

## LAW ON FINANCIAL COMPANIES

("OFFICIAL GAZETTE OF THE REPUBLIC OF MACEDONIA" NO.158/10, 53/11, 112/14,  
153/15 И 23/16)

### 1. General provisions

#### **Article 1**

This Law shall regulate the establishment, the operation of, and the supervision over, financial companies in the Republic of Macedonia.

#### **Article 2**

- (1) The provisions of this Law shall not apply to banks, branch offices of foreign banks and savings houses established in the Republic of Macedonia, foundations and associations, and trade companies that lend money to other trade companies.
- (2) The provisions of the Law on Trade Companies shall apply to the financial companies, unless otherwise regulated by this Law.
- (3) The provisions of the Law on Obligations shall apply to the loan and factoring agreements, unless otherwise regulated by this Law.

#### **Article 3**

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

1. "Financial company" is a non-bank financial institution that carries out the financial activities referred to in Article 4 paragraph (1) of this Law;
2. "Factoring" is a financial activity where, based on an agreement concluded in a written form, the financial company (factor) buys the accounts receivable of another domestic or foreign legal entity (creditor), with or without the right of recourse;
3. "Loan" is placing a specific amount of money in exchange for payment of an approved and unpaid amount, including an interest and/or commission calculated on that amount;
4. "Guarantees" are business agreements whereby the financial company guarantees that the debtor is to meet the financial obligations towards the creditor within a deadline and under conditions set out in the agreement concluded between the debtor and the creditor, and in the case of non-payment or non-fulfillment of the obligations under the agreement, they are to be paid by the financial company; and
5. "Credit card" is a means of crediting by way of a revolving credit defined as a credit without a due date and it may be renewed continuously up to the credit limit determined by the issuer. The issuer, the holder and the acceptor of the credit card are mandatorily different persons (three-party system). "Credit card"

does not include debit cards, money cards or any kind of cards whereby the means are borrowed from a deposit account of the card holder.

## 2. Activities

### **Article 4**

- (1) A financial company may carry out one or more of the following financial activities:
  - 1) loan approval,
  - 2) credit card issuance and administration,
  - 3) factoring; and
  - 4) guarantees issuance.
- (2) In addition to the financial activities referred to in paragraph (1) of this Article, the financial company may carry out the following activities as well:
  - 1) advising in relation to the financial activities referred to in paragraph (1) of this Article and
  - 2) lending movable and immovable property to third parties, also including an operational leasing.

### **Article 5**

- (1) A financial company must not carry out other activities, except the activities referred to in Article 4 of this Law.
- (2) Legal entities and natural persons which do not hold a license for establishment and operation of a financial company issued in accordance with this Law, except the entities referred to in Article 2 paragraph (1) of this Law, must not carry out the financial activities referred to in Article 4 paragraph (1) of this Law.

## 3. Use of the words “financial company”

### **Article 6**

- (1) The financial company shall be obliged to use the words “financial company” or the abbreviation “FC” in the name.
- (2) The words “financial company” or the words derived thereof must not be used in the name of the trade company or another legal entity that does not hold a license for establishment and operation issued in accordance with this Law.

#### 4. Establishment of a financial company

##### **Article 7**

- (1) A financial company shall be established as a company with limited liability, a joint stock company, or a subsidiary of a foreign trade company, in accordance with the Law on Trade Companies.
- (2) A financial company shall be established with a basic capital of at least Denar 6.000.000.
- (3) The basic capital referred to in paragraph (2) of this Article and all the further increases of the basic capital must be in money and paid in full.
- (4) The basic capital of the financial company must not ever decrease under the amount referred to in paragraph (2) of this Article.

##### **Article 8**

- (1) A prior license for establishment and operation from the Ministry of Finance (hereinafter: the license) shall be necessary for establishment and operation of a financial company.
- (2) The persons who intend to establish a financial company shall submit a request for obtaining a license to the Ministry of Finance.
- (3) The following documentation and information shall be attached to the request referred to in paragraph (2) of this Article:
  - 1) draft articles of incorporation;
  - 2) a draft name and head office of the financial company;
  - 3) a proof of funds paid as basic capital at a temporary account at the bearer of payment operations;
  - 4) sources of funding for payment of the basic capital;
  - 5) an identity of the persons who intend to establish a financial company;
  - 6) a document that no security measure prohibition on practicing profession, performing an activity or duty is imposed on the founder;
  - 7) a list of proposed members of the governing body of the financial company with proofs of meeting the requirements referred to in Article 9 of this Law;
  - 8) financial activities that are going to be performed by the company;
  - 9) a work program of the financial company with financial reports projection for the following three years;
  - 10) internal procedures for carrying out the financial activities, including criteria and requirements for crediting and assessment of creditworthiness of credit seekers;
  - 11) a program for prevention of money laundering, approved by the Financial Intelligence Unit and
  - 12) a proof of paid administrative fee in accordance with the Law on Administrative Fees.

(4) If a legal entity is a founder of a financial company, in addition to the proofs and information referred to in paragraph (3) of this Article, the following documentation shall be attached to the request:

- 1) an excerpt from the register wherein the head office of the legal entity is registered;
- 2) an information on the economic-financial status;
- 3) financial reports together with a report on the conducted statutory or agreed financial reports audit for the last year by an authorized auditor;
- 4) a document that a measure prohibition on carrying out an activity is not imposed on the legal entity;
- 5) a document that a security measure prohibition on practicing profession, performing an activity or duty is not imposed on the responsible person in the legal entity; and
- 6) a document that a bankruptcy or liquidation procedure is not initiated against the legal entity.

(5) If the founder of the financial company, that is, the subsidiary is a foreign legal entity, in addition to the proofs and information referred to in paragraph (3) of this Article, the following documentation shall be attached to the request:

- 1) an excerpt from the register wherein it is registered;
- 2) financial reports together with a report on the conducted audit for the last year; and
- 3) a certificate or any other proof issued by a respective body in the country wherein it is registered confirming that it meets the requirements referred in paragraph (4) points 4, 5 and 6 of this Article.

(6) The documentation referred to in paragraphs (5) points 1) and 3) of this Article must not be older than six months and shall be submitted in its original form or as a notary certified copy. A verified translation shall be necessary to be attached to the documentation whose original is written in a foreign language.

(7) The contents and the form of the request form for obtaining a license shall be prescribed by the minister of finance.

(8) The authorized official person in the Ministry of Finance who conducts the procedure for issuance of a license for establishment and operation of the financial company shall be obliged, *ex officio*, to ask for the documents and the information referred to in paragraphs (3) point 6) and (4) points 1), 2), 4), 5) and 6) of this Article from the Central Register within a period of three days as of the day of receipt of the request.

(9) The authorized official person in the Central Register shall be obliged to submit the documents and the information referred to in paragraphs (3) point 6) and (4) points 1), 2), 4), 5) and 6) of this Article to the Ministry of Finance, within a period of three days as of the day of receipt of the request referred to in paragraph (8) of this Article.

## **Article 9**

- (1) A member of a governing body of a financial company may be a person:
  - 1) who has completed a higher education;
  - 2) who has a three-year successful work experience in the field of finance or banking upon completion of the higher education;
  - 3) who has not been a responsible person in a trade company under bankruptcy procedure;
  - 4) on whom a security measure prohibition on practicing profession, performing an activity or duty has not been imposed and
  - 5) who is not a member of a governing body of a bank, branch office of a foreign bank or savings house.
- (2) The type of documents for fulfillment of the requirements referred to in paragraph (1) points 2, 3 and 5 of this Article shall be prescribed by the minister of finance.

## **Article 10**

- (1) The Ministry of Finance shall decide on the request referred to in Article 8 paragraph (2) of this Law within a period of 60 days as of the day of submission of the request.
- (2) If the request is not complete, the Ministry of Finance shall notify the requester to submit the necessary documents and information within a period of 30 days at the latest.
- (3) The deadlines referred to in paragraph (2) of this Article shall not be calculated within the deadline referred to in paragraph (1) of this Article.
- (4) In the course of making a decision on the request referred to in paragraph (1) of this Article, the Ministry of Finance shall particularly assess the education and the experience of the proposed members of the governing body, the economic and financial status of the founder, and the feasibility of the work program with financial reports projection referred to in Article 8 paragraph (3) point 9 of this Law.

## **Article 10-a**

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## **Article 11**

- (1) The Ministry of Finance shall, by a decision, dismiss the request for granting a license if the request does not include the documentation prescribed in Article 8 paragraphs (3), (4) and/or (5) of this Law.
- (2) An appeal against the decision referred to in paragraph (1) of this Article may be filed with the State Commission for Decision-making in Administrative

Procedure and Labor Relations Procedure in Second Instance within a period of 15 days as of the day of receipt of the decision.

### **Article 12**

- (1) The Ministry of Finance shall, by a decision, reject the request for granting a license if:
  - 1) the request contains incorrect or false data;
  - 2) in the last two years, the requester has been rejected a request for granting a license or has been revoked a license in accordance with this Law;
  - 3) the amount of the paid basic capital is lower than the one determined in Article 7 paragraph (2) of this Law;
  - 4) there are reasonable doubts regarding the origin of the funds for payment of the basic capital;
  - 5) according to the information about the economic and financial status and the financial reports together with the report on the completed audit, the legal entity incurs losses and does not have a sustainable financial stability and liquidity;
  - 6) the investment in the basic capital is not adequate for the economic and financial status of the founder and may lead to its further deterioration;
  - 7) a security measure prohibition on practicing profession, performing an activity or duty has been imposed on the founder;
  - 8) a bankruptcy or liquidation procedure is initiated against the founder - legal entity and
  - 9) a proposed member for a governing body does not meet the requirements referred to in Article 9 of this Law.
- (2) An appeal against the decision referred to in paragraph (1) of this Article may be filed with the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance within a period of 15 days as of the day of receipt of the decision.
- (3) If the Ministry of Finance rejects the request for the reasons referred to in paragraph (1) point 4 of this Article, it shall immediately notify the Financial Intelligence Unit thereof.

### **Article 13**

- (1) The Ministry of Finance shall adopt a decision granting a license if the requirements referred to in Articles 8 and 9 of this Law are met.
- (2) The decision referred to in paragraph (1) of this Article shall contain:
  - 1) the name and the head office of the financial company;
  - 2) the financial activities carried out by the financial company;
  - 3) the name of the founder of the financial company and

- 4) the name and surname of the members of the governing body.
- (3) The financial company shall be obliged to begin the performance of the financial activities within a period of six months as of the day of entry in the trade register kept by the Central Register.

## 5. Status changes

### **Article 14**

- (1) A status change related to acquisition and merging may only be made between two or more financial companies.
- (2) A status change related to division of a financial company may only be made in two or more financial companies.
- (3) Permission from the Ministry of Finance shall be necessary for making a status change of a financial company.
- (4) The provisions of Articles 7, 8, 9, 10, 11, 12 and 13 of this Law shall accordingly apply to the issuance of the permission referred to in paragraph (3) of this Article.

## 6. Entry in a trade register

### **Article 15**

- (1) The financial company shall acquire the status of a legal entity upon the entry in the trade register kept by the Central Register.
- (2) The financial company shall be obliged to submit an application for entry in the trade register within a period of 30 days as of the day of receipt of the license for establishment and operation.
- (3) The following shall be attached to the application for entry in the trade register:
  - 1) the articles of incorporation of the financial company;
  - 2) the license for establishment and operation;
  - 3) the proof that funds are paid as a basic capital at a temporary account at the bearer of payment operations and
  - 4) other documents in accordance with the regulations for entry in the register.
- (4) The Central Register shall dismiss the application for entry in the trade register if it is not submitted within the deadline referred to in paragraph (2) of this Article and it shall notify the Ministry of Finance in writing thereof within a period of five days as of the day of dismissing the application.
- (5) The financial company shall be obliged, within a period of ten working days as of the entry in the trade register, to notify in writing the Ministry of Finance about the entry made.

## **Article 16**

- (1) The financial company shall be obliged to submit an application for change in the trade register kept by the Central Register within a period of 15 days as of the day of granting the permission for status changes. The permission referred to in Article 14 paragraph (3) of this Law shall be mandatorily attached to the application for entry in the trade register.
- (2) The financial company shall be obliged, within a period of ten working days as of the day of entry of the status change in the trade register, to notify in writing the Ministry of Finance about the entry made.

## **7. Consents**

### **Article 17**

- (1) The financial company, without a prior consent from the Ministry of Finance, must not:
  - 1) appoint a member of the governing body;
  - 2) make a change in the ownership structure;
  - 3) make a change in the basic capital and
  - 4) carry out activities referred to in Article 4 paragraph (1) of this Law that are not listed in the decision referred to in Article 13 paragraph (1) of this Law.
- (2) Prior to appointing a member of the governing body, the financial company shall be obliged to submit a request for obtaining a prior consent to the Ministry of Finance attaching the proofs of fulfillment of the requirements referred to in Article 9 of this Law thereto.
- (3) The financial company shall be obliged to submit the request referred to in paragraph (2) of this Article within a period of 60 days prior to the termination of the term of office of a member of the governing body at the latest, that is, within a period of 15 days as of the day of dismissal, resignation, death or revocation of the consent for a member of the governing body at the latest, and to propose a member who meets the requirements referred to in Article 9 of this Law within a period of three months as of the creation of the requirement for termination of the term of a member of a governing body at the latest.
- (4) Prior to making a change in the ownership structure, the financial company shall be obliged to submit a request for obtaining a prior consent to the Ministry of Finance attaching the proofs of fulfillment of the requirements referred to in Article 8 paragraph (3) points 4, 5, 6 and 9 of this Law thereto, as well as the proofs referred to in Article 8 paragraphs (4) and (5) of this Law, in case of a legal entity.



- (5) Prior to making a change in the basic capital, the financial company shall be obliged to submit a request for obtaining a prior consent to the Ministry of Finance attaching an explanation of the reasons for the change of the basic capital and the sources of the funds for payment, in case of increase of the basic capital.
- (6) For the purpose of carrying out the activities referred to in Article 4 paragraph (1) of this Law that are not listed in the decision referred to in Article 13 of this Law, the financial company shall be obliged to submit a request to the Ministry of Finance attaching the following:
  - 1) a list of activities referred to in Article 4 paragraph (1) of this Law that the company plans to carry out;
  - 2) a work program for the following three years for the respective activities; and
  - 3) information about the economic-financial status of the financial company.
- (7) A proof of paid administrative fee, in accordance with the Law on Administrative Fees, shall be attached to the request referred to in paragraphs (2), (4), (5) and (6) of this Article.
- (8) The Ministry of Finance, based on the submitted documentation referred to in paragraphs (2), (4), (5) and (6) of this Article, shall adopt a decision on granting consent, on rejecting or on dismissing the request. The provisions of Articles 10, 11, 12 and 13 of this Law shall accordingly apply in the course of making a decision upon the request.
- (9) The contents and the form of the request referred to in paragraphs (2), (4), (5) and (6) of this Article shall be prescribed by the minister of finance.
- (10) The authorized official person in the Ministry of Finance who conducts the procedure for issuance of a decision on granting a consent for a change in the ownership structure of the financial company shall be obliged, *ex officio*, to ask for the documents and the information referred to in Article 8 paragraph (3) point 6) and paragraph (4) points 1), 2), 4), 5) and 6) of this Article from the Central Register within a period of three days as of the day of receipt of the request.
- (11) The authorized official person in the Central Register shall be obliged to submit the documents and the information referred to in Article 8 paragraphs (3) point 6) and paragraph (4) points 1), 2), 4), 5) and 6) of this Article to the Ministry of Finance, within a period of three days as of the day of receipt of the request referred to in paragraph (10) of this Article.

## 8. Notifications

### Article 18

- (1) The financial company shall be obliged to notify the Ministry of Finance about:
  - 1) the opening or closing a subsidiary or a branch office in the country or abroad;
  - 2) the change of the head office of the financial company;

- 3) the change of the name of the financial company;
  - 4) the existence of a ground for dissolution of the financial company or revocation of the license; and
  - 5) the change of the internal procedures for carrying out the financial activities, including the criteria and requirements for crediting and assessment of creditworthiness of credit seekers.
- (2) The financial company shall be obliged to notify the Ministry of Finance about the actions referred to in paragraph (1) of this Article within a period of ten working days as of the day of occurrence of the action.

## 9. Creation of credits

### Article 19

- (1) The financial company may create credits up to ten times bigger than the amount of the basic capital and the reserves at the most.
- (2) Credits, for the purposes of this Article, shall mean claims deriving from approved credits, issued guarantees, issued credit cards, and assumed claims.
- (3) The financial company must not approve credits to the founders of the financial company and to associated persons.
- (4) Associates persons, in terms of this Article, shall be deemed the spouses of the founders of the financial company or their unwed partners, their children or adopted children, parents and persons under their custody, as well as the associated persons in terms of the Law on Trade Companies.

## 10. Accounting, financial reports and audit

### Article 20

- (1) The financial company shall keep accounting and shall prepare financial reports in accordance with the Law on Trade Companies and the adopted international standards for financial reporting.
- (2) The financial reports of the financial company shall be a subject of audit by an authorized audit company, in accordance with the audit regulations.
- (3) The financial company shall be obliged to publish the annual financial report together with the report and the opinion of the authorized auditor in at least one daily newspaper in the Republic of Macedonia within a period of 15 calendar days as of the day of submission of the reports to the Ministry of Finance.
- (4) The financial company shall be obliged to submit a copy of the financial report for the previous year together with the audit report to the Ministry of Finance by 31st of May in the current year.
- (5) The audit company shall immediately notify the Ministry of Finance if, in the course of the audit, it establishes that:

- 1) the financial company has made a serious violations of the provisions of this or another law and
- 2) the financial situation of the financial company is deteriorated which brings its normal functioning into question.

## 11. Reports

### **Article 21**

- (1) The financial company shall be obliged, on a request of the Ministry of Finance, to submit reports on the financial activities and the status and the sources of funding to the Ministry of Finance at least two times a year and by the 28th of February at the latest in the current year for the previous year and by the 15th of July in the current year for the period between the 1st of January and the 30th of June. in the current year, and if need be.
- (2) On a request of the Ministry of Finance, the financial company shall submit information necessary for statistical and analytical purposes.
- (3) The form and the contents of the report forms referred to in paragraph (1) of this Article, as well as the manner of their submission, shall be prescribed by the minister of finance.

## 12. Supervision and measures

### **Article 22**

- (1) The Ministry of Finance shall supervise the work of the financial companies.
- (2) The supervision referred to in paragraph (1) of this Article shall be made by off-site monitoring of the operation of the company, by gathering and analysing reports and data that the financial companies submit to the Ministry of Finance, or by direct control at the financial company.
- (3) In the course of making a direct control, the Ministry of Finance may engage external experts.
- (4) In the course of making the supervision referred to in paragraph (1) of this Article, the company shall be obliged to make the complete documentation available for inspection.
- (5) The documentation referred to in paragraph (4) of this Article shall represent classified information in accordance with law for the Ministry of Finance.
- (6) The supervision referred to in paragraph (1) of this Article shall be conducted by persons authorized by the minister of finance (hereinafter: an authorized person).

### **Article 23**

The Ministry of Finance may take the following measures against a financial company which is determined not to work in accordance with the provisions of this Law:

- 1) to issue a written warning or
- 2) to issue a written order that contains a deadline for harmonization with the provisions of this Law and the rest of the regulations that regulate the operation of financial companies or
- 3) to temporarily prohibit the performance of part or of all financial activities or
- 4) to revoke the license.

#### **Article 24**

- (1) The Ministry of Finance shall, by a decision, revoke the license if:
  - 1) the Central Register dismisses the application for entry in the trade register;
  - 2) the company does not begin to carry out the financial activities within the deadline set out in Article 13 paragraph (3) of this Law;
  - 3) acts contrary to the provisions of Article 17 of this Law;
  - 4) it is determined that the information that have been submitted in the request for granting a license or consent are incorrect, false or are no longer fulfilled;
  - 5) the company terminates the performance of the financial activities for a period longer than six months;
  - 6) a bankruptcy or liquidation procedure is initiated against the company;
  - 7) the company does not implement the measures referred to in Article 23 points 1, 2 and 3 of this Law;
  - 8) the basic capital of the financial company is decreased under the legal minimum and
  - 9) a status change is made without consent of the Ministry of Finance.
- (2) Upon the adoption of the decision referred to in paragraph (1) of this Article, the financial company must not carry out the financial activities, except the ones that are necessary for preservation of the property of the company and collection of claims.
- (3) The members of the governing body of the financial company shall be obliged, within a period of 15 days as of the day of revocation of the license, to initiate a procedure for liquidation or to submit a proposal for opening a bankruptcy procedure with the competent court and to notify the Ministry of Finance thereof within a period of three days.
- (4) An appeal against the decision referred to in paragraph (1) of this Article may be filed with the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance within a period of 15 days as of the day of receipt of the decision.
- (5) The appeal referred to in paragraph (4) of this Article shall not postpone the execution of the decision.

## **Revocation of consent for a member of a governing body**

### **Article 24-a**

- (1) The Ministry of Finance shall by a decision revoke the granted consent for a member of a governing body who no longer meets the requirements referred to in Article 9 of this Law.
- (2) An appeal against the decision referred to in paragraph (1) of this Article may be lodged with the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance within a period of 15 days as of the day of receipt of the decision.

## **13. Register of Financial Companies**

### **Article 25**

- (1) The Ministry of Finance shall keep a Register of Financial Companies in an electronic form.
- (2) The following data shall be entered in the Register of Financial Companies:
  - 1) the name and head office of the financial company;
  - 2) the unique identification number of the entity;
  - 3) the basic capital of the financial company;
  - 4) the members of the governing body and
  - 5) the financial activities carried out by the company.

## **14. Misdemeanor sanctions**

### **Article 26**

The misdemeanor procedure shall be conducted and the misdemeanor sanction shall be imposed for the misdemeanors laid down in this Law by a competent court in the Republic of Macedonia.

### **Article 27**

- (1) Fine in the amount of Euro 10.000 in Denar counter value shall be imposed for a misdemeanor on a financial company if it acts contrary to the provisions of Article 17 of this Law, or it carries out activities which it must not carry (Article 5 paragraph (1)).
- (2) Fine in the amount of 30% of the determined fine for the financial company shall be imposed for the misdemeanors referred to in paragraph (1) of this Article on the responsible person in the financial company.

## **Article 28**

- (1) Fine in the amount of Euro 5.000 in Denar counter value shall be imposed for a misdemeanor on the financial company if:
  - 1) it does not notify the Ministry of Finance about the completed entry in the trade register within the set deadline (Articles 15 paragraph (5) and 16 paragraph (2));
  - 2) it does not kept the accounting and does not prepare financial reports in accordance with Article 20 of this Law;
  - 3) it does not submit reports to the Ministry of Finance in accordance with Article 21 of this Law;
  - 4) it does not make the documentation referred to in Article 22 paragraph (4) of this Law available for inspection; and
  - 5) it does not notify the Ministry of Finance of the activities referred to in Article 18 of this Law within the prescribed deadline and
  - 6) it approves loans in a size and to persons contrary to Article 19 of this Law.
- (2) Fine in the amount of 30% of the determined fine for the financial company shall be imposed for the misdemeanors referred to in paragraph (1) of this Article on the responsible person in the financial company.

## **Article 28-a**

- (1) Fine in the amount of Euro 25 to 50 in Denar counter value shall be imposed for a misdemeanor on the authorized official person in the Ministry of Finance if he/she does not make a decision within the deadline referred to in Article 10 paragraph (1) of this Law.
- (2) Fine in the amount of Euro 25 to 50 in Denar counter value shall be imposed for a misdemeanor on the authorized official person in the Ministry of Finance if he/she does not ask for the necessary documents and information within the deadline set in Articles 8 paragraph (8) and 17 paragraph (10) of this Law.
- (3) Fine in the amount of Euro 25 to 50 in Denar counter value shall be imposed for a misdemeanor on the authorized official person in the Central Register if he/she does not submit the required documents and information within the deadline referred to in Articles 8 paragraph (9) and 17 paragraph (11) of this Law.

Procedure for issuance of a misdemeanor payment order

## **Article 29**

- (1) With regard to the committed misdemeanors of this Law, the authorized person, during establishing the misdemeanor, shall be obliged to propose to the perpetrator a procedure for issuance of a misdemeanor payment order, prior to filing a motion for initiation of a misdemeanor procedure.
- (2) If the authorized person establishes a misdemeanor, he/she shall prepare minutes containing the relevant elements of the act that give the legal

characteristics of the misdemeanor, the time, place, and manner of committing the misdemeanor, the description of the act, and shall a proposal for settlement by issuing a misdemeanor payment order. The minutes shall be signed by the authorized person and the perpetrator.

- (3) As an exception to paragraph (2) of this Article, if the authorized person establishes the misdemeanor by him/herself personally or by using appropriate technical means and devices, that is, by using data from the official records, the minutes shall be signed only by the authorized person.
- (4) If the perpetrator admits the misdemeanor it is charged with or if the authorized person establishes the misdemeanor by him/herself personally or by using appropriate technical means and devices, the authorized person shall issue a misdemeanor payment order immediately.
- (5) The misdemeanor payment order shall contain personal data on the perpetrator, and with regard to a legal entity, the name of the company, head office and tax number, the place and time of committing the misdemeanor, the legal qualification of the misdemeanor, the amount of the fine, the account at which the payment is to be made, and legal instruction.
- (6) Upon the receipt and signing of the misdemeanor payment order, the perpetrator shall be obliged to pay the fine within a period of eight days as of the day of receipt of the misdemeanor payment order at the account indicated in the payment order.
- (7) If the perpetrator pays the fine in the period referred to in paragraph (6) of this Article, it shall pay half of the imposed fine, and it shall be instructed for that right in the legal instruction.
- (8) If the perpetrator does not pay the fine within the deadline referred to in paragraph (6) of this Article, the authorized person shall file a motion for initiation of a misdemeanor procedure to a competent court.
- (9) The authorized persons shall be obliged to keep records of the issued misdemeanor payment orders referred to in paragraph (4) of this Article and of the outcome of the initiated procedures.
- (10) The following data shall be gathered, processed and kept in the records referred to in paragraph (9) of this Article: name and surname, that is, company's name of the perpetrator, permanent, that is, temporary residence, head office, type of the misdemeanor, number of the misdemeanor payment order which is issued, and outcome of the procedure.
- (11) The personal data referred to in paragraph (10) of this Article shall be kept for five years as of the day of entry in the records.
- (12) The minister of finance shall prescribe the form and the contents of the misdemeanor payment order.

### **Article 29-a**

The amount of the fine for the legal entity shall be determined in accordance with the Law on Misdemeanors.

## TRANSITIONAL AND FINAL PROVISIONS

### Article 30

- (1) The legal entities that carry out the financial activities referred to in Article 4 paragraph (1) of this Law on the day of entry into force of this Law, except the entities referred to in Article 2, paragraph (1) of this Law, shall be obliged to harmonize their operation with the provisions of this Law within a period of six months as of the day of entry into force of this Law.
- (2) The entities referred to in paragraph (1) of this Article shall be obliged, within a period of four months as of the day of entry into force of this Law, to submit a request for issuance of a license to the Ministry of Finance attaching the documentation referred to in Article 8 of this Law thereto.
- (3) The Public Revenue Office shall adopt a decision banning the performance of the activity for the entities referred to in paragraph (1) of this Article which have not submitted a request within the deadline referred to in paragraph (2) of this Article and shall request deletion from the register wherein they have been entered.

### Article 31

- (1) The providers of consumer credits that are not excluded from the provisions of this Law and that have been granted a license from the minister of economy for approval of consumer credits in terms of Article 2 point 3 subpoint 1 of the Law on Protection of Consumers with regard to agreements on consumer credits before the entry into force of this Law, shall be obliged to harmonize their operation with the provisions of this Law within a period of six months as of the day of entry into force of this Law.
- (2) The entities referred to in paragraph (1) of this Article shall be obliged, within a period of four months as of the day of entry into force of this Law, to submit a request for issuance of a license to the Ministry of Finance attaching the documentation referred to in Article 8 of this Law thereto.
- (3) Upon expiry of the deadline for submission of the request referred to in Article 30 paragraph (1) of this Law, the Ministry of Economy shall revoke the license and shall delete the providers of consumer credits referred to in paragraph (1) of this Article from the Register of Providers of Consumer Credits that is kept by the Ministry of Economy.

### Article 32

The bylaws foreseen by this Law shall be adopted within a period of 60 days as of the day of entry into force of this Law.



### **Article 33**

This Law shall enter into force on the eighth day as of the day of its publication in the “Official Gazette of the Republic of Macedonia” and shall start to apply as of 1 January 2011.