

LAW ON THE PERSONAL IDENTIFICATION CARD

CONSOLIDATED TEXT **1**

Article 1

The personal identification card is a public document which proves the identity, the citizenship of the Republic of Macedonia, place of permanent residence and the address of the citizen of the Republic of Macedonia.

The personal identification card can also be used for passing the state border, in cases and under conditions determined in an international agreement ratified in accordance with the Republic of Macedonia.

The citizen can have only one personal identification card.

Article 2

Every citizen who has turned the age of 18 shall be obliged to possess a personal identification card.

The personal identification card can be issued to a citizen at the age of 15, upon his/her personal request, and upon prior consent from the parent, the legal representative or the guardian.

Article 3

The personal identification card shall be issued by the Ministry of Interior.

Article 4

The citizen shall personally submit the application for issuing a personal identification card in the Ministry of Internals, according to the place of permanent residence of the citizen.

The application for issuing a personal identification card shall be submitted in a prescribed Form.

The submission of the application for issuing a personal identification card and the withdrawing of the personal identification card for a person who, with a court decision, has been revoked or limited the business ability shall be performed by the guardian in the presence of that person.

With the application referred to in paragraph 1 of this Article, one shall as well submit the personal identification card with expired validity period, the damaged personal identification card, the dilapidated personal identification card that can no longer serve the purpose of its intention or some other personal document that can confirm the identity of the citizen.

As an exception to the application referred to in paragraph 2 of this Article, the citizens born abroad shall also submit an excerpt from the birth registry.

Article 5

The Form for the personal identification card contains: the caption "Republic of Macedonia", the title "personal identification card", the caption "MKD", place for a photo, the coat of arms of the Republic of Macedonia and a computer-readable part.

The following data shall be entered in the Form for the personal identification card: surname and name of the citizen; citizenship; sex; date of birth; personal identification number of the citizen; date of issuance of the personal identification card; date of expiry of the personal identification card;

place of permanent residence and address of the citizen; authority that has issued the personal identification card; number of the personal identification card and signature of the holder of the personal identification card.

The Form for the personal identification card shall be printed in Macedonian language and its Cyrillic letter, and in English language and its letter.

The data from the Form for the personal identification card shall be entered in Macedonian language and its Cyrillic letter, and in the basic Latin letter (ICAO Doc 9303).

For the citizens who speak official language other than the Macedonian language, the Form for the personal identification card shall be printed and the data in it shall be entered in the official language and letter used by the citizen.

The citizens who speak language other than the official, shall have the data entered in the personal identification card, upon their request, written in Macedonian language and its Cyrillic letter and in the language and letter used by the citizen.

The international marks (codes) shall be entered in the Form for personal identification card, in accordance with the international standards determined in ICAO Doc 9303.

Article 6

Upon the submission of the application for issuing a personal identification card, the person applicant shall mandatory enable data on his/her biometric characteristics, for the purpose of confirming his/her identity.

The finger prints and the photo shall be considered data on the biometric characteristics referred to in paragraph 1 of this Article.

Article 7

The personal identification card shall be issued with a validity period of ten years, and for a citizen younger than the age of 27 with a validity period of five years.

The citizen cannot use a personal identification card with expired validity period.

The citizen, who at least twice loses the personal identification card or in any other manner is left without a personal identification card, shall be issued a personal identification card with a validity period of one year. After the expiry of this period, the new personal identification card shall be issued with a validity period determined in paragraph 1 of this Article.

The application for replacement of the personal identification card shall be submitted at latest 30 days before the expiry of the validity period of the personal identification card.

In case of change of a street name, in accordance with the Law on Designating Names of Streets, Squares, Bridges and other Infrastructural Facilities, the personal identification card of the citizen shall be valid until the validity period stated therein, except in the cases anticipated in Article 14 of the Law Amending the Law on Personal Identification Card ("Official Gazette of the Republic of Macedonia" number 19/2007 and 10/2010).

Article 7-a

The Ministry of Interior on the request of the competent court, that under conditions and in a manner determined with the Law on Travel Documents of the Citizens in the Republic of Macedonia can request rejection of the application for issuance of a passport, i.e. seizure of the passport, can with a decision prohibit the use of the personal identification card for crossing the state border.

A complaint can be lodged against the decision referred to in paragraph 1 of this Article to the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance.

The complaint referred to in paragraph 2 of this Article shall be submitted within a period of 15 days as of the day of receipt of the decision and shall not postpone the enforcement of the decision.

Article 7-b

The competent court shall *ex officio* notify the Ministry of Interior regarding all the facts that cause termination of the reasons that prohibit the use of the personal identification card for passing the state border.

If the competent court does not renew the request after one year from the day it was submitted, the reasons that prohibit the use of the personal identification card for passing the state border shall be considered as terminated.

In the cases referred to in paragraphs 1 and 2 of this Article, the Ministry of Interior shall on the request of the citizen, delete the prohibition to use the personal identification card for passing the state border.

Article 7-c

The Minister of Interior shall prescribe the manner of notifying and deleting the prohibition to use the personal identification card for passing the state border, as well as the manner of keeping the records referred to in Article 14 of this Law.

Article 8

The citizen, who changes the place of permanent residence or changes the personal name, shall be issued a new personal identification card.

Upon the change of the place of permanent residence, the citizen shall be obliged within 30 days to submit an application to replace the old with a new personal identification card.

Article 9

The citizen referred to in Article 2 paragraph 1 of this Law shall be obliged to take the personal identification card with him/her and show it upon a request from an official person authorized to quest for identification.

It is not allowed to hold another person's personal identification card, nor to give a personal identification card to another to use it, as well as to use another person's personal identification card as one's own.

Holding another person's personal identification card, in terms of this Law, shall cover the activities by which official persons who have been authorized by law to require identification documents or any other authorized person, keep the other person's personal identification card, i.e. hold it longer than the time necessary to confirm the identity of the citizen without his/her direct presence, as well as any activity whereby the citizen is disabled to carry the personal identification card with him/her.

Article 9-a

The personal identification card may be copied by controllers and/or processors of personal data collections only in cases determined by law.

The personal identification card, besides the persons it refers to, may be copied by notaries when confirming the identity and entity of the participants in the procedures conducted before a notary in accordance with the law, as well as by other controllers and/or processors of personal data collections only in the cases determined by law.

As an exception to paragraphs 1 and 2 of this Article, the personal identification card may be copied for a previously established purpose or purposes upon a written stated consent of the holder of the personal identification card.

Upon copying of the personal identification card, the copy shall be accordingly marked that it cannot be used for a purpose other than the one it has been made for in accordance with the law. Any further copying, that is, multiplying of the copy shall be prohibited, unless otherwise regulated by law.

Upon a request of the holder of the personal identification card, the controller, that is, the processor shall be obliged to issue a certificate for the copy of the personal identification card that has been made which shall mandatorily state the purpose of the copy and the deadline for its keeping.

Processing and keeping of a copy of a personal identification card in an electronic form shall be prohibited, unless otherwise defined by law.

The terms "controller", "processor" and "consent" in terms of this Law shall have the same meaning as the expressions "controller of personal data collection", "processor of personal data collection" and "consent from the entity of personal data" which are regulated by the regulations on personal data protection.

Article 10

When the official person from the Ministry of Interior authorized to quest for identification, confirms that the personal identification card of the citizen is so damaged or dilapidated that it does no longer serve its purpose or the look of the holder of the personal identification card is so changed that it does not correspond to the photo in the personal identification card, (s)he shall oblige the citizen within 15 day to submit an application to replace the personal identification card.

In the cases referred to in paragraph 1 of this Article, the citizen can on his own submit an application for replacement of the personal identification card.

Article 11

The citizen who loses a personal identification card or in any other manner is left without the personal identification card, shall be obliged to report it to the Ministry of Interior, to advertise it as invalid in the "Official Gazette of the Republic of Macedonia" on his/her own expense and to submit an application for issuance of new personal identification card. Upon the submission of the application for issuance of new personal identification card, the citizen shall be obliged to submit a proof that it was published in the "Official Gazette of the Republic of Macedonia" that the previously issued personal identification card is no longer valid.

If the citizen who has been issued a new personal identification card finds the previously issued personal identification card, shall be obliged to immediately hand in the said to the Ministry of Interior.

Article 11-a

The citizen whose citizenship has terminated due to dismissal in accordance with the Law on Citizenship of the Republic of Macedonia, shall be obliged on the day of being handed in the decision for dismissal of the citizenship of the Republic of Macedonia to hand in the personal identification card to the Ministry of Interior, or if (s)he lives abroad, to hand it in to the diplomatic and consular office of the Republic of Macedonia abroad.

Article 12

The Ministry of Interior shall, within a time period of 15 days as of the day of receipt of the application, issue a personal identification card to the citizen.

If the Ministry of Interior does not issue the personal identification card, that is, does not adopt a decision rejecting the application for issuance of the personal identification card within the time period referred to in paragraph 1 of this Article, the applicant shall have the right to file an appeal within a time period of 15 days as of the day of submission of the application, that is, 15 days as of the day of receipt of the decision rejecting the application referred to in article 4 paragraph 1 of this Law.

The appeal referred to in paragraph 2 of this Article shall be submitted to the State Commission for Decision-making in administrative Procedure and Labor Relation Procedure in Second Instance.

Article 13

The personal identification card shall be withdrawn personally by the citizen, who hereby is obliged to hand in the old personal identification card to the Ministry of Interior for the purpose of destroying it.

Article 14

The Ministry of Interior shall keep records for the issued personal identification cards, in accordance with the determined standards and legal regulations.

The Ministry of Interior shall keep records for entering the prohibition and for deleting the prohibition to use the personal identification card for passing the state border.

The records referred to in paragraphs 1 and 2 of this Article shall be kept in accordance with the Law on the General administrative Procedure and shall contain the data referred to in Articles 5 and 6 of this Law.

Article 14-a

The Directorate for Personal Data Protection shall supervise the implementation of the provisions referred to in Articles 9 paragraph 2 and 9-a of this Law.

Article 15

Fine in the amount of Euro 20 to 80 in Denar counter-value shall be imposed for a misdemeanor on a natural person, that:

1. holds more than one personal identification card (Article 1 paragraph 2);
2. has no personal identification card at the age of 18 (Article 2 paragraph 1);
3. submits a false excerpt from the birth registry (Article 4 paragraph 6);
4. uses a personal identification card with expired validity period (Article 7 paragraph 2);
5. does not submit an application for replacement of the personal identification card within a legally determined deadline (Article 7 paragraph 4 and Article 10);
6. fails to submit an application for replacement of the personal identification card within the determined period (Article 8 paragraph 2);

7. holds the personal identification card of another person on any grounds, that is, gives the personal identification card to another to use it or uses another person's personal identification card as personal (Article 9 paragraph 2);

8. does not hand in the personal identification card to the Ministry of Interior, i.e. to the diplomatic and consular office of the Republic of Macedonia abroad (Article 11-a) and

9. does not hand in the old personal identification card to the Ministry of Interior for the purpose of its destruction (Article 13).

Fine in the amount of Euro 15 to 30 in Denar counter-value shall be imposed for a misdemeanor on the natural entity that does not have the personal identification card on him/her or who refuses to show the personal identification card (Article 9 paragraph 1).

Fine in the amount of Euro 2.000 in Denar counter-value shall be imposed for a misdemeanor on a legal entity - controller, i.e. processor should it act in a manner contrary to the provisions referred to in Article 9-a of this Law.

Fine in the amount of 30% of the determined fine for the legal entity shall be imposed for a misdemeanor on the responsible person in the legal entity - controller, i.e. processor for a perpetrated misdemeanor as referred to in paragraph 3 of this Article.

Fine in the amount of Euro 200 to 300 in Denar counter-value shall be imposed on the official in a state body - controller, i.e. processor for a perpetrated misdemeanor as referred to in paragraph 3 of this Article.

Fine in the amount of Euro 250 in Denar counter-value shall be imposed for a misdemeanor on a natural person - controller, i.e. processor for a perpetrated misdemeanor as referred to in paragraph 3 of this Article.

Article 15-a

For the misdemeanors anticipated in the provisions of Article 15 paragraphs 1 and 2 of this Law, the misdemeanor procedure shall be conducted by a Commission of the Ministry of Interior.

As an exception to paragraph 1 of this Article, if the perpetrator is a foreigner, the misdemeanor procedure shall be conducted and misdemeanor sanctions shall be imposed by the competent court.

The Commission referred to in paragraph 1 of this Article shall be composed of two members and a president of the Commission.

The members of the Commission shall hold a university degree and have working experience of at least seven years in this field, and the president shall hold a university degree in law with a completed judicial exam and working experience of at least ten years in the related subject.

The writs prepared by the commission referred to in paragraph 1 of this Article shall be submitted in accordance with the provisions of the Law on Misdemeanors and the Law on General Administrative Procedure.

If the residence of the person to whom a notification, invitation or decision is to be submitted is unknown for the body whose writ is submitted, the commission referred to in paragraph 1 of this Article shall publish the writ on the website of the Ministry of Interior and it shall be considered that the party is duly informed about the writ upon the expiry of eight days as of the day of its publication on the website.

An appeal against the decision of the commission referred to in paragraph 1 of this Article may be filed to the State Commission for Decision-making in Second Instance in the Field of Inspection and Misdemeanor Procedure.

Article 15-b

For the misdemeanors anticipated by the provisions of Article 15 paragraphs 3, 4, 5 and 6 of this Law, the misdemeanor procedure shall be conducted and the misdemeanor sanction shall be imposed by the Directorate for Personal Data Protection in accordance with the regulations on personal data protection.

An appeal against the decision of the body referred to in paragraph 1 of this Article may be filed to the State Commission for Decision-making in Second Instance in the Field of Inspection and Misdemeanor Procedure.

Article 15-c

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

Article 16

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Article 17

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Article 18

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Article 19

As of the day this Law enters into force the Law on Personal Identification Card ("Official Gazette of SRM" number 15/73, 20/73, 38/85, 37/87, 51/88 and 19/90) and the Law on Basic Data from the Personal Identification Card ("Official Gazette of SFRY" number 6/73) shall cease to be valid.

Article 20

This Law shall enter into force on the eight day of its publishing in the "Official Gazette of the Republic of Macedonia".

PROVISIONS OF OTHER LAWS:

Law Amending the Law on the Personal Identification Card ("Official Gazette of the Republic of Macedonia" no. 16/2004):

Article 11

The by-law whose adoption is determined in this Law, shall be adopted at latest within six months from the day this Law enters into force.

Law Amending the Law on the Personal Identification Card ("Official Gazette of the Republic of Macedonia" nos. 19/2007 and 10/2010):

Article 13

The Minister of Interior shall within three months from the day this Law enters into force, adopt a by-law for the Form for issuing a personal identification card, for the Form to confirm the submitted application for issuing a personal identification card, the Form of the personal identification card, the procedure for issuance and replacement of personal identification card and for the manner of keeping records of the issued personal identification cards.

Article 14

The personal identification cards issued before the day this Law enters into force shall be valid until the expiration of the validity period stated in the personal identification card, but at most five years from the day this Law enters into force.

Law Amending the Law on the Personal Identification Card ("Official Gazette of the Republic of Macedonia" no. 19/2007):

Article 15

This Law shall enter into force on the eight day of its publishing in the "Official Gazette of the Republic of Macedonia", and the provisions of Article 1, 2, 3, 4 and 5 of this Law shall be applied as of 1st October 2007.

Law Amending the Law on the Personal Identification Card ("Official Gazette of the Republic of Macedonia" no. 51/2011):

Article 3

The bylaw referred to in Article 2 paragraph 3 of this Law shall be adopted within a time period of three months as of the day this Law enters into force.

Law Amending the Law on the Personal Identification Card ("Official Gazette of the Republic of Macedonia" no. 51/2011):

Article 4

This Law shall enter into force on the eight day of its publication in the "Official Gazette of the Republic of Macedonia", and shall start to be applied as of April 1st, 2012, except for the provision referred to in Article 1 of this Law which shall start to be applied as of the day the Law on the Establishment of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance commences its application.

Law Amending the Law on the Personal Identification Card ("Official Gazette of the Republic of Macedonia" no. 154/2015):

Article 5

This Law shall enter into force on the day of its publication in the "Official Gazette of the Republic of Macedonia".

Law Amending the Law on the Personal Identification Card ("Official Gazette of the Republic of Macedonia" no. 55/2016):

Article 5

The procedures initiated until the day of beginning of application of this Law shall end in accordance with the law they have been initiated.

Law Amending the Law on the Personal Identification Card ("Official Gazette of the Republic of Macedonia" no. 55/2016):

Article 6

This Law shall enter into force on the day of its publication in the "Official Gazette of the Republic of Macedonia" and shall start to apply as of the beginning of application of the Law on the General Administrative Procedure in accordance with Article 141 of the Law on the General Administrative Procedure ("Official Gazette of the Republic of Macedonia" no. 124/15).