



**REPUBLIC OF MACEDONIA
MINISTRY OF JUSTICE
S K O P J E**

Law on Real Estate Cadastre

Skopje, March 2008

LAW ON REAL ESTATE CADASTRE

I. BASIC PROVISIONS

Subject of the Law

Article 1

This Law stipulates the basic geodetic works, the real estate survey performed for the purpose of the real estate cadastre, the establishment and the maintenance of the real estate cadastre, the state topographic maps, the spatial units registry, the content and the data management of the geodetic-cadastral information system of the Republic of Macedonia and the establishment, maintenance and public access to the National Spatial Data Infrastructure as well as the establishment of the Agency for Real Estate Cadastre .

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 provides acquisition, processing, maintenance, management, use, distribution, issuance and a single access to the real estate cadastre data, the basic geodetic works, the topographic maps and the spatial units registry;
- 2.”Real estate cadastre”** is a public book which records the right to ownership and the other real estate rights, real estate rights data, as well as other rights and facts whose registration is defined by law;
- 3. “Real Estate Property”** is the land, buildings and special parts of buildings and other objects, as well as other real estate property that is registered in the real estate cadastre in compliance to the Law.
- 4. “Authorized Officer”** is a person authorized to perform registration of the real estate rights during the establishment and the maintenance of the real estate cadastre.
- 5. “Cadastral units”** are cadastre parcels, cadastre municipality and cadastre district;
- 6.” Cadastral Parcel”** is a basic cadastre unit which is a part of a land defined with borders, located within a cadastral municipality and in possession of a certain owner.
- 7. “Cadastral municipality”** is a cadastre unit comprising one inhabited area, unless otherwise stipulated by this law.
- 8.”Cadastral district”** is a cadastre unit comprised of two or more cadastre municipalities representing an economic unit with similar natural and other conditions.

9. "Right holder" is any natural entity, legal entity, the Republic of Macedonia or a local self-government unit to whose title the real estate right is registered in the Real Estate Cadastre;

10."Spatial data" are detail point coordinates that define the real estate within the single state reference system;

11."Descriptive data" is data which describes the features and the characteristics of the real estate property (the factual land use, class, place name, number of building or special part of building, entrance, floor, area, etc), the real estate rights and the real estate right holders, which are registered in form of numeric or textual record;

12."Basic geodetic works" are the works which define the state geodetic datum, the cartographic projection and the reference networks which are used to realize the basic geodetic reference system of permanent homogeneous geodetic points in regard to which the definition of the spatial data is made.

13." 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;

14." Geodetic Reference Networks" are the permanent trigonometric, polygonometric, polygonal, linear and leveling networks such as the static networks as well as the active networks throughout the entire territory of the Republic of Macedonia;

15." Real Estate Survey" is a procedure for acquisition, processing and formatting of spatial and descriptive real estate data for the purposes of the establishment and maintenance of the real estate cadastre;

16." Geodetic Report" is a technical documentation for the performed basic geodetic works, the real estate survey performed for the establishment and the maintenance of the Real Estate Cadastre, the performed geodetic works for special purposes which influence the maintenance of the real estate cadastre and the geodetic works performed for the purposes of producing topographic maps, acquired on the field;

17." Cadastral plan" is a record of spatial data in a form of a graphic horizontal layout of the terrain in a state projection and is consisted of spatial real estate data;

18." Geodetic Works for Special Purposes" are the geodetic works which influence the Real Estate Cadastre maintenance;

19. "Spatial Unit" is a restricted part of the space, established for recording, acquisition and processing of statistic and other type of data, which are of interest to the R. Macedonia.

20. "Client" is any natural and legal entity, the state bodies and the bodies of the local self-government units.

21. "Applicant" is a real estate right holder, its legal representative, proxy, authorized representative or an individual authorized to request registration according the law.

22. "National Spatial Data Infrastructure (NSDI)" is a set of activities that enable efficient and effective acquisition, administering, sharing and use of geo-referenced spatial data.

23. “Alpha-numeric data” is data registered in a form of numeric or textual record.

24. “Ex-officio registration” is a registration of real estate rights by means of systematic registration procedure during the establishment of the real estate cadastre, as well as registration of real estate rights in benefit of the R. Macedonia.

Public Interest

Article 3

The establishment and the maintenance of the Real Estate Cadastre, the management of the Geodetic-Cadastral Information System, as well as the establishment, maintenance and public access to the National spatial data infrastructure are considered to be works of public interest.

Strategic Plan and Annual Program

Article 4

(1) The basic geodetic works, the real estate survey in service of the real estate cadastre, the establishment and the maintenance of the real estate cadastre, the state topographic maps, the spatial units registry, the content and the management of data from the geodetic-cadastre information system of R. Macedonia, as well as the establishment, the maintenance and the public access to the National Spatial Data Infrastructure 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 proposal of the Agency for Real Estate Cadastre for a period of 5 (five) years.

(3) The Annual Program stipulated in paragraph 1 of this Article shall be adopted by the Agency for Real Estate Cadastre, after prior endorsement 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, as well as the resources and the funds necessary for implementation thereon.

International Cooperation

Article 5

The Agency for Real Estate Cadastre cooperates with the authorized entities and institutions from other countries in the area of the geodesy and the real estate cadastre.

II. AGENCY FOR REAL ESTATE CADASTRE

Establishment of an Agency for Real Estate Cadastre

Article 6

(1) An Agency for Real Estate Cadastre (hereinafter referred to as “Agency”) shall be established for the purposes of performing the works for establishment and maintenance of the real estate cadastre, the management of the geodetic-cadastre information system, as well as for establishment, maintenance and public access to the National Spatial Data Infrastructure.

(2) The Agency acts in a capacity of a legal entity and has rights, liabilities and responsibilities stipulated by this Law.

(3) The Agency shall have its Statute.

(4) The Agency’s headquarters shall be in Skopje.

(5) For its performance, the Agency shall be responsible to the Government of the Republic of Macedonia.

Operative Principles

Article 7

The Agency shall function 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:

- Establish and maintain the geodetic-cadastre information system;
- Perform basic geodetic works;
- Perform real estate survey;
- Perform registration of real estate rights;
- Establish and maintain the real estate cadastre;
- Perform geodetic works for special purposes of importance to R. Macedonia, identified by the Government of R. Macedonia
- Produce state topographic maps;
- Administration of the spatial units register;
- Establish, maintain and provide public access to the National Spatial Data Infrastructure;
- Monitor the performance of the sole proprietors – authorized surveyors and the trade companies for geodetic works.

(2) The works stipulated in paragraph 1, point 6 of this article shall be performed by the Agency free of charge.

Bodies of the Agency

Article 9

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

Appointing and release of duty of the Steering Board Members

Article 10

- (1) The members of the Steering Board shall be appointed and released of their duty by the Government of Republic of Macedonia for a term of five years, without a right to re-election.
- (2) The Steering Board members shall elect a President on the first session of the Steering Board. The elected President must be a member of the Steering Board.
- (3) When a certain member of the Steering Board ceases to perform its 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 President or a Steering board member before the end of the term:
 - upon his/her request;
 - if sentenced for a committed criminal act with a ruling for imprisonment longer than 6 months;
 - he/she has been imposed a safety measure - injunction against performing a profession, activity or a management position within the institution;
 - Long term severe illness, which prevents the performance of the obligations;
 - Loss of business capability; and
 - if identified that during the performance of the function, the person by himself 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 unprofessional, amateur and inadequate performance of the function President or a member of the Steering Committee in the area of the material and financial performance, identified in the Audit report.

Authorities and working method of the Steering Board of the Agency

Article 11

- (1) The Steering Board of the Agency shall perform the following activities:
- Enact Statute of the Agency, after prior endorsement 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 Work Report;
 - Enact bylaws for implementation of this Law;
 - Enact acts for organization and systematization of the working positions within the Agency, as well as acts for assessment and for the salary system in the Agency, salary surcharges and other compensations for the Agency's staff.
 - Adopt Tariffs stipulated with this Law,
 - Perform other works, stipulated by this Law and the Statute of the Agency

(2) The Steering Board shall work and decide on sessions.

Director and Deputy Director

Article 12

- (1) The Agency shall be managed by a Director. The Agency's Director shall have its deputy.
- (2) The Director and the Deputy Director of the Agency shall be appointed and released of their duty by the Government of the Republic of Macedonia.
- (3) The Deputy Director shall replace the Director in all management activities and responsibilities, in case 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 public vacancy notice.
- (2) The right to participate in the public vacancy notice have all natural persons that meet the following criteria:
- o Hold university degree;
 - o 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 term of the Director and Deputy Director of the Agency is five years, with a right to re-election.

Release of duty of the Director and the Deputy Director

Article 14

The Director and the Deputy Director of the Agency may be released of their duty before the end of the term:

- a) If its ineffectual and incompetent work causes disruption in the Agency's performance and causes damage identified in a procedure compliant to Law;
- b) 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;
- c) If imprisoned for a committed criminal act for which a prison sentence longer than 6 months has been imposed.
- d) If he/she has been imposed with a safety measure – injunction against performing a profession, activity or management position within the institution;
- e) Long term severe illness, which prevents the performance of the obligations;
- f) Loss of the business capability; and
- g) 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 repair the omissions and/or if within the same deadline, the omissions and/or financial losses are again identified in his/her performance; and
- h) 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;
 - Organize the work and manage the 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 Tariffs stipulated with this Law;
 - Propose and implement the Acts for organization and systematization of the working positions within the Agency, as well as the acts for assessment and the salary system within the Agency, the salary surcharges and other compensations for the Agency's staff;
 - Issue and revoke licenses for performing geodetic works;
 - Looks after the Agency's legitimate performance and the spending of the finances;
 - 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; 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 its activities.

Internal Organization

Article 17

The internal organization of the Agency shall be established in compliance to its scope of work, stipulated by this Law.

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, regional and the international collaboration of the Agency.
- Other issues of significance to the Agency's performance.

Financing of the Agency and Audit

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 shall be used to cover the expenses for the daily activities, the development, and other surcharges for the employees and performance of other activities.
- (3) Provided that the Agency's performance generates higher revenues than expenditures, these funds shall be used for modernizing, promotion of the work and equipping the Agency, as well as for providing incentives to the employees.

Source 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 a 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, will be provided by the project clients, on a basis of a contract signed with the Agency.

Expert department

Article 21

- (1) The expert, the normative-legal, the supervisory, the administrative-technical, the auxiliary and other works for the needs of the Agency shall be performed by the expert department of the Agency.
- (2) The expert, the normative-legal and the supervisory works as well as other works in compliance to the law shall be performed by cadastre officers, while the administrative-technical, auxiliary and other works shall be performed by the administrative-technical and auxiliary staff.

Application of the regulations on the Rights, Obligations and Liabilities of the employees

Article 22

- (1) Besides the provisions defining the rights, responsibilities and liabilities of the cadastre officers stipulated in this Law, the provisions stipulated in the Working Relations Law, the provisions in the area of health, pension and disablement insurance, the General Collective Agreement of the state administration bodies and the collective agreement of the Agency shall also be applied.
- (2) Besides the provisions defining the rights, responsibilities and liabilities of the staff performing administrative-technical and auxiliary works stipulated in this Law, the provisions stipulated in the Working Relations Law, the provisions in the area of health, pension and disablement insurance, the General Collective Agreement of the state administration bodies and the Collective Agreement of the Agency shall also be applied.

Cadastre officers and individuals with special duties and authorizations

Article 23

- (1) The cadastre officers, depending on the type of professional tasks they perform, are classified in the following groups:
 - Expert advisors to the Director
 - Managing cadastre officers;
 - Professional cadastre officers, and
 - Professional - administrative cadastre officers
 - Other cadastre officers.
- (2) The titles of the cadastre officers stipulated in paragraph 1 of this article and the titles of the administrative-technical and auxiliary staff will be determined by the Acts for internal organization and systematization of the working positions within the Agency.
- (3) Officers with special duties and authorization according to this Law are the expert advisors to the Director and the managing cadastre officers. The expert advisors to the Director and the managing cadastre officers have position, rights and liabilities of equal rank to the managing officers within the bodies of the administration of R.M.
- (4) The cadastre officers stipulated in paragraph 1 of this article, as well as the administrative-technical and auxiliary staff do not have status of civil servants.
- (5) The Agency's employees are entitled to salary, salary surcharges and other compensations under the terms and criteria stipulated with law, the collective agreement and employment contract.
- (6) The salaries, the salary surcharges and the other compensations for the Agency's employees shall be provided from the Budget of R. Macedonia.

Appropriate and fair representation

Article 24

In the procedure for recruiting Agency staff for all positions stipulated by Law shall apply the principle for appropriate and fair representation of the citizens of all communities, by obeying the criteria for qualifications and competence.

Conflict of Interests

Article 25

- (1) The Agency's employee must not exercise any other function, duty or profession for profit which is in conflict with the performance of its working liabilities.
- (2) The Agency's employee must not be registered as a sole proprietor – authorized surveyor nor perform activity 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 the case of conflict of interests

Article 26

- (1) The employment of Agency employees shall cease when identified that the employees act contrary to article 25 of this Law, with a Decision enacted by the Director of the Agency.
- (2) Against the decision for cease of employment stipulated in paragraph 1 of this article, the employee can lodge a complaint to the Steering Board of the Agency.
- (3) Against the decision for cease of employment stipulated in paragraph 2 of this article, the employee can lodge a complaint with the relevant court.

Assigning, Reassigning, Evaluation and Incentives

Article 27

- (1) The Agency's employee can be reassigned with a Decision by the Director for a definite or an indefinite time period to another working position which is most appropriate to its professional experience, knowledge and qualifications.
- (2) The Agency's employee can, with a Decision by the Director, be permanently promoted to a higher working position available within the Agency, for which an internal employment notice shall be published.
- (3) The performance of the Agency's employee shall be evaluated once a year. The evaluation of the employees' performance for the previous year must be completed by the end of the first quarter of the following year.

III. GEODETIC-CADASTRAL INFORMATION SYSTEM

Establishment of Geodetic – Cadastral Information System

Article 28

For the purpose of acquisition, processing, maintenance, management, use and distribution of spatial and descriptive real estate data, within the Agency for Real Estate Cadastre shall be established Geodetic – Cadastral Information System of Republic of Macedonia (hereinafter referred to as “GCIS”).

Content of the Geodetic – Cadastral Information System

Article 29

- (1) The GCIS shall contain spatial and descriptive data for the real estate cadastre, the basic geodetic works, the real estate survey, topographic maps and the spatial unit registry as well as data for illegally built structures and temporary objects.
- (2) GCIS is comprised of the following components: basic geodetic works, the real estate cadastre, inventory of illegally built structures and inventory of temporary objects, topographic maps and the spatial units’ registry.
- (3) The data on illegally built structures and temporary objects shall be administered as separate records, independently from the REC data.
- (4) The GCIS shall be administered in electronic and paper form.

Functions of the GCIS

Article 30

The GCIS shall enable acquisition, processing, maintenance and management of the spatial and descriptive data of the real estate cadastre, the basic geodetic works, the real estate survey, the topographic maps and the spatial unit’s registry.

Safe guarding and security of the GCIS data

Article 31

- (1) The GCIS data in paper form shall be kept in special rooms, conditions and storage equipment in order to be permanently protected.
- (2) The electronic GCIS data shall be kept in special computer systems.

Electronic form of the GCIS

Article 32

- (1) The Agency shall provide security of the GCIS electronic data by undertaking measures for physical and technical protection as well as through double safeguarding of data on two physically separate locations.
- (2) In the electronic GCIS, each registered change in the REC shall be recorded with the date and the hour of registering the change, as well as the name of the person who performed the registration.
- (3) The electronic system provides strictly controlled access to the GCIS, with different level of accessibility.

Security of the GCIS data

Article 33

The Agency shall undertake legal, organizational and technologic procedures and measures to secure the paper and electronic 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.

Use, Distribution, Access and Issuance of GCIS Data

Article 34

- (1) GCIS provides use, distribution, access and issuance of data.
- (2) Access in the GCIS data in paper form can be obtained at the official premises of the Agency, in presence of an authorized officer employed at the Agency.
- (3) The clients can use, distribute and access the data from the electronic GCIS through a global electronic network connected to the Agency's local electronic network.

Electronic connection

Article 35

- (1) Natural and legal entities as well as other interested subjects can, under the conditions stipulated with this law, obtain GCIS data through direct electronic connection;
- (2) The data stipulated in paragraph 1 of this article can be provided in a form of information or in a form of public certificate.

Issuance of data from the Inventory for illegally built objects and the Inventory of temporary objects

Article 36

- (1) The data from the Inventory of illegally built objects and the Inventory of temporary objects shall be issued in a form of an Evidence List and a List for temporary objects.
- (2) The Evidence List is an excerpt from the separate Inventory stipulated in paragraph 1 of this article and contains data for:
 - The cadastre parcel on which the illegally built objects are located;
 - The illegally built objects
 - The occupants of the illegally built objects
- (3) The List of temporary objects is an excerpt from the separate Inventory stipulated in paragraph 1 of this article and contains data for:
 - The cadastre parcel on which the temporary objects are located;
 - The temporary objects
 - The occupants of the temporary objects
- (4) The Evidence List and the List of temporary objects are not public documents which can prove the real estate right, and the changes of the data for these objects shall not be recorded in the separate Inventories stipulated in paragraph 1 of this article.

Fee for the use of GCIS data

Article 37

- (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.
- (2) The amount of the fee for use and inspection of the GCIS data shall depend on the actual expenses for their preparation, form and scope.

Bylaws

Article 38

- (1) The manner of use, distribution, access, issuance, safeguarding and security of the GCIS data, as well as the form and the content of the Evidence List and the List of temporary objects shall be prescribed by the Steering Board of the Agency.
- (2) The amount of the fee for use and inspection in the GCIS data shall be determined by a Tariff enacted by the Steering Board of the Agency, by a prior endorsement of the Government of R. Macedonia.

IV. BASIC GEODETIC WORKS

DEFINITION

Article 39

The basic geodetic works are works that enable:

- Definition of the state reference system;
- Placing, reconstruction and maintenance of geodetic points from the permanent geodetic reference networks in reference to which the survey of the spatial data is performed;
- Implementation of the Gauss – Krieger projection; and
- Designing and establishing new active geodetic reference network.

State Reference System

Article 40

The state reference system shall include the following reference systems:

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

Geodetic Reference Networks

Article 41

- (1) The geodetic networks on which basis the real estate properties and other spatial structures are positioned, consist of points with geometric shape, depending on the network type.
- (2) The networks stipulated in paragraph 1 of this Article cover the whole territory of the R. Macedonia and are classified as:
 - Trigonometric;
 - Polygonometric;
 - Polygonal;
 - Linear; and
 - Leveling.

Purpose of the networks

Article 42

The networks stipulated in Article 41 of this Law are basis for production of analogue and digital cadastral plans, production of topographic maps, measurement and maintenance of the spatial units and the state border, as well as geodetic–technical works for land arrangement.

State Projection

Article 43

The State projection in the Republic of Macedonia is Gauss- Krieger and has the following characteristics:

- Transversal, cylindrical and conformal projection;
- 3 degree meridian zone of translation;
- The central meridian is the twenty first meridian in reference to Greenwich; and
- Earth ellipsoid, Bessel 1841.

Active Geodetic Reference Network

Article 44

- (1) The active geodetic reference network is comprised of permanent and active stations with systems for receipt and distribution of signals and data.
- (2) The network stipulated in paragraph 1 of this article shall be established on the entire territory of the Republic of Macedonia and the Agency shall provide conditions for its establishment and maintenance.

Positioning of points from the active geodetic reference network

Article 45

- (1) The point from the active geodetic reference network shall be positioned on a state-owned real estate property.
- (2) If the point from the active geodetic reference network is positioned on a private real estate property, the positioning of the point shall be made after prior resolving of the legal-property affairs.
- (3) The settlement of the legal-property affairs stipulated in paragraph 2 of this Article is determined by establishing a right to easement over the part of the real estate property upon which the point of the active geodetic reference network is located, in favor of the Agency.
- (4) The Agency shall produce Minutes for positioning the reference network points on the real estate property. The Minutes shall comprise descriptive and spatial real estate data, the points' mark, the points' location projected on the graphical part of the Minutes as well as a Note informing that causing damage to the points is a criminal act punishable by Law.
- (5) On the basis of the Minutes, the Director of the Agency shall enact a Decision for positioning of the reference networks points. The decision will comprise Notification for the liabilities of the real estate right holders, stipulated in article 46 and 47 from this Law.

Safeguarding the reference network points

Article 46

- (1) With the Decision stipulated in article 45, paragraph 5 of this Law, the Agency shall notify the real estate right holders on the type and the position of the reference network points which will be positioned on their real estate property.
- (2) The points of the reference networks positioned upon the real estate property must not be destroyed, damaged or relocated without a proper authorization.
- (3) The right holders of the real estate property, upon which the reference network points have been positioned, are obliged to report to the Agency each removal, damage, 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 47

- (1) If construction or other type of works are performed on the real estate property which can damage, relocate or destroy the reference network points positioned over the same real estate property, 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 stipulated in paragraph 1 of this article in the reference network shall be borne by the Contractor of such works.

Geodetic Report for basic geodetic works

Article 48

For the performed field geodetic works which are part of the basic geodetic works shall be produced a Geodetic Report, comprising the technical documentation from the performed geodetic works.

Bylaws

Article 49

The manner of performance of the basic geodetic works and 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 ESTATE SURVEY

Works during the Survey

Article 50

The real estate survey (hereinafter referred as a survey) is a procedure for acquisition, processing and formatting the spatial two-dimensional data (hereinafter referred as 2d) and the descriptive real estate data in service of the establishment and the maintenance of the Real Estate Cadastre.

Subject of the Survey

Article 51

Subject of the survey is the acquisition of data stipulated in Article 50 of this Law for the cadastre municipality boundary, the cadastre parcel, the buildings, the special parts of buildings and other objects.

Cadastral Municipality

Article 52

- (1) The cadastral municipality as a basic cadastral unit, in general, covers an area of one settlement.
- (2) As an exception to paragraph 1 of this Article, one cadastral municipality may be established on the area of two or more settlements, on a part of a settlement, or on parts of more settlements.

Restitution and delineation of the cadastre municipality boundary

Article 53

- (1) The cadastral municipality boundary subject to the survey shall be restituted and delineated by a commission established by the Director of the Agency prior the commencement of the survey, which is in service of the systematic registration of the real estate rights.
- (2) The restitution and the delineation of the boundary stipulated in paragraph 1 of this Article shall be performed by setting up boundary marks, production of demarcation sketches and description of the boundaries in Minutes for demarcation, drafted by the commission, stipulated in paragraph 1 of this article.

Scope of the cadastre municipality boundary

Article 54

- (1) In general, the cadastral municipality boundary overlaps with the cadastral parcel boundaries, obtained from the performed survey of the boundaries of the neighboring cadastre municipalities.

- (2) As an exception to paragraph 1 of this Article, the cadastral municipality which is subject to the survey may encompass parts of the neighboring cadastral municipalities, which according to the factual situation gravitate towards the new cadastral municipality and are located in the same local self-government unit, in agreement with the local-self government unit.

Change of the cadastre municipality boundaries

Article 55

The borders of a cadastre municipalities in which a Real Estate Cadastre is established, may be changed with a Decision by the Government of Republic of Macedonia, at the motion of the Agency.

Definition of a cadastre municipality in the reference system

Article 56

The spatial 2d data for the cadastre municipality boundary provide its definition in the reference system, while the descriptive data provide more detailed information for the boundary.

Bylaws

Article 57

The manner of restitution, demarcation and the changing of the boundaries of the cadastre municipality with a land cadastre in use, subject to the survey, shall be stipulated by the Steering Board of the Agency.

Single identification number of a cadastre parcel

Article 58

- (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 estate data.
- (2) The single identification number is comprised of descriptive data for the name of the cadastre municipality and the number of the cadastre parcel.

Cadastral Parcel Data

Article 59

- (1) The borders of the cadastral parcel are defined by demarcation points, which form a polygon.
- (2) The data for the 2d position and the shape of the cadastral parcel are displayed on the cadastral plan.

- (3) The descriptive data for the cadastre parcel, which refer to the cadastral parcel number, indication, the manner of land use and land class, are displayed both on the cadastral plan and in the electronic data base.
- (4) The descriptive data of the cadastre parcel which refer to the address i.e. the place name, the cadastral parcel area and the cadastre parcel right holders are inserted only in the electronic data base.

Buildings, special parts of buildings and other objects

Article 60

- (1) The subject to survey for the purpose of establishing and maintenance of real estate cadastre are buildings, special parts of buildings and other objects that represent a functional unit, permanently positioned on the cadastre parcel.
- (2) The buildings, the special parts of buildings as well as other objects shall be marked with a single identification number in the GCIS which is comprised of descriptive data for the name of the cadastre municipality, the number of the cadastre parcel, and the number of the building i.e. number of the special part of the building.
- (3) The following data are collected for the buildings and the special parts of the buildings stipulated in paragraph 1 of this article:
 - Spatial data for the footprint of the building;
 - Internal area;
 - Descriptive data for the use, the number of floors, the number of the building, the entrance number, apartment number; and
 - Descriptive data for the right holders of the building and the special parts of the building.
4. If the data for the internal area of the other objects (granaries, reservoirs and other) cannot be collected, besides the data stipulated in paragraph 3, point 1 and 4 of this article, descriptive data for the volume structure of the objects shall also be collected.
- (5) The spatial 2d data for the footprint of the building, the number of the building and its use are displayed on the cadastral plan.
- (6) The descriptive data for the building and the special parts of the building, the area of the building and the special parts of the building as well as the right holders of the building and the special parts of the building are inserted in the electronic database.
- (7) The common parts of the buildings such as hallways, stairs, elevators, auxiliary and other common space in service of the special parts of the buildings are not measured during the survey stipulated in paragraph 1 of this article.

Land cadastre classification

Article 61

- (1) Land cadastral classification is performed during the acquisition of real estate data in service of the systematic registration of the real estate rights.
- (2) The changes of the previously performed cadastre classification are performed during the maintenance of the real estate cadastre, upon client's request.

Scope of cadastre classification and method of land use

Article 62

- (1) The land cadastre classification 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.
- (3) Cadastral culture (hereinafter referred as method of land use) is the method and the possibilities of land exploitation for agricultural, forest and other productions.
- (4) According the method of land use, the land can be classified into: fertile, infertile land, land under greenhouses (orangery) and land under water.
- (5) The fertile land is classified as: fields, rice fields, gardens, orchards, vineyards, meadows, pastures, forests, giant reeds and marshlands.
- (6) According the method of use, the fertile land is classified in eight cadastral classes.
- (7) The infertile lands are classified as naturally infertile land (dales, stonemasons and other) and artificially infertile land (urban non-constructed land, urban constructed land: land under the building, streets, roads, bridges, and other).
- (8) The land under the greenhouses (orangery) is the land used for agricultural purposes, while the greenhouses built on the basis of the construction-technical documentation are in service of more efficient land use.
- (9) The land under water is classified as land under running waters (streams and rivers) and land under standing waters (natural and artificial lakes).
- (10) The infertile lands are not classified in cadastre classes.

Definition of the method of land use

Article 63

- (1) For the purpose of defining the method of the fertile land use and the fertile land classes, benchmark lands shall be primarily established for each method of land use and land class separately within the cadastral district.
- (2) The benchmark lands within the cadastral district are also benchmark lands in the cadastral municipality where they are located.

- (3) The method of land use and the classes of the cadastral parcel within the cadastre municipality shall be defined on basis of the benchmark lands stipulated in paragraph 2 of this Article.

Benchmark lands

Article 64

- (1) Benchmark lands are individual cadastral parcels, used to determine the average yield of agricultural, forest and other type of production for certain land class.
- (2) The basis of the land cadastral classification i.e. the benchmark lands shall be defined by the Agency.

Defining benchmark lands and changing the method of use

Article 65

- (1) The establishment of benchmark lands within the cadastral municipality and the definition of the method of land use and land classes for each cadastral parcel within the cadastral municipality in service of the systematic registration of the real estate rights as well as the changes of the land classes in a procedure of maintaining the real estate cadastre shall be performed by the Agency.
- (2) During defining the benchmark lands and the method of land use, the Agency is obliged to use the data from the Registries administered in the state administration body authorized for agriculture, forestry and water economy.
- (3)** The changes in the already defined method of land use after the establishment of the real estate cadastre shall be performed by the Agency, upon client's application.

Bylaws

Article 66

The method of the land cadastral classification, the form and content of the Geodetic report for the identified change in the method of land use, as well as the form and the content of the application stipulated in article 65 paragraph 3 of this Law shall be prescribed by the Steering Board of the Agency.

Performing Real Estate Survey in service of the systematic registration of real estate rights

Article 67

- (1) When the real estate survey is performed in service of the systematic registration of real estate rights, the Agency is obliged at least 30 days prior the commencement of the survey procedure to inform the real estate right holders in the area which is subject to the survey to perform demarcation of the real estate boundaries with permanent and visible markers.

- (2) The real estate right holders stipulated in paragraph 1 of this Article are obliged to perform the demarcation of the cadastral parcel boundaries at their own expense.
- (3) A Geodetic Report is to be produced for the performed real estate survey, which is conveyed in service of the systematic real estate rights registration. The Geodetic report contains technical documentation from the performed real estate survey.
- (4) The Geodetic report stipulated in paragraph 3 of this article shall comprise a Statement for identification of the performed comparison between the data for the cadastre parcel, the buildings, special parts of buildings, other objects collected with the survey and the data contained in the current cadastral records and the data comprised in the legal basis (hereinafter referred to as Statement for identification).

Processing and formatting of survey data and production of cadastre plan archive originals

Article 68

- (1) When the data are in service of the systematic registration of the real estate rights under ex-officio procedure, after the performed real estate survey the data shall be processed and formatted and afterwards cadastral plan archive originals shall be produced.
- (2) The cadastre plan archive originals are produced in scale of: 1:1000, 1:2500 and 1:5000.
- (3) The cadastre plan archive originals can also be produced in scale of 1:500.
- (4) The cadastre plan archive originals are used for production of working originals, on which the real estate data comprised in the legal documents are inserted.
- (5) The digital data from the cadastral plans are inserted in the GCIS electronic data base.

Geodetic report from the Survey

Article 69

- (1) The Geodetic Report from the performed survey in service of the systematic registration of real estate rights is a compilation of spatial and descriptive data for:
 - The real estate properties, subject to the survey;
 - The boundary of the cadastre municipality included in the survey;
 - Processed and formatted spatial and descriptive real estate data obtained with the survey.
- (2) If there is a difference between the spatial real estate data collected with the survey and the data contained in the legal documents and the current cadastre records, the Geodetic Report will illustrate the identified differences.
- (3) During the survey, if the client has not provided legal documents or was not present to submit the spatial real estate data comprised in the legal documents, the Geodetic Report will comprise a Note that the report is produced only on the basis of the data collected with the survey and the data comprised in the current cadastre records.
- (4) The Geodetic Report stipulated in paragraph 1 of this article shall be kept permanently.

Maintenance of the cadastre plan working originals

Article 70

- (1) For maintenance of the cadastre plan working originals shall be used data from the real estate survey, synchronised with the data comprised in the legal basis for registration.
- (2) The maintenance of the cadastre plan working originals shall be performed with the same accuracy used for their production.

Real Estate Survey by request of a client

Article 71

- (1) The survey in service of the sporadic registration of the real estate rights, the registration of unregistered rights after establishment of the real estate cadastre and in service of the maintenance of the real estate cadastre shall be performed by request of a client.
- (2) A Geodetic Report containing the technical documentation from the performed real estate survey shall be produced for the performed survey stipulated in paragraph 1 of this article.
- (3) The Geodetic Report from the performed survey in service of the sporadic registration in the real estate cadastre and the registration of unregistered rights after the establishment of the Real Estate Cadastre shall also contain a statement for identification stipulated in article 67, paragraph 4 of this Law.

Bylaws

Article 72

The manner of performing the survey, the form and the content of the geodetic reports from the performed survey, the form and the content of the Statement for Identification, as well as the manner of processing and formatting the real estate data subject to the survey, as well as the content and the scale of the cadastre plans shall be prescribed by the Steering Board of the Agency.

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

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

Article 73

- (1) The field geodetic works referring to the basic geodetic works and the survey as public authorisations shall be performed by sole proprietors - authorized surveyors and trade companies for geodetic works, under the conditions and manner stipulated by this law.
- (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.
- (3) Besides the works stipulated in paragraph 1 and 2 of this article, the sole proprietors - authorized surveyors and the trade companies for geodetic works can perform geodetic works for special purposes which are of influence to the maintenance of the Real Estate Cadastre.
- (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.
- (5) The title of the sole proprietors-authorized surveyors and trade companies for geodetic works can not contain the word “Cadastre”.

Geodetic Works for Special Purposes

Article 74

- (1) Geodetic works for special purposes are geodetic works which refer to the production of numerical real estate data for the purpose of resolving the legal-property affairs.
- (2) A Geodetic report shall be produced for the performed geodetic works for special purposes.

Conditions for performing geodetic works

Article 75

- (1) The sole proprietors - authorized surveyors and trade companies for geodetic works in order to perform the field geodetic works as a part of the basic geodetic works, the field geodetic works referring to the topographic maps, the survey and the geodetic works for special purposes, should meet the following conditions:
 - To be registered in the trade registry 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; and
 - Hold a licence for performance of the geodetic works.

Foreign Geodetic Engineers

Article 76

- (1) The geodetic works stipulated in Article 73, paragraph 1, 2 and 3 of this Law can also be performed by foreign legal entities registered for performance of geodetic works in the state of its Head Office under the manner prescribed by this Law, provided they have been selected in an international competitive bidding procedure in compliance to the public procurement regulations.
- (2) A foreign geodetic engineer, holder of a license from another state, may perform geodetic works on the territory of the Republic of Macedonia under terms of reciprocity, with a license verified by the Chamber of Authorized Surveyors (hereinafter referred to as “Chamber”), provided that the foreign geodetic engineer is acquainted with the legal framework of Republic of Macedonia in the field of the geodetic works.
- (3) Foreign geodetic engineer can perform the works stipulated in article 73 paragraph 1, 2 and 3 of this Law based on a contract with a sole proprietor – authorized surveyor or trade company for geodetic works registered in the Trade Register within the Central Registry of Republic of Macedonia with main occupational field of work - performance of geodetic works.

Authorized Surveyor

Article 77

An authorized surveyor is a natural person authorized to perform geodetic works, such as:

- Survey;
- Field geodetic works which refer to the basic geodetic works and topographic maps; and
- Geodetic works for special purposes.

Acquiring a License for Authorized Surveyor

Article 78

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

- Has a citizenship of the Republic of Macedonia;
- Holds a Bachelor’s Degree in Geodetic Engineering and has minimum three years of working experience in the field of the geodetic works as a graduated geodetic engineer; and
- Has successfully passed the exam for acquiring a license for authorized surveyor;

(2) The exam stipulated in paragraph 1, point 3 of this Article shall be sat in front of a Commission for sitting an exam for authorized surveyor, established within the Chamber;

(3) For sitting the exam stipulated in paragraph 1, point 3 of this Article, a fee shall be paid to the Chamber;

(4) The amount of the fee for sitting the exam for acquiring license for an authorized surveyor shall be determined on the basis of the expenditures required for providing spatial 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.

(5) The Chamber 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 Chamber shall record the licenses issued to the authorized surveyors in the Register of Authorized Surveyors.

Issuance and extension of the license for authorized surveyor

Article 79

- (1) The license for authorized surveyor shall be issued for a time period of 10 years.
- (2) The license for authorized surveyor may be extended every ten years, provided that the authorized surveyor has attended continuous education of minimum 20 hours per year in the field of the geodetic works.
- (3) For extending its license, the license holder shall submit to the Chamber a request and a certificate issued by the Chamber for the education stipulated in paragraph 2 of this article no later than 6 months before the expiration of the license.
- (4) Against the Decision of the Chamber to reject the extension of the license of the authorized surveyor can be filled a complaint to the Director of the Agency within 15 days from the submission of such Decision. The complaint does not delay the enactment of the decision.

Termination of the license for authorized surveyor

Article 80

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

- The authorized surveyor dies;
- The authorized surveyor completely loses its business ability;
- 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.

Deprivation of License for authorized surveyor

Article 81

The authorized surveyor shall be deprived of its license if:

- the authorized surveyor in the course of the performance of the geodetic works acts against the Law and the regulations thereof, as well as the rules and the standards of the geodetic profession;
- the authorized surveyor has been sentenced with a safety measure – injunction against exercising a profession, practice or a duty;
- the authorized surveyor partially loses its business ability, and
- the authorized surveyor does not submit a request for extension of the license for authorized surveyor within the time period stipulated in Article 79, paragraph 3 of this Law.

Deprivation of License for authorized surveyor when in breach of law and the regulations enacted on the basis of the Law as well as the rules and the standards of the geodetic profession.

Article 82

- (1) In the case stipulated in article 81, paragraph 1 point 1 of this Law, the license for authorized surveyor shall be deprived by the Chamber at the proposal of the Director of the Agency, if the Agency during the inspection of the work of the sole proprietor – authorized surveyor and the trade company for geodetic works identifies irregularities in the performance of the geodetic works.
- (2) The Chamber shall enact a Decision for deprivation of the license stipulated in paragraph 1 of this Article.
- (3) Against the decision for deprivation of the license cannot be lodged an appeal, though a lawsuit can be lodged with a relevant court.
- (4) The deprivation of the license is recorded in the Registry of Authorized Surveyors.

Acquiring a new license

Article 83

- (1) The authorized surveyor who has been deprived of its license in the case stipulated in article 81, paragraph 1 point 1 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 a new license stipulated in paragraph 1 of this article, the person should again meet the criteria stipulated in article 78 paragraph 1 of this Law.

Deprivation of License for authorized surveyor in case when a sanction for a committed offence has been sentenced and the business ability has been partially lost

Article 84

In the case stipulated in Article 81, paragraph 1 point 2 and 3 of this Law, the Steering Board of the Chamber shall deprive the holder of its license and bestow the holder the right to reclaim the license after the expiration of the measure i.e. after the cease of partial loss of the business ability by providing a relevant act issued by a competent authority.

Deprivation of License for authorized surveyor in case of failure to submit a request for extension of the license for authorized surveyor

Article 85

- (1) In the case stipulated in article 81 paragraph 1 point 4 of this Law, the license for authorized surveyor shall be deprived by the Steering Board of the Chamber and bestow the right for reclaiming the license.

- (2) The authorized surveyor who has been deprived of its license in the case stipulated in article 81 paragraph 1 point 4 of the of this Law cannot reclaim the license before the expiration of 1 year from the day of such deprivation.

Bylaws **Article 86**

The manner of performing the geodetic works for special purposes, as well as the form and the content of the geodetic reports for the performed geodetic works for special purposes, the manner of acquiring and extension of the license for authorized surveyor, as well as the form and the content of the license, the form, the content and the method of registering and administering the Register of Authorized Surveyors shall be prescribed by the Steering Board of the Agency.

Damage liability insurance **Article 87**

- (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 €15,000 in MKD currency equivalent, 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 88**

- (1) In order to start with its 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 to the sole proprietors - authorized surveyors and trade company for geodetic works provided that the sole proprietors - authorized surveyors and trade company for geodetic works meet the following criteria:
 - Is registered with main occupational field of work- performance of geodetic works;
 - has minimum two employees from the geodetic field, out of which at least one is an authorized surveyor;
 - has a damage liability insurance; and
 - meets the conditions for office facilities and equipment, necessary for performance of the geodetic works.
- (3) The license stipulated in paragraph 1 of this Article shall be issued by the Agency.

(4) The Agency shall charge a fee for acquiring a license for performance of geodetic works.

(5) 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 Agency.

(6) 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 Agency.

Working Conditions for a Branch office

Article 89

- (1) For performance of the geodetic works stipulated in article 73, paragraph 1, 2 and 3 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 defined in article 88, paragraph 2 point 4 of this Law.
- (3) For inspecting the fulfillment of the conditions stipulated in paragraph 2 of this article, the Director of the Agency shall establish a commission.
- (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 Director of the Agency 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 88, paragraph 6 of this Law.
- (7) The Agency shall charge a fee for inspecting the conditions necessary for performing the geodetic works in the branch offices.
- (8) The amount of the fee stipulated in paragraph 7 of this article shall depend on the expenditures necessary for inspection of the conditions for performance of the geodetic work. The amount of the fee shall be prescribed by the Steering Board of the Agency.

Performance of the geodetic works in accordance to this Law and the regulations thereof, as well as the rules and the standards of the geodetic profession

Article 90

The sole proprietor – authorized surveyors and the trade companies for geodetic works are obliged to perform the geodetic works in accordance to the provisions of this Law and the regulations enacted on the basis of this Law and in accordance to the rules and standards of the geodetic profession.

Verification and processing of the Geodetic Report

Article 91

- (1) The sole proprietor-authorized surveyor and the trade companies for geodetic works shall prepare a Geodetic Report for the performed geodetic works.
- (2) Depending on the type of the geodetic works, the geodetic report may be produced for: field geodetic works as part of the basic geodetic works, the survey, the field geodetic works referring to the topographic maps and the geodetic works for special purposes which are of influence to the maintenance of the REC.
- (3) Each geodetic report must be verified and signed by the authorized surveyor registered as a sole proprietor – authorized surveyor or by an authorized surveyor employed at the trade company for geodetic works.
- (4) The geodetic report for the performed geodetic works for special purposes shall be submitted to the Agency for verification. With the verification, the Agency confirms that during the preparation of the geodetic report were used GCIS data for which a fee was paid according to this Law.
- (5) The amount of the fee for verification of the geodetic report stipulated in paragraph 4 of this article shall depend on the scope and the content of data included in the geodetic report.
- (6) The geodetic reports for the performed geodetic works shall be submitted to the Agency for processing.
- (7) The Agency is obliged to verify the Geodetic Report for the performed geodetic works for special purposes within three days of the submission of the geodetic report.

Bylaws

Article 92

- (1) The form and the content of the license for performing the 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 enacted by the Steering Board of the Agency, endorsed by the Government of R. Macedonia.

Obligation to use the real estate cadastre data

Article 93

- (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.

Bylaws
Article 94

- (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 real estate area subject to survey, the number and type of buildings, special parts of buildings and other objects), the remoteness of the real estate 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 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 95

- (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 sole proprietors – authorized surveyors and trade companies for geodetic works shall submit to the Agency the data for the recorded applications stipulated in paragraph 1 of this article.

Chamber of Authorized Surveyors
Article 96

- (1) The authorized surveyors can join the Chamber of Authorized Surveyors (hereinafter referred to as 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 headquarters of the Chamber is located in Skopje.
- (3) The Chamber is an independent, non-profit organization, acting in the capacity of a legal entity.
- (4) The Chamber is registered in the Trade Registry within the Central Registry of the R. Macedonia.

Competences of the Chamber
Article 97

- (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 acquiring, extension, cease and deprivation of the license for authorized surveyor.
- (3) The supervision over the performance of the public competences stipulated in paragraph 2 of this article shall be performed by the Agency via:
 - 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) The public competences shall be revoked or restricted by the Agency if the Chamber fails to correct the weaknesses stipulated in paragraph 3 point 1 of this article, for which the Chamber shall be informed in writing.

Bodies of the Chamber

Article 98

- (1) Bodies of the Chamber are: Assembly of the Chamber, Steering Board of the Chamber and President of the Chamber.
- (2) The organization, the jurisdiction, 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 99

- (1) The Assembly of the Chamber is comprised of all persons, holders of a license for authorized surveyor.
- (2) The Assembly of the Chamber shall protect the reputation and the honor of the profession and shall ascertain that the authorized surveyors perform the geodetic profession conscientiously and in compliance to the Law.

Competences of the Chamber's Assembly

Article 100

- (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 a Program for continuous education of the authorized surveyors;
 - adopt the Annual Account for the previous year and a proposal Financial Plan for the following year, reviews and adopts the Report for the overall activities drafted by the President of the Chamber;
 - decides upon the amount of the membership fee and its payment, 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 the members, while the decisions shall be passed with a majority vote.
- (3) At the regular annual meeting, the Chamber's Assembly shall decide upon the Annual Account and for the proposal Financial Plan for the following year and shall review and adopt the Report for the overall activities.
- (4) The extraordinary meeting of the Chamber's Assembly can be convened by the President of the Chamber, based upon the Decision of the Steering Board or by a written request of at least 30 members of the Chamber. If the President does not convene the meeting within a month 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 who have submitted the request.

Steering Board

Article 101

- (1) The Steering Board shall be comprised of 7 members, out of whom 5 members will be from the Chamber and 2 members from the staff 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;
 - enact decisions for issuing, extension, termination and deprivation of licenses for the authorized surveyors;
 - Prepare and propose a program for continuous education of the authorized surveyors, monitor the professional training of the authorized surveyors and issue certificates for the conveyed professional training;
 - look after the status of the authorized surveyors;
 - organize the continuous professional training for the authorized surveyors by organizing seminars and lectures according the continuous education program for the authorized surveyors;
 - administer a Register of authorized surveyors;
 - prepare the Meetings of the Chamber's Assembly;
 - execute the decisions brought by the Chamber's Assembly;
 - draw up a proposal for the annual account and proposal financial plan for the following year;
 - Ensure collection of the membership fee;
 - prepare annual report of the Chamber's activities, and
 - decide upon other issues, which by Law or Statute of the Chamber are delegated as its competence.
- (3) The members of the Steering Board shall be elected for a two-year term with a right to re-election.

President of the Chamber

Article 102

- (1) The President of the Chamber will also be the President of the Steering Board.
- (2) The President of the Chamber shall represent the Chamber.
- (3) The President of the Chamber and the members of the Steering Board shall be elected for a two year term with a right to re-election.

Incentive and Compensation for the Members of the Chamber Bodies

Article 103

The President and the members of the Steering Board shall exercise their function without any compensation. They will be entitled only to compensation of real expenditures for the performance of their tasks and duties. The decision for the compensation of the expenditures shall be brought by the Steering Board of the Chamber.

Legal Remedies

Article 104

Against the Decisions brought by the Chamber's bodies which decide for the rights and liabilities of the authorized surveyors may be lodged a complaint with the Director of the Agency within 15 (fifteen) days from the day of submitting the Decision. The Complaint does not delay the enactment of such Decision.

VII. REAL ESTATE CADASTRE

Real Estate Cadastre as Public Book

Article 105

- (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.

The Real Estate Cadastre as a segment of GCIS

Article 106

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

(2) The Real Estate Cadastre stipulated in paragraph 1 of this article shall be established on the entire territory of the Republic of Macedonia as a single database.

(3) The data from the Real Estate Cadastre may be used by all interested parties for their own purpose under conditions prescribed by Law.

Content of the Real Estate Cadastre

Article 107

The data which have been registered in the Real Estate Cadastre are comprised in the electronic data base (hereinafter referred to as Cadastre Registry Book), on the cadastre plans and in the compilation of documents.

Cadastre Registry Book and Cadastre Plans

Article 108

- (1) The Cadastre Registry Book as part of the GCIS comprises alphanumeric real estate data.
- (2) The cadastre plans as part of the GCIS shall display the spatial real estate data.

Compilation of Documents

Article 109

(1) The Real Estate Cadastre is comprised of the latest registered real estate data comprised in the compilation of documents and the data which provide historical overview of the performed registrations.

(2) The compilation of documents is comprised of Geodetic Reports from the survey, statements for identification, legal bases for the separate registrations, application for registration, certificate by the Agency for performed registrations, certificate by the Agency for rejection of the registrations and any other registration related documents.

(3) The compilation of documents is kept in paper and electronic form as an archive material of permanent value in compliance with the archiving regulations.

Originals and verified documents

Article 110

(1) Legal basis for registration in the Real Estate Cadastre are documents i.e. acts on which basis the registration in the Real Estate Cadastre is performed.

(2) The documents i.e. the acts stipulated in paragraph 1 of this article 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 111

(1) The registration of the right to ownership and other real estate rights in the Real Estate Cadastre is obligatory, while the registration of other real estate rights and facts of influence to the real estate property can be performed if prescribed by a special Law.

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

Principle of Constituency of Registration

Article 112

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

Principle of Transparency

Article 113

The data in the Real Estate Cadastre is public, unless otherwise stipulated by a Decision of an authorized body enacted on the basis of a Law.

Principle of Accuracy and Trust in the Registered

Article 114

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 115

During the registration in the Real Estate Cadastre, the cadastral 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 or the acts issued by the relevant entities are enacted according to the Law.

Principle of Priority

Article 116

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

Principle of Clarity

Article 117

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

ISSUING DATA FROM THE REAL ESTATE CADASTRE

Article 118

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

- Property list
- List for conditional registration of a construction
- Cadastre plan copy;
- Document for the facts resulting from the data in the real estate cadastre
- Copies of the document compilation; and
- Any other data from the Real Estate Cadastre

(2) The data stipulated in paragraph 1, point 1, 2, 3 and 5 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 4 of this article shall be issued by the Agency in a period not longer than three days from the day of submitting the application.

(3) Cadastre plan copy can be issued also by a sole proprietor-authorized surveyor and a trade company for geodetic works who has electronic access into the digital cadastre plans, under the conditions and manner stipulated by this law.

(4) The copy stipulated in paragraph 3 of this article shall be signed by the sole proprietor-authorized surveyor i.e. the authorized surveyor employed in the trade company for geodetic works, after which the Agency shall verify the copy.

(5) The Agency shall charge a fee for verification of the copy stipulated in paragraph 3 of this article. The amount of the fee depends on the scope and the content of the data contained in the cadastre plan.

Bylaws

Article 119

The amount of the fee for verification of the cadastre plan copy stipulated in article 118, paragraph 5 of this Law shall be determined by a Tariff enacted by the Steering Board of the Agency and endorsed by the Government of R. Macedonia.

Property List

Article 120

1. The property list is a public document by which the registered ownership right and the other real estate rights are proved, in compliance to Law.
2. The Property List comprises data for:
 - a. The cadastre parcels;
 - b. The buildings and the special parts of buildings and other objects;
 - c. The real estate right holders;
 - d. The ownership and other real estate rights and 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 case 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.

List for conditional registration of an object

Article 121

1. The List for conditional registration of an object can be issued for a conditionally registered ownership right to a building, special part of building or any other object under construction.
2. The List stipulated in paragraph 1 of this Article is comprised of:
 - Data of the individuals who have the right to construction, in compliance to the building permit;

- Data on buildings, special 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 construction and the other legal acts related to the performed conditional registration.

Article 122 Cadastral Plan Copy

The Cadastral Plan Copy is an excerpt from the cadastral plan working original, which also displays the difference between the spatial data in the legal basis and the spatial data from the survey, displayed in a graphically visible manner.

Document for the facts, resulting from the data in the Real Estate Cadastre

Article 123

The documents for the facts, which result from the data in the Real Estate Cadastre, can be issued as: certificate for the historic overview of the performed registrations in the Real Estate Cadastre and a confirmation that the individual is not registered as a right holder in the Real Estate Cadastre.

Copies from the compilation of documents

Article 124

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

Bylaws

Article 125

The manner of issuance, the form and the content of the applications which contain data to be issued from the Real Estate Cadastre shall be stipulated by the Steering Board of the Agency.

VIII. REGISTRATION OF THE REAL ESTATE RIGHTS IN THE REAL ESTATE CADASTRE

Real Estate Rights

Article 126

The Real Estate Cadastre registers the right to ownership, the sub-forms of the right to ownership (co-ownership and communal ownership), other real rights (right to easement, right to collateral-mortgage, right to real servitude, right to real-legal long-term lease of urban/construction land), the right to lease, fiduciary mortgage as well as other rights and facts whose registration is stipulated by Law.

Scope and content of the real estate rights' data

Article 127

- (1) Data referring to the real estate right holder and the real estate property shall be registered during the registration of the ownership right and the sub-forms of the ownership right.
- (2) During the registration of the right to collateral (mortgage), the Real Estate Cadastre registers the data referring to the real estate right holder, data on the mortgagee, the ceiling of the mortgage loan and the legal basis for the mortgage. The Property List of a mortgaged property indicates that each person that will acquire the real estate right subject to the mortgage also acquires the rights and the liabilities from the legal basis of the mortgage.
- (3) During the registration of real servitude, the REC shall register the data referring to the right holder of the real servitude, the data referring to the documents that need to be provided by the owner of the mortgage property, the deadline, the legal basis for the right, and any other data in compliance to the legal basis.
- (4) During the registration of a right to lease, the REC shall register data referring to the leaser which are registered as data for the ownership, while the data for the lessee, the data for the time period of the signed lease and the fee for the lease shall be registered in the part assigned for entering data for servitude of the property.
- (5) During the registration of a fiduciary mortgage, the REC shall register the data for the mortgagor in the part assigned for the real estate owner, while the data on the mortgagee, the deadline, the ceiling of the mortgage loan and the legal basis for the fiduciary mortgage shall be registered in the part assigned for servitudes.
- (6) During the registration of a long-term lease to an urban land (type of real servitude), in the part assigned for Land Data and in the part for Servitudes, the REC shall register the descriptive data for the building to which benefit the long-term lease is established, as well as the method and the scope of land use and the fact whether a fee is paid for the lease. The right to long-term lease with a Note stating that this right is valid until the existence of the building shall be registered in the part assigned for Building Data.
- (7) During the registration of a long-term lease of an urban land (type of the servitude – usufruct), in the part for Land Data and the part for Servitudes, the REC shall register: the data for the usufruct's right holder to which benefit the long-term lease is established, as well as the method and the scope of the land use - servient tenement, subject to the long-term lease, and the fee or the fact that the right is established free of charge. In the part assigned for Building Data, the REC shall register: the right to long-term lease on behalf of the usufruct's holder-the building owner, the time period

and the possibility for extending the long-term lease of the urban land, the method and the scope of the land use, as well as the fact whether the right has been established with or without a fee.

- (8) During the registration of rights to long-term lease to urban land, the possibility for transfer, inheritance and burdening the right to long-term lease in compliance to the legal basis shall be indicated.
- (9) During the registration of an easement, in the part assigned for data on easements, in the data base for the land or the building (the servient tenement), the REC shall register the data for right holder of the easement (in cases of usufruct, land use and domicile) i.e. the descriptive data for the preferred real estate property, the spatial data for the scope, the time period or the type of use of servient tenement, as well as the deadline, if such is provided in the legal basis.

Legal bases for registration in the Real Estate Cadastre

Article 128

- (1) The registration in the Real Estate Cadastre shall be performed on the basis of:
 - a. The Law;
 - b. Enforceable court decisions; Decisions for interim measure, previous measure and other acts for requests in compliance to Law;
 - c. Final i.e. enforceable acts, enacted by the bodies of the state authority, the bodies of the local self-government units and the city of Skopje, legal and other entities, empowered to perform public authorizations; and
 - d. Legal actions.
- (2) As an exception to paragraph (1) of this Article, if in the registration procedure during the establishment of the Real Estate Cadastre are not provided bases (stipulated in paragraph 1 of this Article) for certain real estate property, the right to land and the right to ownership of the objects up to the basement, recorded in the Land Cadastre, shall be registered on basis of the data in the Land Cadastre.
- (3) In case of paragraph 2 of this Article, in the Real Estate Cadastre shall be noted that the owner's data are registered by copying the data from the Land Cadastre i.e. that during the establishment of the Real Estate Cadastre no legal bases for registration of the right have been submitted.
- (4) Within three (3) years after the performed registration stipulated in paragraph 2 of this Article, each person which has a legal basis eligible for registration of a right is entitled to apply for a registration in the real estate cadastre in place of the person registered as a real estate right holder, on the basis of the data in the Land Cadastre.
- (5) Provided that no application has been submitted for registration of real estate right holder's data on the basis of a legal document within the three year period from the date of registration in the Real Estate Cadastre, the Note stipulated in paragraph 3 shall be deleted.
- (6) The Property List, which contains a Note that the real estate rights have been registered on the basis of data in the Land Cadastre, is a valid document for establishing the ownership right in a procedure conducted in a relevant authority, under the terms and conditions stipulated by Law.

Documents for registration

Article 129

- (1) Documents for legal bases i.e. acts by relevant authorities, which contain data from the Land Cadastre, shall be used in the procedures of establishing the Real Estate Cadastre.
- (2) In case when the Land Cadastre does not comprise sufficient real estate data, the documents i.e. acts, stipulated in paragraph 1 of this article, used as bases for registration in the REC in a procedure of establishing the Real Estate Cadastre, should comprise sufficient data for the real estate property, the real estate right holders (address, number, entrance, apartment, etc), which compared to the data collected from the survey will enable identification of the real estate property (data compatibility).
- (3) The data compatibility in reference to the right holder applies if the data for the legal predecessor, specified in the legal document, is identical to the data for the real estate right holder registered in the Real Estate Cadastre prior the submission of the application.
- (4) The registration of real estate rights under a Real Estate Cadastre maintenance procedure shall not be performed, if the data in the acts issued by the relevant authorities or the data in the legal documents are incompatible.

Conditions for registration

Article 130

- (1) A condition for registration of real estate rights under a procedure of establishment and maintenance of 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 if:
 - The documents for the legal bases are signed in written form and are verified by a competent authority in compliance to Law;
 - The acts by the authorized entities are final i.e. enforceable; and
 - There is data compatibility, stipulated in article 129 paragraph (3) of this Law.

Types of Registration in the Real Estate Cadastre

Article 131

The Real Estate Cadastre shall register the real estate rights by means of final registration, as well as conditional and temporary registration.

Final Registration

Article 132

The final registration is a complete and definite unconditional registration of the establishment or the termination of the right to ownership and other real rights, as well as any other real estate rights under the terms and conditions stipulated by Law.

Conditional Registration

Article 133

- (1) Conditional registration is the conditional registration of acquisition or termination of the real estate right 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 130 of this Law are not fulfilled and the basis for the final registration is not sufficiently provided.
- (2) The Real Estate Cadastre shall also conditionally register the right to ownership to a building and special part of a building under construction by registering the data for the individuals who have right to construction, in compliance to the building permit and the data for the buildings and the special parts of buildings, copied from the main project design and verified by the relevant authority.
- (3) By providing an evidence for fulfillment of the legal presumptions i.e. the conditions for registration stipulated in article 130 of this Law, the conditional registration will be deleted and the right to ownership shall be subject to final registration.
- (4) The legal action of the conditional registration provides a priority to the final registration, provided that the conditional registration per se can be determined in compliance to the conditions for registration of the rights stipulated by Law.

Temporary Registration

Article 134

- (1) Temporary registration is registration of facts of influence to the real estate property, which refer to:
 - a) 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);
 - b) The fact that underway is a construction of an object on a certain cadastral parcel, for which the ownership right to a building or special part of a building under construction has been previously conditionally registered by specifying the number of the List for conditional registration of the object.
 - c) The right to collateral (mortgage) of the conditionally registered ownership right to a building and special part of a building under construction; as well as

- d) Legal acts for transaction of the conditionally registered right to a building and special part of a building under construction.
- (2) The Real Estate Cadastre shall temporary register any other facts of significance to the acquiring, the change, the termination or the transfer of the real estate rights, whose temporary registration is foreseen by another Law.

Application for registration

Article 135

The registration of real estate rights in the real estate cadastre shall be performed by an application of a client or by a submitted legal basis for registration by a relevant authority, for which a fee is charged.

Registration Fee

Article 136

- (1) The real estate rights shall be registered in the Real Estate Cadastre, provided that the registration fee is previously paid.
- (2) As an exception to paragraph (1) of this Article, the systematic registration of real estate rights shall be performed without any compensation and the expenses for the systematic registration of the real estate rights shall be covered by the Budget of RM.
- (3) The fee for registration stipulated in paragraph 1 of this article shall be borne by the applicant or the acquirer of the real estate right for which the competent authority by ex-officio has submitted the legal basis for registration i.e. the beneficiary of the registration.
- (4) The applicant shall enclose to the application an evidence for the paid fee.

Bylaws

Article 137

The amount of the fee for registration in the Real Estate Cadastre shall be determined on the basis of the actual expenditures necessary for undertaking the activities for registration and shall be determined by a Tariff enacted by the Steering Board of the Agency, upon previous endorsement by the Government of RM.

VIII. ESTABLISHMENT OF REAL ESTATE CADASTRE

Method and procedure for establishment of the Real Estate Cadastre

Article 138

- (1) The Real Estate Cadastre shall be established by:
 - systematic registration of real estate rights;
 - sporadic registration of real estate rights;
 - registration of unregistered real estate rights after the establishment of the real estate cadastre, and
 - Conversion of data from land cadastre into real estate cadastre.
- (2) The establishment of the real estate cadastre stipulated in paragraph 1 of this Article shall be undertaken without conducting a hearing and interviewing the clients.

Systematic registration of real estate rights

Article 139

- (1) The systematic registration of real estate rights (hereinafter referred to as “systematic registration”) is an ex-officio registration of real estate rights, conducted on the entire cadastral municipality or part of the cadastral municipality.
- (2) The systematic registration is comprised of: inspection in the survey data by the interested entities, applying for registration by the real estate right holders and registration of the real estate right holders in the real estate cadastre.
- (3) The systematic registration, depending on the size of the cadastre municipality i.e. the size of part of the cadastre municipality shall be completed within 60 days i.e. 120 days after the expiry of the time period by which the real estate right holders may inspect the real estate data, specified in the public announcement.

Public Announcement

Article 140

1. The systematic registration shall begin by publishing a Public Announcement separately for each cadastral municipality or part of a cadastral municipality for which a registration of real estate rights is to be performed.
2. The Announcement shall contain:
 - The name of the local self-government unit and the cadastral municipality or part of the cadastral municipality;
 - The area boundary, subject to systematic registration;
 - The time period by which the real estate right holders can inspect the real estate data and provide the documents or the acts as legal bases for registration of the real estate rights;
 - The types of documents or acts that the clients need to provide as legal basis;

- The location, the office and the working hours in which the clients can obtain an application for registration in the real estate cadastre, as well as submit the documents or the acts for registration; and
- The time period for completing the real estate rights registration procedure.

Advertising the Public Announcement

Article 141

1. The public announcement stipulated in Article 140 of this Law shall be advertised in a daily newspaper, distributed throughout the whole territory of R. Macedonia.
2. In the local self-government units where minimum 20% of the citizens speak an official language different from the Macedonian, the Public Announcement shall be also published in the official language and alphabet of these citizens.
3. The Public Announcement shall be posted on the bulletin board of the local self- government unit.

Providing conditions for systematic registration

Article 142

The local self government unit where the systematic registration procedure shall be performed is obliged to cooperate with the Agency for the purpose of providing conditions for conducting the systematic registration.

Inspection in the data from the performed survey and application for registration

Article 143

- (1) The cadastre plans from the performed survey, as well as the data on the real estate property and the real estate right holders shall be displayed in the offices where the clients have been invited to make an inspection in the data.
- (2) The clients can obtain and fill-out an application for registration in the real estate cadastre (hereinafter referred to as an “application for registration”) in the offices stipulated in paragraph 1 of this Article.
- (3) The application for registration, stipulated in paragraph 2 of this Article contains the personal and the address data of the real estate right holder, an ID i.e. the social security number/tax account number, data for the legal basis for registration in the real estate cadastre and real estate data.

Processing the application

Article 144

- (1) Enclosed to the application for registration, the client shall submit the legal bases for registration, stipulated in Article 128 of this Law.
- (2) The client can attach a Note to the application for registration if the client considers that the publicly displayed real estate data and the real estate right holders' data are incomplete and inconsistent with the legal basis, as well as to the actual data, collected from the survey.
- (3) The applications for registration which do not comprise the required data stipulated in Article 143 paragraph 3 of this Law, as well as the applications for registration which do not comprise the legal basis for registration shall be rejected by issuing a Note for Rejection. Nevertheless, the application for registration can be completed within the time period stipulated in Article 140 paragraph 2.
- (4) Upon accepting the application, a Note for Confirmation of the application shall be issued.

Comparison of data

Article 145

- (1) After accepting the application for registration, the data in the application for registration shall be compared to the data in the legal basis, the survey data in the Geodetic Report stipulated in article 69, paragraph 1 of this Law and the data in the statement for identification stipulated in article 67, paragraph 4 of this Law.

Acceptable Differences in the cadastral parcel area

Article 146

- (1) If during the systematic registration of rights to real estate property located in cadastral municipalities where Land Cadastre is established on basis of performed survey (descriptive cadastre) is identified that the cadastral parcel area (comprised in the legal basis) is in discrepancy with the area data collected with the survey and the difference accounts up to 5% of the cadastral parcel area (comprised in the legal basis) and is not bigger than 500 m², then the cadastre parcel area collected with the survey shall be registered in the real estate cadastre;
- (2) If during the systematic registration of rights to real estate properties located in cadastral municipalities where Land Cadastre is established without a performed survey (inventory cadastre) is identified that the cadastral parcel area (comprised in the legal basis) is in discrepancy with the area data collected with the survey and the difference accounts up to 20% of the cadastral parcel area (comprised in the legal basis) and is not bigger than 1000 m², then the cadastre parcel area collected with the survey shall be registered in the real estate cadastre.
- (3) The registration, in compliance to paragraph 1 and 2 of this article shall be performed if the above specified differences result from the different survey techniques and methods.

Unacceptable Differences in the cadastral parcel area

Article 147

- (1) When the differences of the cadastral parcel area, stipulated in Article 146 of this Law are bigger than the differences specified in the same article, the cadastral parcel area (comprised in the legal basis) shall be registered, while the difference between the area comprised in the legal basis and the area collected with the survey shall be recorded.
- (2) For the cadastral parcels stipulated in paragraph 1 of this Article shall be issued a cadastral plan copy which displays the area differences. The Property List shall contain a Note stating that there is difference between the area specified in the legal basis and the area collected from the survey.

Differences in the building use areas

Article 148

When the survey data for the area of buildings and the special parts of buildings differ from the data specified in the legal basis, then the data for buildings and the special parts of building comprised in the legal basis for registration shall be registered, while the area difference shall be recorded in the separate inventory for illegal buildings, administered by the Agency.

Confirmation and Rejection Note

Article 149

1. A Note for Confirmation shall be issued for the performed systematic registration of real estate rights in the real estate cadastre.
2. The applications for registration which do not comprise eligible legal basis for registration in compliance to article 130 of this Law shall be rejected with a Rejection Note.
3. The Notes stipulated in paragraph 1 and 2 of this Article shall be issued within fifteen (15) days from the date of receiving the application for registration.

Delivery of Notes

Article 150

- (1) The Agency shall deliver the Notes stipulated in article 149 of this Law to the applicants or via mail within three (3) days from the day of the performed registration.
- (2) If the Notes cannot be delivered by one of 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, the delivery is regarded to be completed.

Failure to respond to the public announcement

Article 151

1. If the client fails to respond to the invitation within the time period defined in the announcement stipulated in article 140 of this Law, the real estate property recorded in the Land Cadastre shall be registered on the basis of the Land Cadastre data in compliance to article 128 paragraph 2 and 3 and article 146 and 147 of this Law. A note shall be attached stating that the data registered have been copied from the Land Cadastre, where the real estate right holders data specified in the legal basis or the acts issued by the relevant bodies have legal supremacy, while the real estate property which is not recorded in the Land Cadastre will remain with unregistered rights.
2. The confirmation note for registration of the real estate rights in the real estate cadastre in case of paragraph 1 of this Article shall be delivered by means stipulated in Article 150 of this Law.

Decision for enacting the established Real Estate Cadastre

Article 152

- (1) After the expiry of the time period specified in Article 139 paragraph 3 of this Law, the Director of the Agency shall adopt a Decision for enacting the established Real Estate Cadastre, by which the date of the enforcement of the Real Estate Cadastre shall be determined.
- (2) The Decision for enacting the established Real Estate Cadastre shall be published in “Official Gazette of Republic of Macedonia”.

Modification by ex officio procedure

Article 153

Between the period from the date of publishing the Decision stipulated in Article 152 of this Law in the Official Gazette of Republic of Macedonia until the official use of the Real Estate Cadastre for the whole or part of the cadastre municipality, the Agency by ex officio procedure is obliged to register in the Real Estate Cadastre the last change in the real estate data processed in the Land Cadastre after having issued the confirmation note for registration, stipulated in article 149 paragraph 1 of this Law.

Modification by client's application

Article 154

- (1) By an application of a client submitted within the period from publishing the Decision stipulated in article 152 paragraph 1 of this Law in the Official Gazette of R. Macedonia until the official use of the Real Estate Cadastre, the Agency is obliged to register in the Real Estate Cadastre the change in the real estate data which have not been recorded in the Land Cadastre, which change has resulted from a legal document or an act issued by a relevant entity within the period between issuing the confirmation note for registration and the enactment of the Decision, stipulated in article 152 paragraph 1 of this Law.
- (2) If the client does not submit the application stipulated in paragraph 1 of this article, the real estate cadastre shall be placed in use with data for real estate property and real estate rights, registered in the systematic registration procedure.

Sporadic registration of real estate rights

Article 155

- (1) The sporadic registration of real estate rights in surveyed and not surveyed cadastral municipalities where land cadastre is in use shall be performed by submitting an application for a registration by a client.
- (2) A Geodetic Report from the performed survey for sporadic registration, legal basis and a statement for identification stipulated in article 67 paragraph 4 of this Law shall be enclosed to the application for registration stipulated in paragraph 1 of this article.
- (3) Prior the establishment of a collateral right (mortgage) on a real estate property located in cadastre municipalities in which a real estate cadastre is not established, it is mandatory to perform sporadic registration of the real estate right.

Acquisition of data for sporadic registration

Article 156

- (1) During the sporadic registration of real estate rights in the surveyed cadastral municipalities, the land data shall be copied from the current land cadastre, while the building data shall be acquired by inspection on the site and survey of the location.
- (2) In the non surveyed cadastral municipalities, the land and building data shall be acquired by an inspection on the site and survey of the location.
- (3) A Geodetic Report shall be produced for the acquired data stipulated in paragraph 1 and 2 of this article.

Bases for sporadic registration

Article 157

- (1) The sporadic registration of real estate rights shall be performed on the basis of the data comprised in the application for registration, the Geodetic Report stipulated in article 156, paragraph 3 of this Law and the legal basis or acts issued by relevant authorities.
- (2) The Agency is obliged to perform the required registration of the change or reject the application for registration within a period not longer than 15 days from the date of receiving the application for registration.

Confirmation for sporadic registration

Article 158

1. For the performed sporadic registration of real estate rights, as well as for rejection of the application for registration shall be issued a Confirmation Note i.e. Rejection Note, accordingly.
2. The delivery of the Confirmation Note for registration stipulated in paragraph 1 of this Article shall be performed in compliance to the provisions in article 150 of this Law.
3. The Property List, issued after the performed sporadic registration shall comprise a Note stating that prior the official use of the real estate cadastre for the cadastre municipality subject to the systematic registration, the data for the number of the Property List, the number of the cadastre parcel and the cadastral parcel area subject to the sporadic registration shall be synchronized against the data compiled from the survey.
4. The real estate property which has been subject to sporadic registration will not be subject to systematic registration.

Registration of unregistered real estate rights after establishment of the Real Estate Cadastre

Article 159

- (1) After the establishment of the real estate cadastre, the registration of real estate rights which during the systematic registration procedure have remained unregistered shall be performed by client's application supported with a legal basis for registration and a Geodetic Report.
- (2) The registration stipulated in paragraph 1 of this Article is performed in compliance to the provisions stipulated in article 145, 146,147,148,149 and 150 of this Law which refer to the systematic real estate rights registration procedure.
- (3) The Agency is obliged to perform the required registration of the change or reject the application for registration within a time period no longer than fifteen (15) days of the date of receiving the application for registration.

Conversion of data from the Land Cadastre into Real Estate Cadastre

Article 160

- (1) The cadastral parcels located outside the residential areas as well as the cadastral parcels in the residential areas located in cadastre municipalities with operative land cadastre established on the basis of performed survey, for which it will be determined that the field data do not significantly differ from the cadastre records, shall be subject to data conversion from land cadastre into real estate cadastre.
- (2) The cadastral municipalities i.e. the parts of the cadastral municipalities and the cadastral parcels stipulated in paragraph 1 of this Article shall be defined by the Director of the Agency.
- (3) The Director of the Agency shall enact a Decision for data conversion from the Land Cadastre into Real Estate Cadastre.
- (4) The Decision stipulated in paragraph 2 of this Article shall be published in “Official Gazette of Republic of Macedonia”

Bylaws

Article 161

The content and the form of the application for systematic registration and sporadic registration of real estate rights, as well as the application for registration of unregistered rights after establishment of the real estate cadastre, the Confirmation Note, the Rejection Note and the method of establishment of the Real Estate Cadastre shall be prescribed by the Steering Board of the Agency.

X. MAINTENANCE OF THE REAL ESTATE CADASTRE

Scope of the Real Estate Cadastre maintenance

Article 162

- (1) The maintenance of the Real Estate Cadastre is comprised of registering the changes in the real estate cadastre, which have occurred after the establishment of the real estate cadastre.
- (2) The changes stipulated in paragraph 1 of this article refer to data for:
 - The real estate property;
 - The real estate rights;
 - The real estate rights holders;
 - Facts of influence to the real estate property

Change of data

Article 163

- (1) The changes in the real estate data are the changes which have occurred in the land data, the data for the buildings, the special parts of buildings and other structures.

- (2) The changes which have occurred in the real estate rights data are the changes of the registered real estate rights.
- (3) Changes in the temporary recorded facts are the changes used to perform temporary registration of facts, which are of legal importance to the real estate rights and their termination.
- (4) The changes which have occurred in the real estate right holders data are the changes in the personal data, i.e. the name and surname of the natural person and the title of the legal entity as well as the change in the address data of the natural person and the headquarters of the legal entity.

Registration of the changes in the real estate cadastre

Article 164

The real estate 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 occurrence of the change on the real estate property.

Application for registering a change in the real estate cadastre

Article 165

The application for registering the changes in the real estate cadastre, besides the data stipulated in article 143, paragraph 3 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.

Form and manner of submitting an application for registration

Article 166

1. The application for registering a change shall be personally submitted in paper or electronic form, via mail or by electronic means.
2. The responsible cadastre official is obliged to affix its own signature on the application received and assigned for processing and resume with its processing within the deadlines stipulated by this Law.
3. When submitted via electronic means, the application for registration shall be signed with an electronic signature.

Notification for accepting the application for registering a change

Article 167

1. The application for registering the change 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 for registration of change is issued in a template form which contains information for the time of submitting the application for registering the change, the reference number in the electronic log book, the type of change and a List of supporting documents/annexes enclosed to the application for registration.

Annexes to the application for registering the change

Article 168

The applicant is obliged to enclose to the application an adequate document for the legal basis for registration or an act issued by a relevant authority and a Geodetic Report depending on the type of the change.

Sequence of registration

Article 169

1. The registration of the change in the real estate cadastre shall be performed according the time of accepting the application for registering the changes.
2. In case of submitting several applications for registering a change over a same real estate property, the registration shall be performed according the first accepted application.
3. If the first accepted application is rejected, the registration shall be performed on the basis of the sequence of acceptance of the remaining applications for registration.

Incomplete applications for registration of change

Article 170

The applications for registration which do not contain the data stipulated in the article 143 paragraph 3 and article 165 of this law, as well as the applications for registration which do not comprise supporting legal bases or comprise legal bases in discrepancy with article 130 of this Law i.e. which do not comprise a Geodetic Report, shall be rejected by the Agency by issuing a Rejection Note stating that the Rejection Note is issued due to incompleteness of the application.

Comparison of real estate data

Article 171

1. After accepting the application for registering the change, the data comprised in the application for registration of a change, the data comprised in the document for the legal basis or the legal act issued by the relevant entity and the geodetic report (depending on the type of the change) stipulated in article 71 paragraph 2 of this law shall be compared with the data for the relevant real estate property and the real estate right holder according the data registered in the real estate cadastre.
2. If during the comparison of the data stipulated in paragraph 1 of this article is identified that there is a data incompatibility, the application for registration of the real estate rights shall be rejected with a rejection note. If identified that the data is compatible, the registration of the change of the real estate rights and the real estate data in the real estate cadastre shall be performed with a confirmation note.

Registration and Rejection of application for registration

Article 172

- (1) The Agency is obliged to perform the requested registration of the change or reject the application for change of the real estate property within a period no longer than 1 day for changes processed without geodetic reports and within a period no longer than 3 days for changes which are processed with a geodetic report for geodetic works in service of the maintenance of the real estate cadastre.
- (2) After the registration of the change in the real estate cadastre i.e. after the rejection of the application for registration of the change, a confirmation note for registration shall be delivered to the applicant or the beneficiary.
- (3) The delivery of the confirmation note for registration stipulated in paragraph 2 of this article shall be performed in compliance to the provisions stipulated in article 150 of this Law.

Digital Cadastre Plans

Article 173

- (1) By putting in operation the digital cadastre plan data base in the cadastre municipalities where a real estate cadastre has been established on the basis of analogue geodetic plans, the data from the digital cadastre plans shall be used.
- (2) The new cadastre parcel area, resulting from paragraph 1 of this article, shall be registered in a property list.
- (3) The Director of the Agency shall enact a decision for putting in operation the digital data base for each cadastre municipality.
- (4) The decision stipulated in paragraph 3 of this article shall be published in the Official Gazette of the Republic Macedonia.

Correction of technical errors

Article 174

1. Technical errors are the errors which have occurred during the acquisition and registration of the real estate data, which refer to:
 - The real estate data, as a result of miscalculation of the parcel area i.e. building or the special part of the building on the parcel,
 - The address data of the real estate property and the personal and address data of the real estate rights holders;
2. During the REC maintenance shall also be corrected errors which refer to the real estate data and the real estate right holders registered during the establishment and maintenance of the REC, which errors were made during the inserting of the data in the Cadastre Registry Book i.e. the cadastre plans, which is determined by inspection of the legal basis for registration.
3. The errors stipulated in paragraph 1 and 2 of this article shall be corrected on the request of a client and by ex officio, with an application for correction of an error. The confirmation note i.e. the rejection note of the application for correction of an error shall be submitted in compliance with the provisions of Article 150 of this Law.

Bylaws

Article 175

The form and the content of the application for registration of the change and the application for correction of an error, the confirmation note for receipt of application for registration of change and for correction of an error, the Confirmation Note for registration of the change and for correction of an error, the Rejection Note for registering the change and for correction of an error, as well as the method for maintenance of the real estate cadastre shall be prescribed by the Steering Board of the Agency.

XI. JUDICIAL PROTECTION

Establishing legitimacy of the application for registration

Article 176

- (1) If during the establishment and the maintenance of the real estate cadastre the application for registration is rejected, the applicant has the right to lodge a lawsuit with the relevant court by requesting the court to examine and establish legitimacy of the submitted application and registration of the real estate right to the benefit of the person rejected.
- (2) The procedure stipulated in paragraph 1 of this article shall investigate whether the conditions for registration of the real estate right have been met in compliance to this Law, without inspecting the legal basis for registration.

- (3) Within the procedure for determining legitimacy of the submitted application for registration, the court may use the data from the Real Estate Cadastre i.e. the Land Cadastre (depending on the type of registration) and the statement of identification stipulated in Article 67 paragraph 4 of this Law.

Lawsuit for Deletion Article 177

- (1) Every person who has legal interest may request deletion of the registered in the real estate cadastre within 3 years from the date of issuing the Confirmation Note for registration i.e. starting from the day of publishing the decision for conversion of data from a Land Cadastre in a Real Estate Cadastre in the Official Gazette of R. Macedonia.
- (2) Provided that the lawsuit for deletion is processed, the court shall inspect whether the legal conditions for registration of the right whose deletion is requested have been met, without proving the right per se and its right holder.

XII.TOPOGRAPHIC MAPS

Relevant authority for production of topographic maps

Article 178

The Agency shall be authorized for production of topographic maps, management of the cartographic database and the preparation of maps for special purposes.

Topographic map data form

Article 179

- (1) The topographic maps stipulated in article 178 of this law shall be produced in digital form on the basis of the survey data, in accordance to the cartographic standards.
- (2) The data stipulated in paragraph 1 of this article shall be organized in a detailed cartographic database in vector and raster formats.

Organization of the data from the topographic maps

Article 180

- (1) The digital topographic data in vector form shall be organized according the spatial data infrastructure for:
- Administrative areas
 - Land Classification
 - Road infrastructure
 - Railway infrastructure
 - Hydrographical infrastructure
 - Small structures
 - Topographic characteristics
 - Textual records
- (2) The digital cartographic data shall be organized according the nomenclature of the topographic maps, on the basis of the scale.

Bylaws

Article 181

The method of production of topographic maps shall be prescribed by the Steering Board of the Agency.

XIII. SPATIAL UNITS REGISTER

Scope of the Spatial Units Register

Article 182

The Spatial Units Register comprises the following spatial units:

- statistic circles;
- cadastre municipalities;
- residential area;
- local self-government units;
- Census units of Republic of Macedonia.

Content of the Spatial Units Register

Article 183

1. The Spatial Units Register shall register the following data for each spatial unit:
 - Title, type and ID number (code) of the spatial unit;
 - Graphic layout/description of the boundaries and source of the spatial unit data;

- The data for the spatial unit to which it is connected; and
 - Type of change, source and date of the change of the spatial unit.
2. For the needs of conveying census of the population and the agricultural land, the Agency shall submit the data from the Spatial Units Registry to the State Statistics Bureau.

Bylaws

Article 184

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

XIV.NATIONAL SPATIAL DATA INFRASTRUCTURE

Scope of the national spatial data infrastructure

Article 185

The national spatial data infrastructure (hereinafter referred as NSDI) shall include the establishment of:

- content of metadata;
- sum of spatial data;
- maintenance of spatial data;
- networking technology;
- contracts for sharing, access and use of spatial data;
- mechanisms for coordination and supervision; and
- procedures

Data comprising the National Spatial Data Infrastructure

Article 186

NSDI shall be comprised of spatial data, administered in electronic form for the entire territory of Republic of Macedonia, which are under the jurisdiction of:

- the state administration bodies;
- the local self government units;
- the public services;
- the natural persons and legal entities entrusted with the management of the spatial data by the competent authorities in this article; and
- natural persons and legal entities using the NSDI data and services and provide services based on these data.

Type of data

Article 187

- (1) NSDI encompasses all data from the survey and the real estate cadastre.
- (2) In addition to the data stipulated in paragraph 1 of this article, NSDI also contains the following spatially determined (geo-referenced) data for:

- hydrography;
- roads;
- preserved areas, national parks and cultural and historic monuments;
- spatial planning;
- environmental protection;
- Geo-referenced statistical data; and
- other

Metadata

Article 188

- (1) The metadata provide identification, review and use of the spatial data.
- (2) The metadata contains information for:
 - the spatial data (content description);
 - compliance of the data with the prescribed standards and norms;
 - rules for using the data and the services resulting thereof;
 - data quality;
 - the state administration bodies, the units of the local self government, the public enterprises, the public institutions, the public services, the persons responsible for establishment, maintenance, distribution and management of spatial data;
 - Limited access data and reasons for such restriction.

Public access to metadata

Article 189

- (1) The Agency is obliged to establish and maintain the public access to metadata on the internet (by means of geo-portal) by providing the NSDI units the possibility to interactively maintain the information stipulated in article 188 of this law.
- (2) The NSDI units shall be obliged to regularly maintain the spatial data, and by request of the Agency to make available the information for the spatial data under their competence or administration.

XV. INTERNAL CONTROL AND AUDIT OF THE AGENCY

Internal control and Audit of the Agency

Article 190

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

Article 191

1. The audit of the Agency's material and financial performance 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 two months after the end of the calendar year.

XVI. SUPERVISION OF THE WORK OF THE SOLE PROPRIETORS – AUTHORIZED SURVEYORS AND TRADE COMPANIES FOR GEODETIC WORKS

Article 192

- (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:
 - a. Have been registered with a main occupation – performance of geodetic works (article 75);
 - b. 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 occupation (article 90);
 - c. 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 87);
 - d. Use the data from the survey and the real estate cadastre during the performance of the geodetic works and whether the data from the survey and the REC are used explicitly for the purpose for which they have been issued (article 93);

- e. Pay fee for the performed geodetic works in compliance to article 94 of this Law;
 - f. Fulfill the conditions stipulated by this law in regard to the staff, premises and equipment required for performance of the geodetic works (article 88 and 89);
 - g. Register the clients' requests for performance of geodetic works in the log-book and whether they submit the data for the registered requests to the Agency (article 95).
- (3) The supervision stipulated in paragraph 1 of this article shall also identify whether an Agency's employee is registered as a sole proprietor – authorized surveyor i.e. is an owner or a partner in the trade company for geodetic works or if the geodetic works at the sole proprietor – authorized surveyor or the trade company for geodetic works are performed by employees of the Agency (article 25).

Article 193

- (1) If the supervision identifies that the sole proprietor – authorized surveyor i.e. the trade companies for geodetic works acts against article 95 of this Law, the Agency will send written notification to the sole proprietors – authorized surveyors and trade companies for geodetic works to correct the identified deficiencies within a period of ten (10) days.
- (2) If the identified deficiencies are not remedied within the deadline stipulated in paragraph 1 of this article, the Director of the Agency shall enact a decision for deprivation of the license for performance of the geodetic works.
- (3) Based on the decision stipulated in paragraph 2 of this article, the sole proprietor – authorized surveyor or the trade company for geodetic works shall be deleted from the Registry administered by the Agency. In addition, the main occupational field of work shall also be deleted from the Central Registry of Republic of Macedonia.
- (4) The Decision stipulated in paragraph 2 of this article is final.

Article 194

- (1) If the supervision identifies that the sole proprietor – authorized surveyor or the trade company for geodetic works is in breach with article 25, 75, 90, 87, 93, 94, 88 and article 89, the Director of the Agency shall enact a decision for deprivation of the license for performance of geodetic works.
- (2) Based on the decision stipulated in paragraph 1 of this article, the sole proprietor – authorized surveyor i.e. the trade company for geodetic works shall be deleted from the Registry administered by the Agency. In addition, the main occupational field of work shall also be deleted from the trade registry, established within the Central Registry.
- (3) The decision stipulated in paragraph 2 of this article is final.

XVII.PENALTY PROVISIONS

Article 195

- (1) A fine in the amount of €2000 to 2500 in MKD currency equivalent shall be imposed to the legal entity, if:
- 1) Destroys, damages or without authorization relocates a point from the reference network stipulated in article 46, paragraph 2 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 knowledge, in compliance with paragraph 3 of the same article;
 - 2) Fails to report to the Agency within the prescribed deadline, any construction and other work which may damage, destroy or dislocate points from the reference network stipulated in article 47, paragraph 1 and 2 of this law, in compliance to paragraph 2 of the same article;
 - 3) Does not demarcate the cadastral parcel boundaries at its own expense, in compliance to article 67 paragraph 2 of this Law;
 - 4) Fails to submit to the Agency an application for registering the performed change of the real estate property within the prescribed deadline, in compliance to article 164 of this law;
- (2) A fine in the amount of €1000 to €1500 in MKD currency equivalent shall be imposed to the responsible person employed at the legal entity for a misdemeanor stipulated in paragraph 1 of this article;
- (3) A fine in the amount €1000 to €1500 in MKD currency equivalent shall be imposed to the natural person for a misdemeanor stipulated in paragraph 1 of this article;

Article 196

- (1) A fine in the amount of €4500 to €5000 in MKD currency equivalent shall be imposed for a misdemeanor if the trade company:
- Is not registered with a main occupation-performance of geodetic works (article 75);
 - does not perform the geodetic works in accordance with the provisions of this law and according the regulations enacted thereof, and in compliance to the rules and the standards of the geodetic occupation (article 90);
 - does not have liability insurance for damage that could be caused to third parties during the performance of the works and does not extend properly its damage liability insurance (article 87);
 - does not use the data from the real estate cadastre during the performance of the geodetic works and does not use this data for the purposes for which the data have been issued (article 93);
 - charges a fee which is not in compliance to article 94 of this Law;

- does not meet the conditions stipulated by this Law in reference to its employees, the premises and the equipment necessary for performance of the geodetic works (article 88 and article 89)
 - does not record the clients' requests in the internal log book and does not submit the data from the registered requests to the Agency (article 95)
 - An Agency's employee is an owner or a partner in the trade company for geodetic works or if the geodetic works at the sole proprietor – authorized surveyor or the trade company for geodetic works are performed by employees of the Agency (article 25)
- (2) A fine in the amount of €4500 to €5000 in MKD currency equivalent shall be imposed to the responsible person employed at the trade company for geodetic works for a misdemeanor stipulated in paragraph 1 of this article.
- (3) A fine in the amount of €1000 to €1500 in MKD currency equivalent shall be imposed to the authorized surveyor, registered as sole proprietor for a misdemeanor stipulated in paragraph 1, point 1), 2), 3), 4), 5), 6) and 7) of this article or if the above-specified person is at the same time employed at the Agency or if the geodetic works in the trade company are performed by employees of the Agency (article 25).

Article 197

A fine in the amount of €1000 to €1500 in MKD currency equivalent shall be imposed to the cadastre officer if the officer does not comply to the time period for completion stipulated in article 91, paragraph 7, article 118 paragraph 2, article 139 paragraph 3, article 157 paragraph 2, article 159 paragraph 3, article 172 paragraph 1 stipulated in this Law.

Article 198

Prior lodging a lawsuit for a misdemeanor procedure, the offender shall be offered a settlement according to the Law on Misdemeanor.

XVIII. TRANSITIONAL AND FINAL PROVISIONS

Article 199

The Government of R. Macedonia shall appoint the members of the Steering Board of the Agency within 30 days from the day of enactment of this Law.

Article 200

By appointing the members of the Steering Board, stipulated in article 199 of this Law, the State Authority for Geodetic Works shall proceed to perform as an Agency for Real Estate Cadastre, as its legal successor.

Article 201

By enactment of this Law, the Agency for REC shall take over the employees, the equipment, the inventory, the archive, the documentation, the work tools and the other instruments of the State Authority for Geodetic Works.

Article 202

The Director and the Deputy Director of the State Authority for Geodetic Works shall continue to perform the function of Director and Deputy Director of the Agency for REC until the end of their term.

Article 203

By enactment of this Law, the employees of the State Authority for Geodetic Works shall continue to work on their working positions and receive such monthly salary as the one before the enactment of this Law until the reorganization of the new working positions in compliance to the new Acts for organization and systematization of the Agency and until arranging their salaries by an Act for a salary system for the Agency.

Article 204

1. The bylaws stipulated by this law shall be enacted within 6 months from the date of enactment of this law.
2. The bylaws stipulated in paragraph 1 of this article shall be published in the Official Gazette of the Republic of Macedonia.
3. The bylaws enacted on the basis of the Law on Survey, Cadastre and Registration of Real Estate Rights (Official Gazette of Republic of Macedonia” 27/86, 17/91, 84/05, 109/05 and 70/06) shall apply until the enactment of the bylaws stipulated in paragraph 1 of this article.

Article 205

1. The Statute, the Acts for organization and systematization of the working positions, as well as the Acts for evaluation and the salary system for the Agency’s staff shall be enacted within six months from the day of enactment of this Law.
2. The existing acts shall apply until the enactment of the Statute and the Acts stipulated in paragraph 1 of this article.

Article 206

The resolving of cases for registration of real estate rights, conveying changes in the real estate cadastre, issuing data from the survey and the real estate cadastre and verification of the Geodetic Reports for performed geodetic works for special purposes, initiated prior the day of enacting this Law shall continue to be performed in compliance to the provisions of this Law, except for the cases reviewed by a Second Instance Commission i.e. competent court which will process these cases in compliance to the Law on Survey, Cadastre and Registration of Real Estate Rights (Official Gazette of Republic of Macedonia” 27/86, 17/91, 84/05, 109/05 and 70/06).

Article 207

An identification of the data for the cadastral parcels and buildings, special parts of buildings and other objects acquired with the survey and comprised in the Geodetic Reports, produced in compliance to the Law on Survey, Cadastre and Registration of Real Estate Rights (Official Gazette of Republic of Macedonia” 27/86, 17/91, 84/05, 109/05 and 70/06) and the bylaws enacted thereof, shall be performed by the Agency under ex-officio procedure for registration of real estate rights.

Article 208

The conditionally registered facts and circumstances in the Real Estate Cadastre whose registration is not stipulated by this Law shall be deleted by ex-officio within three months from the date of the enactment of this Law.

Article 209

1. The geodetic engineers which have acquired a license for authorized surveyor on basis of article 61 stipulated in 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) shall be obliged within a 5 year period from the day of issuing the license to acquire the title of a graduated geodetic engineer.
2. The geodetic engineers, who will not complete their education within five years from the day of issuing the license, shall lose the validity of the license for an authorized surveyor.
3. The geodetic engineers who have acquired license for an authorized surveyor and who on the day of enactment of 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) had had over 10 years of working experience in the field of the geodetic works, shall not be obliged to complete the education required for a graduated geodetic engineer.

Article 210

The authorizations of 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) shall continue to apply, and shall expire with the expiration of the ten year period from the date of their issuance, with a possibility for their extension in compliance to the provisions of this Law.

Article 211

1. The sole proprietors - authorized surveyors and trade companies for geodetic works are obliged within 3 months from the day of enactment of this Law to conform their

performance in compliance to the provisions stipulated in article 73, paragraph 5 and article 87 paragraph 2 of this law and within a period of three months of the enactment of the bylaws stipulated in article 92 paragraph 1 of this Law to conform their performance in compliance to article 75, 88 and 89 of this Law.

2. The sole proprietors - authorized surveyors and trade companies for geodetic works, which will not conform their performance to paragraph 1 of this article shall be deleted from the Trade Registry administered within the Central Registry, at the request of the Agency.

Article 212

1. The Chamber of authorized surveyors shall be established within six months from the date of enactment of this Law.
2. Until the commencement of its work, the competences of the Chamber of authorized surveyors stipulated by this Law shall be performed by the Agency.

Article 213

The National Spatial Data Infrastructure stipulated in Chapter XIV of this Law shall be established and maintained after completely providing the necessary technical and financial conditions.

Article 214

The active geodetic reference network stipulated in article 44 of this Law shall be established after completely providing the necessary technical and financial conditions.

Article 215

The Agency shall take over the Spatial Units Registry from the State Statistics Bureau and shall continue with its administration after the expiration of the six month period from the day of the enactment of this Law.

Article 216

The Real Estate Cadastre shall register the right to use urban/construction land until the legal completion of the privatization procedure and the lease of state owned construction land.

Article 217

The right to use state-owned agricultural parcels, which have been registered in the Land Cadastre with a use right, but in the mean time have been converted into urban land, shall not be registered during the establishment and maintenance of the real estate cadastre.

Article 218

The verification by a relevant authority i.e. an evidence for paid tax for the documents referring to legal acts signed by and between any natural person i.e. legal entity and the Public Enterprise for management of business and residential objects and its legal predecessors or the construction enterprises prior the enactment of the Law on Notaries (“Official Gazette of the Republic of Macedonia no. 59/96 and 25/98) i.e. before the enactment of the Law on Property Tax (“Official Gazette of the Republic of Macedonia no. 80/93, 3/94, 71/96, 54/2000 and 24/2003) shall not be considered as condition for registration during the establishment of the real estate cadastre.

Article 219

The provisions stipulated in Chapter XIII of this Law shall apply from the date of overtaking the Spatial Units Registry by the Agency, in compliance to article 215 of this Law.

Article 220

Within a period of 6 months from the enactment of this law, the Agency shall take over the Intabulation Books from the relevant courts. The Agency shall process the data contained in the Intabulation books and convert them in electronic form.

Article 221

- 1) The Agency for Real Estate Cadastre shall issue the data from the intabulation books in electronic form on request by the interested clients/users.
- 2) The amount of the fee for issuance of the data from the intabulation books shall depend from the actual expenditures for their production, the form and the scope of the data and shall be defined by the Tariff stipulated in article 38, paragraph 2 of this Law.

Article 222

On request of a client and on the basis of a document compliant to the law, the Agency shall delete the mortgages recorded in the Intabulation Books until establishment of a Real Estate Cadastre on the subject real estate property and will notify the clients in writing.

Article 223

1. On the date of the enactment of this law, the *Law on Survey, Cadastre and Registration of Real Estate Rights* (published in “Official Gazette of Socialist Republic of Macedonia no. 27/86, 17/91 and “Official Gazette of Republic of Macedonia no. 84/05, 109/05 and 70/06), shall no longer apply.

2. On the date of overtaking the Spatial Unit Registry by the Agency, *the Law on Spatial Units Registry in Socialist Republic of Macedonia* (“Official Gazette of Socialist Republic of Macedonia no.10/90”) shall no longer apply.
3. On the date of the enactment of this law, the *Law on the basics of the geodetic profession of interest to the entire country* (“Official Gazette of Socialist Federative Republic of Yugoslavia no 63/90”) shall no longer apply.

Article 224

This law shall be in force on the eighth day of its publication in the “Official Gazette of the Republic of Macedonia”.