

## **LAW ON ID CARDS**

(Official Gazette of the Republic of Macedonia no. 08/95, 38/02, 16/04, 12/05, 19/07, 10/10, 51/11, 13/12, 166/12, 154/15 and 55/16 and Official Gazette of the Republic of North Macedonia no. 67/22 and 209/23)

### **Article 1**

The identity card is a public document that proves the identity, citizenship of the Republic of Macedonia, residence, and address of the citizen of the Republic of Macedonia.

The identity card can also be used to cross the state border, in cases and under conditions determined by an international agreement ratified in accordance with the Constitution of the Republic of Macedonia.

A citizen can have only one identity card.

### **Article 2**

Every citizen over the age of 18 is required to have an identity card.

The identity card can also be issued to a citizen who has reached 15 years of age, at their personal request, after obtaining prior consent from their parents, legal representative, or guardian.

### **Article 3**

The identity card is issued by the Ministry of Internal Affairs.

### **Article 4**

The request for the issuance of an identity card is submitted by the citizen in person or by using a means of electronic identification through the National Portal for electronic services, in accordance with the regulations in the field of electronic management and electronic services, to the competent organizational unit of the Ministry of Internal Affairs according to the area in which the citizen has a residence or abode.

The request for the issuance of an ID card for persons who, due to justified health reasons, are unable to submit it in person, is submitted by a person from the applicant's family.

In addition to the request from paragraph 2 of this article, a document shall be submitted on the basis of which it is proved that the person is not able to personally submit the request due to justified health reasons.

The request for the issuance of an identity card is submitted on a prescribed form.

Submission of a request for the issuance of an ID card and collection of an ID card for a person whose legal capacity has been revoked or limited by a court decision is performed by the guardian in the presence of that person.

By providing biometric data, the citizen also submits the ID card whose validity period has expired, the damaged ID card, the worn-out ID card that cannot serve its purpose, or another personal document from which the identity of the citizen can be determined.

With the request from paragraph 4 of this article, as an exception, citizens born abroad also submit a birth certificate.

In the event that a homeless person applies for the issuance of an ID card for the first time, the collection of biometric data for the homeless person is carried out in the presence of an official from the Center for Social Affairs.

A homeless person is a person who does not have a residence and a personal identification document issued by a competent authority in the Republic of North Macedonia.

### **Article 5**

The form of the identity card contains: the inscription "Republic of Macedonia," the name "identity card," the inscription "MKD," a space for a photo, the coat of arms of the Republic of Macedonia, and a machine-readable part.

The following data are recorded on the form of the identity card: surname and first name of the citizen; citizenship; gender; date of birth; citizen's identity number; date of issuance of the identity card; date of validity of the identity card; place of birth of the citizen; residence and address of the citizen; competent authority that issued the identity card; number of the ID card; and signature of the holder of the ID card.

The form of the identity card is printed in the Macedonian language and its Cyrillic script, as well as in English and its script.

The data on the form of the identity card are recorded in the Macedonian language and its Cyrillic script, as well as in the basic Latin script (ICAO Doc 9303).

For citizens who speak an official language other than Macedonian, the form of the identity card is printed, and the data in it are recorded in the official language and script used by the citizen.

At the personal request of citizens who speak a language other than the official language, the personal name data entered in the ID card are recorded in both the Macedonian language and its Cyrillic script and in the language and script used by the citizen.

In the form of the ID card, the international designations (codes) are recorded in accordance with the international standards established in ICAO Doc 9303.

### **Article 6**

In the procedure following the request for the issuance of an identity card, data on the applicant's biometric characteristics must be personally taken to determine their identity.

Biometric characteristics data from paragraph 1 of this article include the prints of two fingers and a photograph.

### **Article 7**

The identity card is issued with a validity period of ten years, and for a citizen younger than 27 years old, with a validity period of five years.

A citizen over 65 years of age is issued an identity card with permanent validity.

A citizen may not be issued an ID card whose validity period has expired.

If a citizen loses an ID card at least twice or is otherwise left without it, a replacement ID card is issued with a validity period of one year. After the expiration of this period, a new ID card is issued with the validity period determined in paragraph 1 of this article.

A request to replace the ID card must be submitted no later than 30 days before the expiration date of the ID card.

When changing the name of a street in accordance with the Law on the determination of names of streets, squares, bridges, and other infrastructure facilities, the citizen's ID card will be valid until the expiration date specified in the ID card, except in cases provided for by Article 14 of The Law on Amendments and Supplements to the Law on the Identity Card ("Official Gazette of the Republic of Macedonia" number 19/2007 and 10/10).

### **Article 7-a**

The Ministry of Internal Affairs, at the request of the competent court, which under the conditions and in the manner established by the Law on travel documents of the citizens of the Republic of Macedonia, may request the refusal of the request for the issuance of a passport, i.e., the revocation of the passport, will by a decision prohibit the use of the personal card for crossing the state border.

The request from the competent court from paragraph 1 of this article, in the form of an electronic document, can also be submitted through the National Platform for Interoperability. In the event of a technical interruption of the functionality of the National Interoperability Platform, the request is submitted via qualified electronic registered delivery to the electronic address of the Ministry of Internal Affairs, in accordance with the regulations in the field of electronic management and electronic services and in the field of electronic documents, electronic identification, and confidential services.

Against the decision from paragraph 1 of this article, an appeal can be submitted to the State Commission for decision-making in administrative proceedings and employment proceedings in the second degree.

The complaint from paragraph 3 of this article can also be submitted using a means of electronic identification through the National Portal for electronic services, in accordance with the regulations in the field of electronic management and electronic services.

The appeal from paragraph 3 of this article is submitted within 15 days from the day of receipt of the decision and does not delay the execution of the decision.

#### **Article 7-b**

For all facts that result in the termination of the reasons for banning the use of the ID card for crossing the state border, the competent court immediately ex officio informs the Ministry of the Interior through the National Interoperability Platform in real time, and within three days at the latest from the day of cessation of the reasons for banning the use of the ID card for crossing the state border. In case of a technical interruption of the functionality of the National Interoperability Platform, the notification is delivered via qualified electronic registered delivery to the electronic address of the Ministry of Internal Affairs in real time, and no later than within three days from the day of the technical interruption of the functionality of the National Platform for interoperability, in accordance with the regulations in the field of electronic management and electronic services and in the field of electronic documents, electronic identification, and confidential services.

It will be considered that the reasons for banning the use of the ID card for crossing the state border have ceased if the competent court does not renew the request after the expiration of one year from the date of submission of the request.

In the cases referred to in paragraphs 1 and 2 of this article, at the request of the citizen, the Ministry of Interior will delete the ban on the use of the ID card for crossing the state border.

#### **Article 7-c**

The Minister of Internal Affairs will prescribe the method of noting and deleting the ban on the use of the ID card for crossing the state border, as well as the method of keeping records from Article 14 of this law.

#### **Article 8**

A citizen who changes his residence or changes his personal name will be issued a new ID card.

In the cases referred to in paragraph 1 of this article, when submitting the request for the issuance of an identity card, the citizen must attach a document proving the change.

When changing the data from paragraph 1 of this article, the citizen is obliged to submit a request to replace the identity card with a new one within 30 days.

## **Article 9**

The citizen mentioned in Article 2, Paragraph 1 of this law is obliged to carry the identity card with them and to present it upon request to the authorized official who is empowered by law to authenticate it.

It is prohibited to possess someone else's ID card, lend someone else's ID card for use, or use someone else's ID card as one's own.

Possession of someone else's identity card, as defined in this law, includes actions where officials, authorized by law to perform identification, or any other authorized person, retain someone else's identity card for longer than necessary to establish the citizen's identity without their immediate presence, as well as any action that prevents the citizen from carrying the ID card with them.

### **Article 9-a**

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

In addition to the persons referred to, the identity card may also be copied by notaries when verifying the identity and subjectivity of participants in 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 cases established by law.

Except for Paragraphs 1 and 2 of this article, the ID card may be copied for a specific purpose or purposes with the prior written express consent of the ID card owner.

After copying the identity card, the copy must be clearly marked that it cannot be used for any purpose other than the one for which it was made in accordance with the law. Further copying or duplication of the copy is prohibited, unless otherwise specified by law.

Upon the ID card owner's request, the controller or processor is obligated to provide a certificate for the copy of the ID card, stating the purpose for which the copy was made and the duration of its retention.

Processing and storing a copy of an identity card in electronic form is prohibited, unless otherwise specified by law.

The terms "controller," "processor," and "consent," as used in this law, have the same meaning as the terms "controller of a collection of personal data," "processor of a collection of personal data," and "consent of the subject of personal data," as determined by the regulations for the protection of personal data.

## **Article 10**

When an official of the Ministry of the Interior authorized to authenticate determines that the citizen's ID card is so damaged or worn that it cannot serve its purpose, or if the appearance of the

ID card holder is so altered that it does not match the photo on the ID card, they shall require the citizen to submit a request for replacement of the identity card within 15 days.

In the cases mentioned in Paragraph 1 of this article, the citizen may also submit a request for replacement of the identity card.

### **Article 11**

A citizen who loses an identity card or is otherwise deprived of it is obliged to report it to the Ministry of Internal Affairs, declare it invalid in the "Official Gazette of the Republic of Macedonia" at their own expense, and submit a request for the issuance of a new identity card. Evidence is obtained by the Ministry of Internal Affairs ex officio through the National Platform for Interoperability, in accordance with the regulations in the field of electronic management and electronic services.

If a citizen who has been issued a new ID card finds the previously issued ID card, they are obliged to immediately return it to the Ministry of Internal Affairs.

### **Article 11-a**

A citizen whose citizenship of the Republic of Macedonia has been terminated by dismissal in accordance with the Law on Citizenship of the Republic of Macedonia is obliged to surrender the identity card to the Ministry of Internal Affairs on the day of receiving the decision on dismissal from the citizenship of the Republic of Macedonia or, if residing abroad, to the diplomatic-consular representation of the Republic of Macedonia abroad.

### **Article 12**

The Ministry of Internal Affairs will issue an identity card to the citizen within 15 days from the day of collecting data on the biometric characteristics as stated in Article 6 of this law.

Except for Paragraph 1 of this article, upon the written request of the citizen requesting the issuance of an identity card, the identity card will be issued within two working days at the latest from the day of submission of the request for the issuance of an identity card, provided there is no change of residence or apartment address.

If the Ministry of Internal Affairs fails to issue the identity card or does not make a decision to reject the request for the issuance of an identity card within the timeframes specified in Paragraphs 1 and 2 of this article, the applicant has the right to appeal within 15 days from the day of submission of the request or 15 days from the day of receipt of the decision rejecting the request as per Article 4, Paragraph 1 of this law.

The complaint from Paragraph 3 of this article can also be submitted using a means of electronic identification through the National Portal for electronic services, in accordance with the regulations in the field of electronic management and electronic services.

The appeal from Paragraph 3 of this article is submitted to the State Commission for decision-making in administrative proceedings and second-degree employment proceedings.

### **Article 13**

The ID card is collected personally by the citizen, who is obliged to surrender the old ID card to the Ministry of Internal Affairs for cancellation.

Except for Paragraph 1 of this article, for persons who, due to justified health reasons, are unable to collect the identity card in person, it may be collected by a person from the applicant's family.

### **Article 14**

The Ministry of Internal Affairs maintains electronic records of issued ID cards in accordance with established standards and legal regulations.

The Ministry of Internal Affairs maintains electronic records of the registration of bans and the removal of bans on the use of the ID card for crossing the state border.

The records from Paragraphs 1 and 2 of this article are kept in accordance with the Law on general administrative procedure and contain the data from Articles 5 and 6 of this law.

In the records from Paragraph 1 of this article, the following personal data are collected, processed, and stored: document number, surname, first name, social security number, date of birth, place of residence, type of document, status, date of issue, date of expiry, claim number, application date, location, claim type, approval date, authorization date, and print type.

In the records from Paragraph 2 of this article, the following personal data are collected, processed, and stored: ban number, surname, first name, social security number, date of birth, type of documents, date of the decision, decision-making body, decision file, start date, expiry date, and maximum duration.

The personal data contained in the records from Paragraphs 1 and 2 of this article are processed for the purpose of achieving the goals established by this law.

The personal data contained in the records from Paragraphs 1 and 2 of this article are kept permanently.

The Ministry of Internal Affairs ensures adequate protection of the personal data contained in the records from Paragraphs 1 and 2 of this article against unauthorized access and use of the data, following the regulations for the protection of personal data.

### **Article 14-a**

Supervision over the implementation of the provisions of Articles 9, Paragraph 2, and 9-a of this law is carried out by the Directorate for the Protection of Personal Data.

## Article 15

A fine ranging from 20 to 80 euros in denars will be imposed for the offense of a natural person who:

1. Possesses more than one identity card (Article 1, Paragraph 3);
2. Reaches the age of 18 without possessing an identity card (Article 2, Paragraph 1);
3. Submits a false birth certificate (Article 4, Paragraph 3);
4. Uses an ID card with an expired validity period (Article 7, Paragraph 3);
5. Fails to submit a request for replacement of the identity card within the legally established deadline (Article 7, Paragraph 5, and Article 10);
6. Does not submit a request for replacement of the identity card within the legally established term (Article 8, Paragraph 3);
7. Holds someone else's ID card, provides it for use, or uses someone else's ID card as their own (Article 9, Paragraph 2);
8. Fails to surrender the identity card to the Ministry of Internal Affairs or the diplomatic-consular representation of the Republic of Macedonia abroad (Article 11-a);
9. Fails to hand over the old ID card to the Ministry of Internal Affairs for cancellation (Article 13).

A fine ranging from 15 to 30 euros in denars will be imposed for the offense of a natural person who does not carry the identity card or refuses to show it upon request (Article 9, Paragraph 1).

A fine of 2,000 euros in denars will be imposed for an offense committed by a legal entity (controller or processor) acting contrary to the provisions of Article 9-a of this law.

A fine equivalent to 30% of the assessed fine for the legal entity will be imposed on the responsible person within the legal entity (controller or processor) for the offense committed as per Paragraph 3 of this article.

A fine ranging from 200 to 300 euros in denars equivalent value will be imposed on the official in the state control body (controller or processor) for the offense as per Paragraph 3 of this article.

A fine of 250 euros in denars will be imposed for an offense committed by a natural person (controller or processor) under Paragraph 3 of this article.

Note: Pursuant to Article 7, Paragraph 2 of the Law on Amendments and Supplements to the Law on the Identity Card ("Official Gazette of the Republic of North Macedonia" no. 209/23), the words "paragraph 6" are replaced by the words "paragraph 7", but they are not contained in point 3 of this article.



### **Article 15-a**

For the misdemeanors provided in the provisions of Article 15, Paragraphs 1 and 2 of this law, the misdemeanor procedure is conducted by a commission of the Ministry of Internal Affairs.

As an exception to Paragraph 1 of this article, when the perpetrator of the offense is a foreigner, the criminal procedure is conducted, and the competent court imposes criminal sanctions.

The commission referred to in Paragraph 1 of this article is composed of two members and a president.

The members of the committee must have completed higher education and have at least seven years of work experience in the relevant field, while the chairman of the committee must be a law graduate with a passed bar exam and at least ten years of work experience in the relevant field.

Delivery of letters prepared by the commission from Paragraph 1 of this article is carried out in accordance with the provisions of the Law on Offenses and the Law on General Administrative Procedure.

If the residence of the person to whom a notification, invitation, or decision should be delivered is unknown to the authority issuing the letter, the commission from Paragraph 1 of this article will publish the letter on the website of the Ministry of Internal Affairs. After eight days from the day of publication on the website, it will be considered that the party has been properly notified of the letter.

An appeal against the decision of the commission from Paragraph 1 of this article can be submitted to the State Commission for decision-making in the second instance in the field of inspection supervision and misdemeanor procedure.

### **Article 15-b**

For the offenses outlined in Article 15, Paragraphs 3, 4, 5, and 6 of this law, the Directorate for the Protection of Personal Data shall initiate criminal proceedings and impose criminal sanctions in accordance with the regulations for the protection of personal data.

An appeal against the decision of the authority from Paragraph 1 of this article can be submitted to the State Commission for decision-making in the second instance in the field of inspection supervision and misdemeanor procedure.

### **Article 15-c**

The determination of the amount of the fine for a legal entity is conducted in accordance with the Law on Misdemeanors.

**Article 16, Article 17, and Article 18 have been deleted.**

### **Article 19**

With the enactment of this law, the Law on the Identity 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 on the identity card ("Official list of SFRY" number 6/73) are hereby repealed.

### **Article 20**

This law comes into force on the eighth day from the day of publication in the "Official Gazette of the Republic of Macedonia."

Applicable Transitional Provisions of Amendments to the Law

I. "Official Gazette of the Republic of North Macedonia" no. 67/22

### **Article 7**

The regulations adopted based on the Law on the Identity Card ("Official Gazette of the Republic of Macedonia" number 8/95, 38/2002, 16/2004, 12/2005, 19/2007, 10/10, 51/11, 13/12, 166/12, 154/15, and 55/16) shall comply with the provisions of this law within three months from the date of entry into force of this law.

### **Article 8**

This law becomes invalid on the day of accession of the Republic of North Macedonia to the European Union.

### **Article 9**

This law enters into force on the eighth day from the day of publication in the "Official Gazette of the Republic of North Macedonia," and it will begin to be applied from January 1, 2023.