

**LAW  
ON UTILITY FEES  
(Cleared Text)**

**Article 1**

This Law shall introduce the payment of the utility fees as charges for financing the public needs.

The utility fees shall be paid for the utilization of certain rights, objects and services of a public character by the legal and physical entities that carry out certain activities and by the citizens.

**Article 2**

The utility fees shall be paid according to the Tariff on Utility Fees which is an integral part of this Law.

**Article 3**

The utility fees shall be paid on the following determined rights, objects and services for:

- 1) each sign, i.e. the designation of the company displayed at the premises;
- 2) utilizing space for pitching tents and other similar temporary equipment;
- 3) utilizing pavements in front of the premises for carrying out business activity;
- 4) presenting advertisements, messages and announcements at public places;
- 5) being in charge of the music in the public places;
- 6) being in charge of the entertainment objects in the public places;
- 7) being in charge of the showcases for displaying goods outside the premises;
- 8) usage of the parking lot for the motor vehicles and their sidecars, motorcycles, motors and bicycles at the places determined for this purpose by the municipality;
- 9) using the squares and other parts of the cities, municipalities and the settlements with a purpose of displaying objects, organizing exhibitions and other entertainment performances for a business purpose;
- 10) using the streets for passenger, freight, highway vehicles and sidecars, except for those subject to a property tax and
- 11) using and maintaining the public electricity.

Public places referred to in items 5 and 6 shall mean the catering premises (cafeterias, inns etc.) and their auxiliary premises (gardens, terraces etc.)

Displayed sign i.e. designation of the company referred to in paragraph 1, item 1 shall mean each sign or designation of the company indicating that a certain physical or legal entity carries out certain activity or profession, with exception to the designations which are designations of the State bodies, the designations of the organizations, associations of citizens and political parties displayed on their head offices and the signs of the postal service main units in the villages, railway stations and bus stations of the local and inter-city traffic.

User of public electricity in paragraph 1 item 11 of this Article shall mean each holder of a gauge of "household" category" and each holder of a gauge of " other consumption" category.

#### **Article 4**

Utility fee payer shall be a person using certain rights, objects and services subject to utility fee.

#### **Article 5**

The amount of the utility fee cannot be determined according to the value of the objects, the performed turnover or the realized income.

The utility fees shall be determined in an equal amount for all fee payers performing same activity or profession i.e. for all fee payers belonging to same category.

The utility fee for displayed sign i.e. designation of the company referred to in Article 3, paragraph1, item 1, shall be determined differently according to the type of activities. In cases when the sign i.e. the designation of the company is displayed on several places in one premises it is subject to one utility fee.

The utility fees referred to in Article 3, paragraph 1, items 2,3 and 9 of this Law shall be determined per square meter of a utilized area.

#### **Article 6**

The following are not subject to utility fee:

- 1) utilization of objects, services and land by military units and institutions;
- 2) obituaries as well as advertisements and announcements from Article 3, item 4, referring to the activities of the State bodies, local government units, municipalities, public organizations, citizens' associations and political parties;
- 3) the showcases being part of the business premises or of the fairs;
- 4) playing chess in the public place;
- 5) music reproduced with mechanical equipment (gramophone, tape recorder, radio, television and similar, except for the jukebox machines);
- 6) displaying a sign, i.e. designation of the premises in the scarcely inhabited places with emphasized migration in the country and
- 7) deficit jobs and crafts becoming extinct, determined with the Decision of the Government of the Republic of Macedonia.

The owners of the electric energy gauges in the scarcely inhabited places and in the inhabited places where there is not public electricity are exempt from paying utility fee from Article 3, paragraph 1, item 11 of this Law.

The inhabited places from paragraph 1, item 6 and paragraph 2 of this Article shall be determined by the Government of the Republic of Macedonia, upon a prior opinion by the Assembly of the relevant municipality..

### **Article 7**

The obligation for payment of the utility fee shall arise at the moment the right, object or the service subject to utility fee.

### **Article 8**

The rights to determine and collect utility fees expire two years after the termination of the year in which the determination i.e. the collection of the fee should have been performed.

The right on returning of the excessively paid utility fee expires two years after the termination of the year in which the fee was paid.

### **Article 9**

The public revenue authority is obliged to issue to the utility fee payer a decision for determination of the utility fee.

The collection of the utility fees from Article 3 for using the areas for organizing camps, pitching tents, for using the pavements in front of the business premises for carrying out business activity, for using the parking lots, for advertisements and for using and maintaining the public electricity, shall be carried out without issuance of decisions or written notification for determination of these fees.

### **Article 10**

The utility fees shall be paid in an annual amount or proportionally within the time of using the rights, objects or services.

The utility fees from Article 3, paragraph 1, items 1,3, 6 and 7 of this Law shall be paid in an annual amount, and if they are calculated for a period which is less than one year they are paid on a semi annual basis, i.e. at least quarterly, while the utility fees from the items 2,4,8,9 and 10 of this Law shall be paid proportionally within the time of using the rights, objects or the services.

The utility fee from Article 3, paragraph 1, item 11 of this Law shall be paid on a monthly basis.

### **Article 11**

The public revenue authority, in accordance with the data as of 1 January for each year, shall determine the amount of the fee due for every fee-payer separately.

The utility fee payers from paragraph 1 of this Article are obliged to pay the fee within 30 days from the day the decision was submitted.

### **Article 12**

Should in the course of the year conditions occur for payment of the utility fee from Article 11 of this Law, or should any modifications be introduced increasing the amount of the fee, the fee-payer is obliged to submit an application to the public revenue authority within 15 days.

The authority referred to in paragraph 1 of this Article shall determine the annual amount of the fee with a decision and shall oblige the payer to pay the fee within 15 days from the day the decision was submitted.

The utility fee payer who fails to submit the application in a due course in accordance with paragraph 1 of this Article, is obliged, in addition to the regular fee, to pay a fee increased by 30%..

### **Article 13**

The fee payers referred to in item 5, Article 3 of this Law are obliged to report the tax liability to the public revenue authority within 5 days from the day the approval for being in charge of the music is received.

On the basis of the application, the public revenue authority shall determine the fee for the time for which the approval is valid and shall submit a decision to the fee payer.

Should the fee refer to period less than one month, the fee payer is obliged to pay it immediately. Should it refer to a period longer than a month, it shall be paid in equal monthly installments in advance, by the 5th day of the month the latest.

### **Article 14**

The fee referred to in item 4, Article 3 of this Law shall be calculated on the basis of the fee payer's application, that shall be submitted prior the advertisement, message, i.e. the announcement is displayed.

The fee referred to in paragraph 1 of this Article shall be paid immediately.

### **Article 15**

The surveillance over the implementation of this Law and the regulations enacted in accordance with it, shall be carried out by the public revenue authority.

### **Article 16**

With regard to the determination and collection of the utility fees, the appeal procedure, renewal of the procedure, the interest, the forced collection and refund of the utility fee, the provisions of the Personal Income Tax Law shall be applied, unless otherwise stipulated by this Law.

### **Article 17**

The revenues from the utility fees shall be given to the municipality in which they are collected.

The manner of using the funds from the utility fees charged for using and maintaining the public electricity are regulated by the Municipality Act.

### **Article 18**

The legal person shall be fined from four to twenty salaries should it:

- 1) fail to submit an application to the municipal public revenue authority for the tax liability;
- 2) fail to allow an inspection of the ledgers, business and residential premises or hinders the authorized persons in carrying out the inspection for collecting data required for determination and collection of the utility fee;
- 3) avoid the payment of the determined amount of the fee, and should it not pay its liability within 6 months from the maturity date;
- 4) fail to pay the tax for using and maintaining public electricity in the determined deadline on the appropriate account of the Payment Operations Bureau;

For the infringements referred to in paragraphs 1 items 1,2,3 and 4 of this Article, the responsible person within the legal entity shall be punished with a fine in an amount of one fifth to three salaries.

For the infringements referred to in paragraph 1, items 1, 2, and 3 of this Article the self-employed physical person shall be punished as well with a fine in amount of one fifth to three salaries.

For the infringements referred to in paragraph 1 of this Article, the citizen shall be punished with a fine in an amount of one tenth to one half of the salary.

### **Article 19**

The utility fees shall be paid according to the following:

#### **TARIFF ON UTILITY FEES**

##### **Tariff No 1**

For a sign or a designation of:

- |  |       |
|--|-------|
| a) premises of the self-employed   | 2,000 |
| b) offices of the self-employed who pay taxes in a lump sum  | 500   |
| c) offices of companies and other legal entities in the area of production, sales and services, excluding shops, newsstands, business units, etc. for which the fee amounts to 2,000 | 6,000 |

d) premises of companies and other legal entities in the area of utility services	3,000
e) premises of companies and other legal entities, as well as of points of purchase which function occasionally	3,000

### **Tariff No 2**

For the use of camp areas to pitch tents and for other similar temporary uses (daily)	25
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**NOTE:**

The collection of fees from fee payers referred to in Tariff No 2 is performed by catering, tourist and other companies, other service catering and tourist service providers as well as other physical entities rendering catering and tourist services.

The companies and the citizens shall pay the fee from paragraph 1 in the respective account with the payment operations authority.

### **Tariff No 3**

For utilizing pavements in front of the premises for carrying out business activity (square meters a day)	10
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The management body in charge of the issuance of an approval for performing business activities shall collect the fee and then shall enter the payment in the respective account with the payment operations authority.

### **Tariff No 4**

For displaying announcements, messages and advertisements in public places, fees shall be paid as follows:

- up to seven days	600
- up to 30 days	1,000
- up to one year	1,200

### **Tariff No 5**

For being in charge of music in public places	5,000
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### **Tariff No 6**

For possession of entertainment objects in public places, per object annually 2,000

Tariff No 7

For possession of showcases for displaying goods outside premises, fees shall be paid annually as follows:

for the self-employed 1,000

for legal entities in the area of production, sales and services 2,000

Tariff No 8

For the use of parking lots:

- parking and garaging of passenger cars in public parking lots 20

- parking of freight motor vehicles and busses 80

- sale of vehicles in parking lots

a) for passenger cars 60

b) for freight motor vehicles 300

NOTE:

The company authorized to organize and maintain the parking lot collects the fee and then enters the payment in the respective account with the payment operations authority

Tariff No 9

For the use of squares and other urban space in towns, municipalities and settlements to display objects, organize exhibits, entertaining shows, etc., fees are paid per square meter daily - 5 denars.

NOTE:

The management authority in charge of the issuance of approval for organizing exhibits and entertaining shows collects the fee and then enters the payment in the respective account with the payment operations authority.

Tariff No 10

For the use of roads to drive passenger cars, freight vehicles, highway vehicles, motor and sidecars, fees shall be paid annually as follows:

- for the use of freight vehicles per ton	100
- for passenger cars of up to 1,000 cubic centimeters	50
- for passenger cars of 1,000 to 1,300 cubic centimeters	80
- for passenger cars of 1,300 to 1,500 cubic centimeters	100
- for busses and other vehicles used to transport passengers	500
- for special vehicles	50
- for all types of motorbikes	50

NOTE:

The management authority in charge of the vehicle registration shall collect the fee and shall enter the payment in the respective account with the payment operations authority.

Tariff No 11

For the use and maintenance of public electricity, a utility fee shall be paid in the amount equivalent to 15 kilowatts per hour at the price of the public electricity for each electricity gauge.

NOTE:

The public utility for production, transfer and distribution of electricity collects the fee for use and maintenance of public electricity from the owners of gauges and enters the payment in the respective amount with the payment operations authority within 15 days of the collection.

**Article 20**

This Law comes into force on the day following its publishing in the Official Gazette of the Republic of Macedonia.