

**PERSONAL INCOME TAX LAW**  
**(updated text\*)**

**PART ONE**

**GENERAL PROVISIONS**

Article 1

This Law introduces the personal income tax and regulates the taxation procedure of the civilian's personal income.

Article 2

Personal income tax (hereinafter: income tax) is paid annually for the sum of the net revenue from all sources, except for the revenues that are tax exempt by this Law.

Article 3

The following types of revenues earned in the country and abroad are included in the income according to which the tax base is determined:

- 1) personal income from employment, pensions and disability pensions;
- 2) income from agriculture;
- 3) personal income from financial and professional activities;
- 4) income from property and property rights;
- 5) other types of revenues.

All revenues under paragraph 1 of this article which are paid in cash, paid in kind or through other means, are subject to taxation.

Article 4

For the different types of revenues under article 3 of this Law, an advance payment of the income tax is calculated throughout the fiscal year, which is paid by deduction from each salary payment or based on the decision of the public revenue authorities, unless otherwise determined by this Law.

The amount of the compensated tax under paragraph 1 of this article is deducted from the estimated annual income tax, while the tax reductions are accepted in the amount approved with the advance estimation.

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\*)The Law is published in the " Official Gazette of Republic of Macedonia",No.80/93, and the amendment and supplement in 70/94,71/96 and 28/97

Article 5

The annual amount of the income tax and the amounts of the advance payments and tax reductions that are deducted from the annual taxation are determined by the regulations that are valid on January 1 in the taxable year, unless otherwise determined by this Law.

## Article 6

Income tax is not payable on earnings for the following:

- 1) awards granted by the United Nations and other international organizations;
- 2) awards granted for lifetime achievements in science, culture and sports;
- 3) stipends and allowances given to pupils and students through funds and foundations in compliance with the Law;
- 3a) rewards for sportsmen for achieved results on the official international competitions;
- 3b) stipends for sportsmen;
- 4) compensation of travel and per diem costs for official travel, fieldwork allowances and separation allowances are given to the employees in amount provided by the regulations of the civil service;
- 4a) payments for traveling and daily expenses for the official persons in sport;
- 5) compensation of transportation costs, meals for the employees and vacation subsidy for the determined amount;
- 6) salaries of disabled persons employed in enterprises or workshops for professional rehabilitation of invalids;
- 7) children's allowance;
- 8) financial assistance for newborns;
- 9) compensation for unemployment;
- 10) compensation for the death of a family member;
- 11) compensation for suffered damages from catastrophes;
- 12) compensation for health insurance excluding salary compensation;
- 13) compensation for social security;
- 14) compensation for outside assistance and care and for physical injury;
- 15) compensation for damages based on life and property insurance;
- 16) interests from public loans;
- 17) interest on eggssegs fcultrlifcimlelei.bwueresnce;Tion for-.019n eoeTjd9ensau
- 3) stipends and listase olary clin on lr Tcre( )TjT\*-.0193 Tc(10) compensation.61688.7

## **PART TWO**

### **ANNUAL INCOME TAX**

#### **1. The Taxpayer**

##### Article 7

Every physical person, who is a resident of the Republic of Macedonia, is obliged to pay tax on the income earned in the country and abroad.

A resident under this Law is every physical person who has permanent residence and usual place of residence on the territory of the Republic of Macedonia.

Usual place of residence is granted to individuals who have resided continually on the territory of the Republic of Macedonia, either with interruption of 183 or more days in the year, or if there is intention to stay in the territory of the Republic of Macedonia for 183 or more days within a period of 12 months.

##### Article 8

Every physical person who is a partner in a business activity is obliged to pay tax for his portion of the income in the partnership, agricultural business or store, that has the status of a legal entity or the legal entity of another individual who is a resident of the Republic.

The income portion for each individual under paragraph 1 of this article is determined on the basis of the agreement for joint activities. If the allocation of the income is not settled by agreement, the income is divided into equal parts, in order to determine the tax base.

##### Article 9

A physical person who is a non-resident of the Republic is obliged to pay tax for the income earned on the territory of the Republic.

A physical person that earns an income from unauthorized activities is also obliged to pay tax according to the provisions of this Law.

#### **2. Tax Base**

##### Article 10

The base for the income tax is the income, which according to article 3 of this Law, is reduced by one fourth of the amount of the average salary earned in the Republic.

##### Article 11

Contributions for pension, invalid insurance, health insurance, employment and other public duties that are paid from the salary are deducted from the tax-base, except for earnings from agricultural activities that are paid to the cadastral income.

#### **3. Tax Rates**

##### Article 12

The rates of the personal income tax are progressive and apply to the following earnings:

Tax-base Per article 10	Rate
up to 2 x AMS*	23%
over 2 x AMS up to 5 AMS . 23% for the portion of the income up to 2 AMS + 27% for the portion of the income over 2 AMS	
over 5 AMS .....23% for the portion of the income up to 2 AMS for the portion of the income over 2 AMS and up to 5 AMS 27% and for the portion of the income over 5 AMS 35%	

\*AMS = average monthly salary

AMS - in the monthly advance computation of the income tax, represents the average monthly net salary per employee in the Republic for the current month, published by the 25th day in the month by the Ministry of Labor and Social Policy, while on annual tax calculation, AMS is total amount of the published monthly average salaries.

#### Article 13

In order to avoid double taxation, the computed personal income tax is reduced by the amount of the personal income tax paid abroad, not exceeding the amount resulting from the application of the tax rates under article 12 of this Law.

### PART THREE

#### CLASSIFICATION OF REVENUES

##### 1. Personal Income Earned Through Employment, Pension and Disability

#### Article 14

Personal income earned through employment, pension and disability according to this Law applies to:

- 1) salary from employment;
- 2) pensions and disability compensations;
- 3) additional income earned through employment, except for tax-exempt income under article 6 of this Law;
- 4) income of the members of the management and supervisory boards in the enterprises;
- 5) personal income earned by functionaries, parliamentarians and counselors;
- 6) income earned by professional sportsmen;
- 7) compensation for sick leave;

- 8) compensation for annual leave;
- 9) compensation for lay jurors, experts and managers of enterprises under liquidation who are not employed in those institutions and
- 10) income earned from a working contract

#### Article 15

The base for computation of the tax applies to the following:

- 1) earned salary, pension and disability compensation of the salary and other incomes from employment;
- 2) salary earned by work abroad through employment established in the country, but not less than the salary earned for the same work in the country;
- 3) every gross earning for rendered services, lowered for 20%;
- 4) the income of a foreign non-resident physical person, earned through employment provided by a resident of the Republic of Macedonia and
- 5) the income earned by a resident employed in foreign diplomatic and consular missions or international organizations in the Republic of Macedonia.

#### Article 16

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#### Article 17

Personal income earned through employment in foreign diplomatic and consular missions and representatives and officers of such missions in the Republic are tax exempt under reciprocity for the following cases:

- 1) the heads of foreign diplomatic missions accredited in the Republic of Macedonia, the staff of the foreign missions in the Republic of Macedonia as well as members of their families, if those family members are not citizens or residents of the Republic of Macedonia;
- 2) the heads of foreign consular missions and consular officials authorized to perform consular duties as well as members of their families, if those family members are not citizens or residents of the Republic of Macedonia;
- 3) officials of the UN and UN specialized agencies, experts for technical assistance of the UN and its specialized agencies;
- 4) individuals employed in foreign diplomatic and consular missions and international organizations, individuals employed by chiefs of diplomatic and consular missions or international organizations if they are not citizens or residents of the Republic of Macedonia;
- 5) honorary consular officials and foreign consular missions for the personal income and allowances they receive from the

country that appointed them to perform consular duties and

- 6) citizens of the Republic of Macedonia for the income earned from international organizations.

## **2. Income from Agricultural Activity**

### Article 18

Income from agricultural activity applies to the following:

- 1) cadastral income which is determined for each land unit that can be used for agricultural production or forestry, regardless if it can be used for that particular production or not;
- 2) the actual income, determined by a procedure stipulated under this Law.

The cadastral income under paragraph 1 of this article is valorized at the end of each year for the current calendar year in accordance to a separate law.

### Article 19

The taxpayer is an individual that earns an income from agriculture and forestry and has the status of a physical person, who as an owner or user of land, is recorded in the land register from December 31 in the year prior to the taxable year.

If the taxpayer under paragraph 1 of this article has leased the land, the lessee is the obliged taxpayer starting from the day the lease contract is concluded.

The lessor and the lessee are obliged to present the lease contract to the public revenue authorities within a period of eight days starting from the date of its conclusion.

If the land is used by an individual who is not recorded in the land register as the owner, user nor as the lessee, the respective taxpayer is the user of the land.

Changes regarding the taxpayer under paragraph 1 of this article effected through the year are valid from January 1 the following year, if they are properly listed in the period determined by the regulations for land registering.

### Article 20

The base for income tax for earnings from agricultural activities is the cadastral income from the agricultural lands and forests, set by the regulations for determining the cadastral income.

If before the start of the year, the taxpayer opts to pay taxes for the actual income from agriculture and forestry, the profit will be taken as the base.

### Article 21

The taxpayer who earns an income from agricultural activities that notably exceed the cadastral income deriving from highly accumulative branches, from vegetable and livestock production as well as the taxpayer that earns an income from production that is more or less directly related to land cultivation such as: industrial raising of poultry and cattle, fruit and vineyard production, floriculture and mushroom production, bee-keeping, etc., pay taxes according to the actual income and the profit represent the base.

The profit regarding taxpayers under paragraph 1 of this article as well as taxpayers under article 20 paragraph 2 of this Law, is determined by the stipulations in the Profit tax Law.

#### Article 22

Income tax on earnings from agricultural activities is not payable for the following:

- 1) land that is prohibited by law for usage of agricultural production;
- 2) courtyards of churches, temples, monasteries and mosques;
- 3) basements and courtyards up to 500 square meters and
- 4) lands on which flood-gates, canals, dams, trenches and other constructions are built for protection against floods and snowdrifts and for drainage and irrigation.

The exemption under paragraph 1 of this article terminates if the land is no longer used for purposes for which the exemption was stipulated.

The taxpayer is obliged to report the termination of the causes for tax exemption to the public revenue authorities within a period of 30 days from the date of the change.

#### Article 23

The taxpayer is temporarily exempt from paying taxes for:

- 1) land that was not exploitable and through investment became useable, for a period of five years from the beginning of the amelioration of the land and
- 2) land on which new vineyards, orchards and other long-standing plantations are cultivated for a period of five years.

The exemption under paragraph 1 of this article will be acknowledged if the change of cultivation is recorded in the land register.

The tax exemption under paragraph 1 of this article becomes effective by filling a request with the public revenue authorities by the end of the year in which the changes occurred.

#### Article 24

The taxpayer, whose primary activity is agriculture in the less developed regions is exempt from taxation.

Cadastral communities with over 50% agricultural land from VI to VIII class are to be considered less developed regions under this Law.

The Government of the Republic of Macedonia determines the less developed regions under paragraph 2 of this article.

#### Article 25

The taxpayer is granted a 50% tax reduction for investments in melioration and 100% for re-allocation in the year in which the melioration and re-allocation are administered.

#### Article 26

The tax base is reduced by the amounts invested in economic building structures and agricultural equipment by the taxpayer, at a minimum of 30% of the cadastral income.

#### Article 27

If the yield from one or more land parcels is reduced following major force, plant diseases and pestilence or other extraordinary events that the taxpayer could not prevent, the cadastral income is reduced for each of those parcels proportionally to the reduction of the yield.

The tax relief under paragraph 1 of this article becomes effective by filling a request with the public revenue authorities, within a period of 15 days from the day of the damage occurrence.

By request of the taxpayer, the public revenue authorities bring the decision based on the damage estimate by a special damage estimate board founded by the public revenue authorities.

### **3. Personal Income from Business and Professional Activity**

#### Article 28

Personal income from business and professional activity refers to income earned from an occupation .

#### Article 29

The taxpayer of the personal income earned from business and professional activity is a physical person that earns personal income from a business activity, rendering professional and other intellectual services.

An income taxpayer is also a member of a society with unlimited liability of its membership, a general partner and limited partner in a limited partnership, an owner of an agricultural business, store or other legal entity.

#### Article 30



The tax base of the personal income from a business and professional activity is the personal income that the taxpayer determines in the tax



The incomes referred to under paragraph 1 of this article which are subject to taxation apply to: a) incomes from copyrights and industrial property rights; b) returns to capital; c) capital gains and d) gains from lottery games and other games of chance.

**a) Income from Copyrights and Industrial Property Rights**

Article 38

Income from copyrights and industrial property rights refer to compensation earned by the taxpayer through copyrights and industrial property rights.

Article 39

The taxpayer of incomes earned from copyrights and industrial property

- 5) 25% of the gross earnings pertaining to artistic performances in the field of classical music, ballet, opera and theater and film acting and
- 6) 30% of the gross earnings pertaining to other types of royalties and work regarding industrial property.

Instead of the standardized expenses, the actual expenses will be acknowledged at the taxpayer's request, if documentary proof is provided.

#### Article 42

In determining the net income from sculptures, paintings, graphics, tapestries and other works from the applied arts, earned at exhibitions held outside the taxpayers place of residence, besides the expenses stipulated under article 41 of this Law, the expenses for transportation of the works, the transport expenses as well as the lodging costs during the exhibition, within the rate of the highest per diem costs determined by the appropriate regulations, shall also be deducted.

#### Article 43

The following expenses will be acknowledged in determining the net income from patents and trademarks:

- 1) taxes and expenses paid for the protection of patents based on a certificate issued by the authorized agency for protection of patents;
- 2) expenses for the design and technical description of the patent and trademark, that are included in the application requesting protection of the patent and trademark from the authorized agency, according to the certificate of the qualified individual who provided the designs and technical descriptions. The organization registered to represent the authors will estimate the authenticity of these expenses and
- 3) expenses for the design of the prototype necessary for the testing of the patent, that has been registered and protected. If the prototype is designed by an enterprise or establishment, the producer provides the receipt of the occurred expenses. If the prototype is designed by the inventor at his own expense, the actual costs will be acknowledged with the appropriate regulations, shall also be deducted.

expenses, shall also be deducted. )TjT\*0 Tc4( expenses, shall also be deducted. )TjT\*0 Tc4(

taxpayer's request, are divided into as many equal parts as the number of years spent in creating the work, but not exceeding five years.

The proportional share of the net income is the base used for computation of the tax for each year.

#### Article 46

The taxpayer who is a resident of the Republic is exempt from income tax for incomes from copyrights and industrial property rights earned by a domestic legal entity or physical person based on the implementation of the industrial property rights.

### **b) Return of Capital**

#### Article 47

Return of capital applies the following:

- 1) dividends and other incomes earned through profit sharing with legal entities and physical persons;
- 2) interests on loans given to physical persons and legal entities;
- 3) interests on bonds or other securities and
- 4) interest on time deposits and other deposits;

#### Article 48

The taxpayer of an income earned from returns to capital is a physical person, who earns an income stipulated under article 47 of this Law.

#### Article 49

In determining the base of the income tax for returns to capital, the earnings under article 47 paragraph 1 item 1 are specified within 50% of the earned amount.

If the difference under paragraph 1 of this article is negative, then capital loss is achieved.

The purchase value is reevaluated in accordance with the accounting regulations.

#### Article 51

The taxpayer of an income earned from capital gains is a physical person who earns an income stipulated under article 50 paragraph 1 of this Law.

#### Article 52

Short-term capital gains earned through sales of securities, held in the taxpayer's portfolio under 12 months, are fully included in the tax base.

Long-term capital gains earned through sales of securities, held in the taxpayer's portfolio 12 months and over, are included in the tax base within 50% of the difference.

Capital gains earned through sales of enterprise shares are included in the tax base within 50% of the difference.

In determining the base for computation of tax on capital gains from sales

If the single amount of the gain exceeds the amount stipulated under paragraph 1 of this article, the tax is computed for the full amount of the gain.

#### **PART FOUR**

#### **AUTHORIZATION, COMPUTATION AND COLLECTION OF PERSONAL INCOME TAX**

##### Article 56

The provisions of the law for public administrative procedures will be enforced in the proceedings for authorization, computation and collection of the personal income tax, unless otherwise stipulated by this Law.

##### Article 57

The public revenue authority administers the authorization and collection of the income tax, unless otherwise stipulated by this Law.

The public revenue authority determines the income based on the data provided in the taxpayers tax return, the taxpayers business records, the official figures obtained by the authorities through control, based on other data and evidence obtained through the proceedings for determining the tax.

##### Article 58

The public revenue authority maintains the register of income taxpayers containing relevant data in determining the tax.

##### Article 59

The taxpayers of income under article 29 paragraph 1 of this Law and the taxpayers of income from agricultural activities, who are taxed on the actual income, are obliged to maintain business records indicating all business alterations as stipulated by this Law.

Taxpayers of income under article 29 paragraph 2 of this Law are obliged to maintain business records indicating all the business alterations.

Taxpayers of income from business and professional activities who pay taxes in lump sum are obliged to maintain business records.

#### Article 60

In addition to maintaining business records, taxpayers under article 59 paragraph 1 of this Law are obliged to issue an invoice for each turnover or to register the turnover in a cash register.

The Minister of Finance is empowered to impose maintenance of supplementary evidence for particular activities.

#### Article 61

Taxpayers under article 59 paragraph 1 of this Law maintain business records by the system of double-entry or single-entry book-keeping in accordance with the law on accounting.

Business books following the system of simple accounting are:

- 1) income book
- 2) expenditure book
- 3) assets and minor inventory book.

#### Article 62

Taxpayers are obliged to maintain business records and other files efficiently, promptly and precisely.

Efficient, prompt and precise maintenance of business records applies to the following:

- 1) if the taxpayers entire business operations can be ratified, classifying the business changes separately in chronological order in gross amount without offsetting;
- 2) if the revenue entry is done on a daily basis or latest by the following day, and the cost entry is done within seven days of their occurrence;
- 3) if the entry of each business change of assets, incomes and working expenses is supported by credible book-keeping documentation and
- 4) if an inventory of the assets, goods on stock, finished products, semifinished products, cash, debts and claims is conducted at the beginning and at the end of the year, and if the status is registered in the business records.

#### Article 63

Business records are closed after the conclusion of the business year when all changes in business have been registered.

#### Article 64

The taxpayer is obliged to keep all business records, files and other documents on the business premises. If the maintenance of business records is assigned to a registered financial/book-keeping service, the business records and documentation are to be kept on the premises of that service.



#### Article 65

The Minister of Finance enforces further regulations regarding the content of the business records, the maintenance procedure and the accounting of the financial result.

#### Article 66

Business records, files and other documentation are kept for a minimum of five years from the final date of the business year they refer to, unless otherwise stipulated by law.

#### Article 67

Taxpayers under article 59 paragraphs 1 and 2 of this Law are to compose an annual tax balance.

The Minister of Finance enforces further regulations regarding the content of the tax balance and the procedure of its construction.

### **2. Filing a Tax Return**

#### Article 68

The income taxpayer is obliged to file an annual tax return for the earned income, unless otherwise stipulated by this Law.

The public revenue authority summons the taxpayers by public notice to file a tax return by December 31st each year.

#### Article 69

The taxpayer is obliged to file an annual tax return for the earned income

obliged to file an advance payment tax return to the public revenue authority within 15 days from the date the activity commenced.

In addition to the advance payment tax return, the civilian is also obliged to submit a written statement regarding related activities previously conducted inside or outside the community.

#### Article 72

The Minister of Finance enforces the form, content and procedures regarding the completion of the annual and the advance payment tax returns.

#### Article 73

The taxpayer is obliged to file an annual tax return for the purpose of determining the income tax to the public revenue authorities for the territory of his place of residence.

The taxpayer is obliged to file an advance payment tax return:

- 1) to the public revenue authority for personal incomes from business and professional activities on the territory where he/she is registered to conduct the activity, or if he/she is not registered, on the territory where the activity is conducted;
- 2) to the public revenue authority for incomes from property and property rights on the territory where the property is located; and
- 3) to the public revenue authority for capital gains and other incomes that are not subject to advance payment of tax after deduction on the territory of the taxpayer's place of residence.

#### Article 74

The taxpayer non-resident only files an advance payment tax return for each earned income, for which an advance payment of the tax is anticipated, based on a decision of the public revenue authority.

The advance payment tax return under paragraph 1 of this article is filed to the public revenue authority on the territory where the taxpayer earns the income.

The effected advance payment of income tax under paragraph 1 of this article as well as effected advance payment of tax after deduction under article 16 of this Law will be regarded as final payment of tax.

### **3. Computation of Advance Payment of Income Tax in the Course of the Year**

#### **a) Advance Payment of Tax after Deduction**

#### Article 75

The determining and payment of the advance on income tax after deduction is administered for the following types of income:

- 1) personal incomes from employment, pensions and disability pensions;
- 2) personal incomes from professional and business activities;
- 3) incomes from copyrights and industrial property rights;
- 4) returns to capital;
- 5) incomes from property and property rights is the income payer maintains business records and
- 6) gains from lottery games.

#### Article 76

The advance payment of the income tax under article 75 of this Law is computed by the employer for each taxpayer and for each single payment of income.

The advance payment of the income tax under article 75 item 1 of this Law is computed on the tax base under article 15 paragraph 1 items 1, 2 and 5 of this Law.

The advance payment of the incomes under article 14 item 10 of this Law is computed according to the tax base under article 15 paragraph 1 item 3 of this Law with the applied rate of 23%.

The advance payment of the income tax under article 75 item 2 of this Law is computed on the tax base under article 30 of this Law.

The Minister of Finance enforces further regulations regarding the payment procedure of advance on tax.

#### Article 77

The employer under article 76 of this Law is obliged with each payment to provide a copy to the taxpayer of the tax advance computation and the paid contributions under article 11 of this Law, as well as cumulative data after the expiration of the year, latest by February 15 the following year, for the fully paid advance.

The employer is obliged to file an annual report for gross profit derived by the taxpayer to the public revenue authority of the computed and paid taxes and contributions after deduction, and total paid net incomes, by latest February 15 of the following year.

#### Article 78

The advance payment of income tax for earnings from copyrights and industrial property rights is computed at a rate of 23%.

The tax under paragraph 1 of this article is an advance payment by disposition, except for incomes under paragraph 3 of this article.

Incomes earned from written works - literary, scientific, specialist, publications, studies, reviews, etc., incomes from theatrical works, incomes from artistic works (paintings, sculptures, etc.) and works from the field of architecture and cinematography are taxable at the rate under paragraph 1 of this article and the computed and paid tax after deduction

will be regarded as final payment of taxation. Incomes earned on the above basis are not included in the tax base of the annual income tax.

#### Article 79

The advance payment of income tax for incomes from capital returns is computed for each earned income on the tax base under article 49 of this Law at the rate of 23%.

#### Article 80

When the payer of the income maintains business records, the advance payment of income tax for income earned from property and property rights is computed on the tax base according to article 34 of this Law at the rate of 23%.

#### Article 81

The advance payment of the income tax for gains from lottery games is computed on the tax base under article 54 of this Law at the rate of 23%, and the computed and paid tax after deduction will be regarded as final payment of taxation. Incomes earned on the above basis are not included in the tax base of the annual income tax.

### **b) Advance Payment of Tax by Decision**

#### Article 82

Advance payment of income tax, by decision of the public revenue authority, is paid on the following incomes:

- 1) incomes from agricultural activity;
- 2) capital gains and
- 3) other incomes that are not subject to advance payment of tax after deduction.

#### Article 83

Advance payment of income tax for incomes earned from agricultural activities are determined by decision of the public revenue authority:

- 1) based on data from the land register and other information relevant in determining the tax liability and
- 2) based on data from the tax return, the tax balance, business records and the information relevant in determining the tax liability, if the taxpayer is taxed on the actual income.

Taxation under paragraph 1 item 1 of this article is computed with the implementation of the rates under article 12 of this Law.

The advance payment effected under paragraph 1 item 1 of this article, will be regarded as final payment of tax.

#### Article 84

Advance payment of income tax for capital gains is determined by decision of the public revenue authority based on the data from the tax return, as stipulated under article 52 of this Law, at the rate of 23%.

#### Article 85

Advance payment of income tax for incomes that are not taxable after deduction is determined by decision of the public revenue authority, based on the data from the tax return, the standards under article 36 of this Law and according to other information relevant in determining the tax liability.

#### Article 86

If the requirements in determining the advance payment of the income tax are considerably changed, the taxpayer can request revision of the advance payment, that is, the public revenue authority can determine revised advance payment concurring to the altered circumstances.

### **4. Computation of the Annual Income Tax**

#### Article 87

The annual income tax is determined by decision of the public revenue authority based on the data from the tax return, business records and other information relevant in determining the tax liability.

#### Article 88

The taxpayer of taxes from business, professional and agricultural activities, who is obliged to maintain business records in accordance with

relevant in earning the income;

- 3) based on information by the local revenue office on realized monitoring for the realized scope of work that is turnover;
- 4) by comparison with the average gross salaries of the employees of legal entities of equal or similar vocations, who perform the activity under comparably equal conditions and,
- 5) based on expert findings and opinions.

#### Article 90

The decision of the public revenue authority that determines the annual income tax under article 87 of this Law and the decision for advance payment of taxes under article 82 of this Law, primarily include:

- 1) the name, surname, address and tax number of the taxpayer;
- 2) the type of taxation;
- 3) the tax base;
- 4) the tax rate;
- 5) the determined reductions and exemptions;
- 6) the determined tax amount;
- 7) the number of the account to which the tax is paid according to the decision and the terms of payment;
- 8) forewarning of the legal repercussion of untimely tax payment; and
- 9) forewarning of the right to legal redress based on the decision of the determined tax liability.

Under paragraph 1 of this article, the public revenue authority is obliged to bring a decision latest within 60 days from the date of receipt of the tax return.

The public revenue authority is obliged to bring a decision determining the advance payment of the income tax from agricultural activities, latest by April 30 for the taxable year.

#### **COMPLAINTS**

#### Article 91

A complaint can be filed with the Ministry of Finance, against the decision of the public revenue authority for tax determination, within 15 days from the date of receipt of the decision.

A complaint can be filed with the public revenue authority that brought the decision.

#### Article 92

The public revenue authority that brought the decision is obliged to submit the complaint with all documents to the Ministry of Finance, latest within 15 days from the date of receipt of the complaint.

#### Article 93

The complaint does not adjourn collection of the determined tax, unless otherwise stipulated by this Law.

The public revenue authority that brought the decision can defer collection of tax in justified cases until a decision on the complaint has been brought, in which case is obliged to notify the Ministry of Finance.

### **5. Renewal of Procedures**

#### Article 94

The public revenue authority that brought the decision for determination of tax, by which the tax procedure ceases, may renew the procedure if:

- 1) the tax return, by which the tax is determined, has been filed based on business records that are later discovered not to be maintained orderly, promptly and exactly;
- 2) the tax return, by which the tax is determined, contains incorrect data that does not correspond to status of the business records;
- 3) the taxpayer has not declared all sources of income, on the basis of which the tax liability of the taxpayer is determined under the provisions of this Law.;
- 4) the taxpayer has not been granted tax reductions and exemptions, based on incorrect information and evidence provided by taxpayer; and
- 5) there are grounds for renewal of the procedure under the Law on common administrative procedure.

Renewal of the procedure under paragraph 1 and 2 of this article can be done within a period of five years from the enforcement of the decision that has determined the tax liability.

#### **5-a. Special procedure for assessment of tax**

#### Article 94-a

In a case when a person owns property or has available assets larger than taxable ones, in fact when the property he owns and the assets available to him are coming from profits on which no tax is being determined or is not sufficiently determined, the local revenue office may initiate a special procedure for tax assessment of that property or income.

In the procedure of paragraph 1 of this Article, the person is obliged to present to the local revenue office evidences for the sources of the assets with which this property and assets have been purchased.

The procedure of paragraph 1 of the same article might be initiated if with the provisions of this law there is no out of dates of the law for assessment of the tax.

Article 94-b

The conclusion for initiating a special procedure is brought by the local revenue office in the area where the person has a permanent place for living.

It is possible to make an appeal against such conclusion of paragraph 1 to the Ministry of Finance.

Article 94-c

If during the procedure it is assessed that the property, that is assets to the Min6(office(in )-6 pealent deduragra. )T of the tax.

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to determine and pay the tax under article 76 paragraph 2 of this Law, unless the tax is determined and paid by the employer.

#### Article 97

Taxes determined by decision of the public revenue authority will be paid:

- 1) for incomes from agricultural activities, payable to the cadastral income - quarterly in equal installments and
- 2) for capital gains and other incomes earned periodically, within 30 days from the date of determining the tax liability.

#### Article 98

The taxpayer of income tax on personal incomes from business and professional activities, tax on incomes from property and property rights, will pay the tax through monthly advance payments.

#### Article 99

The advance payments on taxes under article 97 paragraph 1 item 1 are paid on the following dates: for the I quarter by February 15, for the II quarter by May 15, for the III quarter by August 15 and for the IV quarter by November 15.

#### Article 100

Until the tax obligation is determined based on the annual salary plus any annual lump sums, the taxpayer is obliged to make an advance payment according to the rates used the previous year.

If the taxpayers incomes increase or decrease notably, the public revenue authority based on the audit of the business records, information on the taxpayers income provided by the government agencies, enterprises and other legal entities regarding delivered goods and rendered services, and based on other credible data, will bring a decision for increased or decreased advance payment of tax.

The taxpayer of tax on personal income from business and professional activities shall compute and pay the advance payment of tax for each expired month during the payment of personal income, latest within 15 days following the end of the month, for which the taxpayer is obliged to submit a monthly tax estimate to the public revenue authority.

#### Article 101

Quarterly paid taxes are due for payment at the middle of each quarter.

Until the decision on taxes under paragraph 1 of this article is presented, the taxpayer pays a temporary advance that corresponds to the tax level from the previous period.

### **b) Collection of Annual Income Tax**



Appraisers and witnesses will be compensated by the hour at the expense of the taxpayer. The compensation amount is determined by the public revenue authority.

#### Article 108

Forced collection of taxes is carried out by a tax executor, who is an official of the public revenue authority.

#### Article 109

Forced collection involves inventory followed by evaluation and sale of property.

#### Article 110

Forced collection of taxes, interests, operating costs and fines for tax violation by civilians has priority over other obligations of the tax debtor and over individual claims.

#### Article 111

Forced collection of taxes is executed from the entire property, incomes and claims of the tax debtor, excluding the following:

- 1) clothing, shoes, bedding and kitchenware essential to the taxpayer and members of his family, and most necessary furniture;
- 2) scientific and specialist books and textbooks belonging to family members;
- 3) scholarships belonging to pupils and students;
- 4) children's allowance and other incomes from social welfare;
- 5) two thirds of the net personal income and incomes from social insurance; and
- 6) incomes from legal alimony.

#### Article 112

The inventory of moveable property is conducted in the presence of the taxpayer, that is, adult family members.

#### Article 113

If the tax amount, which is collected by force, can not be fully compensated from movable property, the forced collection procedure of real estate is executed by the court at the proposal of the public revenue authority.

#### Article 114

The inventory and the evaluation of objects are carried out simultaneously.

As a rule, the evaluation is carried out by an official of the public revenue authority, and in case of need, other persons can be summoned for evaluation.

At the request of the taxpayer, the public revenue authority is obliged to summon an appraiser, but is not compelled to accept the individual proposed by the taxpayer.

#### Article 115

Inventory and confiscation of movable property owing to forced collection of the liability can not be carried out by night, on Sunday and during religious and national holidays.

#### Article 115-a

In case when the taxpayer does not want to open his business premises for caring out inventory and evaluation, the official from the local revenue office is authorised to open the closed business premises.

Presuming that certain movable items which are suitable for inventory are hide up in the business premises of the taxpayer or some other person, the official will ask them to present those, while if he does not act as asked, the official will carry out a personal examination in a presence of two witnesses.

The action taken coming out as a result of the above paragraphs of the same article and the persons present are obligatorily written in the inventory list.

#### Article 116 ( is deleted )

#### Article 117

If the person present at the inventory claims his right over the listed movable property, or if the taxpayer states that those possessions belong to other persons, it will be ascertained in the minutes relating to the inventory.

In cases under paragraph 1 of this article, the public revenue authority is obliged to notify the individual of the inventory of those possessions and of their right to press charges within eight days from the day of the notification. If the individual does not provide evidence relating to pressed charges within the stated period, the forced collection procedure will continue with the presumption that no objections are raised.

If the individual under paragraph 1 of this article was present during the inventory, he/she will be informed verbally and this will be verified in the minutes.

By presenting evidence of pressed charges, the sale of the listed possessions, for which the charges were brought, will be postponed until the settlement of the dispute during which the property is to be tended by the tax debtor.

Under paragraph 4 of this article, the tax debtor is obliged to keep the property in an unchanged state until settlement of the dispute pertaining to the pressed charges.

#### Article 118

If it is determined that the complainant is not the rightful owner after charges have been pressed, and if the tax debtor sells, destroys or damages the property contained in the minutes under article 117 of this Law, criminal charges will be brought to the empowered public prosecutor, and in order to provide collection of the debt, a new inventory and evaluation of the movable property will be made without delay and without passing a special decision on forced collection.

#### Article 119

A complaint against the decision on forced collection and against particular actions in the forced collection procedure (inventory, evaluation, sale, etc.) can be lodged within eight days from the submission of the decision, that is, from the enforcement of particular activities.

In the complaint, the taxpayer may not feature circumstances that have already been emphasized in the procedure of determining the liability.

The procedure under paragraph 1 of this article implies urgent action.

#### Article 120

The official of the public revenue authority formulates the minutes for the conducted inventory and evaluation of the movable property, which is to include all the information and details of the inventory and primarily:

- 1) the name, surname, home address and business address of the tax debtor and information on other persons participating in the inventory and evaluation;
- 2) a statement that the decision on forced collection has been submitted to the tax debtor;
- 3) a remark that the tax debtor has been summoned to pay the due tax before administering the inventory and that he has not acted accordingly;
- 4) the time and the place of the conducted inventory;
- 5) the amounts of the tax, interest and expenses for which the inventory is conducted;
- 6) the name and description of the listed movable property;
- 7) the single estimated values of the listed movable property;
- 8) the tax debtor's remarks on actions in the procedure of inventory and property evaluation and
- 9) the signatures of the official conducting the inventory, the witnesses, the appraiser and of the tax debtor and a member of his family.

#### Article 121

A copy of the minutes pertaining to the inventory is given to the tax debtor or to the present member of his family.

The statement of the tax debtor or of other persons regarding property ownership, which is the subject of the inventory, shall be included in the minutes of the inventory.

#### Article 122

The listed movable property will be seized from the taxpayer during the inventory.

By exception, the listed movable property can be left with the taxpayer for tending.

#### Article 123

Confiscated money, securities, jewelry and other valuables are seized from the tax debtor and he is issued certificate.

### **8. Public Sale**

#### Article 124

Forced sale is conducted through public auction.

The confiscated movable possessions, whose free sale is prohibited, will be dealt with according to the sales regulations of those possessions.

#### Article 125

Public auction is arranged through an advertisement containing:

- 1) the name, surname and address of the tax debtor;
- 2) the time and place of the public auction and
- 3) a list of the possessions that will be displayed for auction, with descriptions and marking of the estimated value of the property.

If the listed property can not be sold as stipulated under article 124 paragraph 1, the sale will be made by way of direct agreement with the

Confiscated movable possessions are sold in public, starting from the price determined from the inventory.

If none of the bidders quote the price determined for public auction, the possessions will be sold at a lower price, which can not be less than half of the value estimated by the starting price.

If half of the estimated value can not be achieved for some of the confiscated possessions during the first auction, a second public auction will be scheduled, during which possessions will be sold regardless of the achieved price.

#### Article 128

If the listed possessions can not be sold at the second public auction, the public revenue authority will bring a decision to conduct the sale through a special commission they are to determine.

#### Article 129

The public auction will be suspended when the amount from sold movable possessions covers the debt, interest and procedural expenses and the remaining possessions will be returned to the tax debtor.

#### Article 130

If the amount from the sold possessions exceeds that of the debt, the interest and procedural expenses, the difference will be returned to the tax debtor.

#### Article 131

For the purpose of collecting the debt, the public revenue authority can bring a decision prohibiting the transfer of the taxpayer's personal income and other payments to his transfer account, by which the debtor, that is, the payer of the personal income are directed to effect payment in favor of the tax debt.

In case where debtor of the taxpayer does not proceed according to the decision from paragraph 1 of this article regulating forcible collection, the collection will be made in a forcible manner.

In case when the forcible collection is made from the debtor to the taxpayer, in terms of paragraph 2 of this article, the local revenue office is making a decision for collection of taxes through the giro account of the debtor to the taxpayer and presents this to the Central Payment Office where this giro account is maintained.

The tax debtor and his debtors can file a complaint to the Ministry of Finance against the decision under paragraph 1 and 3 of this article, within eight days from the issuing date of the decision.

The complaint does not retain the enforcement of the decision.

#### Article 132

If it is suspected that the taxpayer will obstruct payment of the overdue tax amounts, the public revenue authority can bring a decision to determine the measures for obtaining payment.

The measures for obtaining payment include inventory of movable property, prohibition of control over the taxpayers claims, confiscation of movable possessions and forewarning of mortgage rights to real estate.

The taxpayer can file a complaint to the Ministry of Finance against the decision under paragraph 1 of this article, within eight days from the date of receipt of the decision.

#### Article 133

From the amount collected by force, the obligations are settled in the



tax collection with the taxpayer, within the value of the assumed property.

#### Article 138

If several individuals earn incomes through a mutually performed activity, the forced collection of tax, that pertains to a single taxpayer, can be conducted from the complete property used in performing the mutual activity.

#### Article 139

A person who rents or offers his residential or business premises free of charge to the proprietor of a traveling entertainment group or organizers of amusement shows, is mutually responsible with the taxpayer of all liabilities concerning the presented performance.

#### Article 140

If the taxpayer decease's before the level of the tax liability has been determined, the tax liability will pass on to the successors.

The determined liability will be collected from the successors, not exceeding the value of the inherited property.

### **10. Refunding of Excess or Incorrectly Paid Tax**

#### Article 141

The taxpayer has the right to refund excess or incorrectly paid tax, interest and forced collection expenses.

The public revenue authority decides on the refunding of the tax under paragraph 1 of this article, by request of the taxpayer.

If the taxpayer does not file a request for refunding of excess or incorrectly paid amounts, those amounts will be computed in the subsequent tax payment.

#### Article 141-a

The calculated tax on the payments based on pensions and disability benefits is given up to the Fund for Pension and Invalid insurance.

The calculated tax on the payments based on the salary on the employees in the enterprises or workshops for professional rehabilitation is given up to the enterprises or workshops for professional rehabilitation on invalids to be used for the purpose of protection of the invalids employed there.

### **11. Expiration**

#### Article 142

The right to determine income tax terminates five years after the expiration of the taxable year.

The right to collect tax and the right to collect expenses of forced collection terminate five years after the expiration of the collectable year.

The right of the taxpayer to refund incorrectly or excess paid tax amounts, interest and forced collection expenses, terminates five years after the expiration of the year in which the payments were made.

#### Article 143

After each suspension of the termination course, a new course of termination will commence.

The right to determine, collect and refund, in any case, terminates after ten years from the expiration of the year in which the tax was determined, collected, that is, in which the amounts had been paid.

### **PART FIVE**

#### **PENALTY CLAUSES**

#### Article 144

The taxpayer will be fined from one to three salaries for violation in the following instances:

- 1) if the land lease has not been submitted to the competent authority in the set term (article 19 paragraph 3);
- 2) if the termination of the granted exemption has not been declared in the set term (article 22 paragraph 3);
- 3) if business records are not maintained or if they are maintained carelessly and inaccurately (articles 59 paragraphs 1 and 2, 61 and 62);
- 4) if a bill (invoice) has not been issued for each turnover or if the turnover has not been registered in the cash register (article 60);
- 5) if business records, files and other documents are not kept on the business premises (article 64);
- 6) if business records, files and other documentation are not kept for a minimum of five years (article 66);
- 7) if the tax balance has not been made, that is, if it has not been made within the set term and according to the determined procedure (article 67);
- 8) if a tax return is not filed within the set term (articles 68, 69, 71 and 73);
- 9) if incomes are not drawn through a transfer account with the holders of payment operations (article 88);
- 10) if the tax has not been computed and paid on personal incomes

from abroad (article 96);

- 11) if the inventory and evaluation of property is prevented (article 116) and
- 12) if property has not been kept in an unchanged state (article 117).

In addition to the fine for violation under items 3,4,8 and 9 from paragraph 1 of this article, a protective measure of dispossession of the working permit from three months up to one year will be pronounced against the perpetrator.

A protective measure of dispossession of the working permit from three months up to one year will be pronounced against the taxpayer, who has been fined at least three times in the course of the year for violations under paragraph 1 of this article.

#### Article 145

The payer will be fined from four to twenty salaries for violations in the following instances:

- 1) if tax has not been computed and transferred to the appropriate account (article 76 and 95);
- 2) if a copy of the tax advance computation has not been issued with each payment, and if does not submit an annual report to the taxpayer and local revenue office (article 77);
- 3) if payment of delivered goods and rendered services is not effected through the taxpayers account (article 88) and
- 4) if it is not proceeded according to the decision for transfer prohibition of the taxpayer's personal income and other payments to his transfer account (article 131).

The person in charge of the payer will also be fined from one to three salaries for violations under paragraph 1 of this article.

#### Article 146

The person in charge at the public revenue authority will be fined from one to three salaries for violations in the following instances:

- 1) if a public notice has not been placed for filing of the tax return (article 68 paragraph 2);
- 2) if a decision has not been brought within the set term (article 90 paragraphs 2 and 3);
- 3) if the complaint has not been submitted to the second-instance organ within the set term (article 92) and
- 4) if interest has not been computed (article 103).

#### Article 147

The taxpayer, who on the basis of the business records, bills for delivered goods and rendered services, which he is obliged to register or

in some other way determine declaration of salary, i.e., a smaller income than the actual amount, or that income has not been declared, and if the tax amount pertaining to the undeclared salary, i.e., income, is not subject to criminal charges for tax evasion, will be charged for violation with a penalty twenty times the amount of the tax pertaining to less declared income.

Article 148

( is deleted )

#### **PART SIX**

#### **TRANSITIONAL AND CONCLUDING PROVISIONS**

Article 149

The provisions from article 1 to 105 and from article 134 to 262 (not including the provisions under articles 140, 148 paragraph 2, 153 and 154) in the law on citizens' taxes (Official Gazette of SRM No. 12/87, 50/87, 7/88, 51/88, 7/89, 18/89, 46/89, 4/90, 21/91 and Official Gazette of the Republic of Macedonia No. 5/92 and 4/93) and the law on the citizens' tax rates, without provisions under articles 6-c and 6-d (Official Gazette of SRM No. 50/82, 38/83, 3/85, 16/85 44/85, 46/86, 44/87, 50/87, 7/88, 28/88, 42/88, 51/88, 46/89, 4/90, 15/90, 23/90, 30/90, 47/90, 21/91 and Official Gazette of the Republic of Macedonia No. 38/91, 24/92 and 17/93) terminate on the date this Law enters into force.

Article 150

This Law enters into force on the date of publication in the Official Gazette of the Republic of Macedonia and will be enforced as of January 1, 1994.