



NATIONAL BANK OF THE REPUBLIC OF MACEDONIA

Pursuant to Article 47, paragraph 1, item 6 of the Law on the National Bank of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 158/10 and 123/12) and Article 21 paragraph 2 of the Law on Foreign Exchange Operations (Official Gazette of the Republic of Macedonia No. 34/01, 49/01, 103/01, 51/03, 81/08, 24/11 and 135/11), the National Bank of the Republic of Macedonia Council adopted the following

DECISION

on the terms and the manner under which residents may enter into foreign currency loan operations and make payments based on those loan operations
(Official Gazette of the Republic of Macedonia No. 166/13)

I. GENERAL PROVISIONS

1. This Decision shall set forth the terms and the manner under which residents may enter into foreign currency loan operations and make domestic or international payments based on those loan operations.

Foreign currency loan operations with residents may only be concluded by a bank that meets the requirements for conducting international payment operations (hereinafter: authorized bank), in accordance with the Banking Law (Official Gazette of the Republic of Macedonia No. 67/07, 90/09, 67/10 and 26/13).

For the purposes of this Decision, the term "entering into foreign currency loan operations" shall denote the time when an authorized bank transfers funds from loan operations (loan) to resident's account.

II. TERMS AND MANNER OF ENTERING INTO FOREIGN CURRENCY LOAN OPERATIONS FOR INTERNATIONAL PAYMENTS

2. An authorized bank may enter into foreign currency loan operations with resident for international payment, when the resident - user of the loan operation has a due international payment liability.

The due international payment liability shall be proved by presenting an international payment order which is accepted by the authorized bank, in accordance with the international payment operation regulations. Based on the accepted order, the authorized bank shall set the international payment base and liability.

3. The amount of transferred funds from the foreign currency loan for international payments may not exceed the payment amount specified in the international payment order.

4. An authorized bank shall transfer the funds from foreign currency loans intended for international payments to a special user's account as a coverage for the international payment liabilities.

An authorized bank shall not transfer the funds from the foreign currency loan intended for international payment to the special account of the user referred to in paragraph 1 of this item, if, according to their own knowledge or notice received from the single registry of transaction accounts, the resident has blocked transaction accounts.

5. The authorized bank must not transfer funds from the foreign currency loan intended for international payments to the borrower's transaction account or other foreign currency deposit accounts.

6. The authorized bank shall make the international payment using the foreign currency loan intended for international payments at the currency date no later than three working days from the date of acceptance of the international payment order, unless otherwise agreed with the principal.

If the international payment is made using a letter of credit, the authorized bank shall transfer funds from the foreign currency loan intended for international payments to a separate account of the coverage based on letter of credit no later than the payment date.

In case of cancellation or decrease in the value when executing the letter of credit or the remittance, the authorized bank shall correct or cancel the amount of loan (coverage based on letter of credit). After correction or cancellation, the authorized bank may not make available foreign currency funds of the user, in foreign currency.

7. A legal entity that borrows foreign currency loan intended for international payment may repay the loan either in foreign currency, if they originate from collections from nonresidents, or in denars.

A natural person who borrows foreign currency loan intended for international payments shall repay the loan in denars.

For denar repayment, the authorized bank and the borrower shall regulate the exchange rate of loan repayment in the loan agreement.

III. TERMS AND MANNER OF ENTERING INTO FOREIGN CURRENCY LOAN OPERATIONS FOR DOMESTIC PAYMENTS

8. An authorized bank may enter into foreign currency loan operation for domestic payment that is used in denar equivalent.

The authorized bank shall transfer the funds from foreign currency loan used in denar equivalent intended for domestic payment, to the borrower's denar transaction account. The denar equivalent of the loan shall be calculated at the rate agreed upon between the authorized bank and the borrower, which is an integral part of the loan agreement.

9. A legal entity that borrows foreign currency loan intended for domestic payment may repay the loan either in foreign currency, if they originate from collection from nonresidents, or in denars.

A natural person who borrows foreign currency loan intended for domestic payment shall repay the loan in denars.

For denar repayment, the authorized bank and the borrower shall regulate the exchange rate of loan repayment in the loan agreement.

IV. TRANSITIONAL AND CLOSING PROVISIONS

10. The Governor of the National Bank of the Republic of Macedonia may prescribe instructions for the implementation of this Decision by defining the form and contents of the reports submitted to the National Bank of the Republic of Macedonia and the submission deadlines.

11. Once this Decision enters into force, the Decision on the terms and the manner of extending foreign exchange loans and foreign exchange indexed loans between residents (Official Gazette of the Republic of Macedonia No. 41/06) shall become void.

12. This Decision shall enter into force on the day of publication in the Official Gazette of the Republic of Macedonia.

D. No. 02-15/XIII-5/2013
28 November, 2013
Skopje

Dimitar Bogov
Governor

Chairman
of the National Bank of the Republic
of Macedonia Council