Registry becomes operational.

Article 33

The Central Registry shall become operational the next day from the day its status is adopted by the Government of the Republic of Macedonia.

Article 34

By transferring the scope of operations from the Payment Operations Bureau to the Central Registry, the property, the equipment and the employees that perform the activities shall be transferred on the basis of a Decision of the Government of the Republic of Macedonia.

Article 35

By entering into force of this Law, the Law on Maintenance of the Registers in the Republic of Macedonia ("Official Gazette of the Republic of Macedonia" No.28/98) ceases to be valid.

This Law shall enter into force the eight day from the day it is published in the "Official Gazette of the Republic of Macedonia" and shall be applied from the day the Status is adopted.