



Pursuant to Article 47 paragraph 1 item 6 of the Law on the National Bank of the Republic of North Macedonia (Official Gazette of the Republic of Macedonia No. 158/2010, 123/12, 43/14, 153/15, 6/16 and 83/18 and Official Gazette of the Republic of North Macedonia No. 110/21) and Article 3 paragraph 8 of the Law on Payment Services and Payment Systems (Official Gazette of the Republic of North Macedonia No. 90/22), the National Bank of the Republic of North Macedonia Council has adopted the following

DECISION

on the method of notification on the services based on payment instruments that can be used only in a limited way and on the payment transactions that are carried out through an operator of electronic communication networks or a provider of electronic communication services, as well as the criteria for assessment of the fulfillment of the conditions

I. GENERAL PROVISIONS

1. This Decision shall prescribe the following:
 - the method of notification to the National Bank of the Republic of North Macedonia (hereinafter: the National Bank) by the issuer of payment instruments, including if these payment instruments store electronic money, which can be used only in a limited way (hereinafter: payment in a limited network);
 - the method of notification to the National Bank by the operator of electronic communication networks or the provider of electronic communication services for payment transactions, including the e-money payment transactions that are carried out through them, and on which the provisions of the Law do not apply and
 - the criteria for assessment of the fulfillment of the conditions for payment in a limited network.
2. Services based on payment instruments for payment in a limited network shall denote services that can be used only in a limited way, and which meet one of the following conditions:
 - the payment instruments allow the holder to acquire goods or services only on the premises of the issuer or within a limited network of service providers that concluded a commercial agreement directly with the issuer of instruments;
 - the payment instruments can be used only to acquire a very limited range of goods and services
3. Payment transactions, including the e-money payment transactions, which are not regulated by the provisions of the Law on Payment Services and Payment Systems (hereinafter: the Law) shall denote payments that are made through an operator of electronic communication networks or a provider of electronic communication services, that are given to the subscriber of the network or the service

in addition to the electronic communication services, regardless whether the subscriber of the network or the service, in advance or afterwards, pays the funds to the provider of the electronic communication network or service, if the amount of the single payment transaction does not exceed 3,000 denars or an appropriate counter-value in other currencies and the total monthly amount of payment transactions of an individual subscriber does not exceed 18,000 denars or an appropriate counter-value in other currencies, as follows:

- for the purchase of digital contents and voice-based services, regardless of the device used for the purchase or for the consumption of the digital contents, and which are collected by submitting an appropriate bill or an invoice to the subscriber or
- are made with or through an electronic device, for charity purposes or for the purchase of entrance tickets, and are collected together with the electronic communication services by submitting an appropriate bill or an invoice to the subscriber.

II. METHOD OF NOTIFICATION

4. The issuer of payment instruments that intends to issue a payment instrument referred to in item 2 of this Decision, exceeding the amount of Denar 60 million, during one calendar year, shall be obliged before the start of the issuance, to submit a notification to the National Bank with a description of the offered services, whether the goods and services that will be purchased with that payment instrument are from a physical or from a digital location and an explanation for the fulfillment of the appropriate condition for exclusion that is applied to these services referred to in items 10 and 11 of this Decision.

The notification referred to in paragraph 1 of this item shall also include an explanation for whether the payment instrument they intend to issue does not put them in a more favorable position than the other payment service providers.

The notification referred to in paragraph 1 of this item shall be carried out by submitting Form 1 - Data on the issuer of payment instruments.

5. The issuer of payment instruments referred to in item 4 of this Decision, after the issuance of payment instruments on a regular annual basis, and by the end of the first quarter of the current year, shall be obliged to inform the National Bank about the total value of payment transactions that are carried out during the previous 12 months.

6. The issuer of payment instruments that already has submitted a notification on the issuance of payment instruments referred to in item 2 of this Decision, shall inform the National Bank in case of major changes in the submitted data, such as:

- increase in the number of the premises of the issuer or points of sale within the limited network of service providers;
- change or increase in the geographical area where these instruments can be used;
- issuance of a new type of instruments different from those for which a notification has been submitted;
- change in the range of goods and services for which the instruments can be used.

7. The National Bank, on the basis of the notification referred to in item 4 of this Decision and on the basis of the criteria stated in items 10 and 11 of this Decision, shall assess the fulfillment of the conditions for the limitation of the network referred to in item 2 paragraph 1 indent 1 of this Decision or the limitation of the range of the goods or services referred to in item 2 paragraph 1 indent 2 of this Decision.

8. The National Bank, within 90 days from the day of receiving the notification referred to in item 4 of this Decision, shall inform the issuer of payment instruments that:

- it can start, i.e. continue issuing payment instruments or
- it should submit an application for obtaining a license for providing payment services in accordance with the Law, within 180 days if it is determined that the payment instruments do not meet the condition for exclusion referred to in items 10 and 11 of this Decision.

9. The operator of electronic communication networks or the provider of electronic communication services that intends to carry out payment transactions including the e-money payment transactions in the amounts specified in item 3 of this Decision, shall be obliged before starting offering the services referred to in item 3 of this Decision, and by the end of the first half of the current year to submit to the National Bank:

- evidence from a competent authority that it is authorized to provide services as an operator of electronic communication networks / provider of electronic communication services;
- completed Form 2 - Data on the operator of electronic communication networks / provider of electronic communication services and
- opinion from an independent auditor which confirms that in the previous year the condition for exclusion specified in paragraph 1 of item 3 of this Decision has been met.

III. CRITERIA THAT SHOULD BE MET FOR PROVIDING SERVICES BASED ON PAYMENT INSTRUMENTS, INCLUDING IF THESE INSTRUMENTS STORE ELECTRONIC MONEY, WHICH CAN BE USED ONLY IN A LIMITED WAY

10. In order to be considered that the issuers of payment instruments enable payments in a limited network solely on the premises of the issuer or in a limited network of the service providers, the following criteria should be met:

- a direct commercial agreement for accepting payment transactions has been concluded between the issuer of payment instruments and the providers of goods and services in the limited network;
- the maximum number of premises of the issuer or of points of sale within the limited network of service providers has been envisaged;
- the service provider offers products and services under common brand that is characteristic of a limited network and provides a visual representation to the user of the payment instrument;
- the geographical area for providing goods and services has been determined;

- the volume and the value of payment transactions to be executed with payment instruments on an annual basis have been envisaged;
- the maximum amount to be credited on payment instruments has been envisaged;
- the maximum number of payment instruments to be issued has been envisaged, and
- the issuer of the payment instrument has identified the risks that the payer may face when using a particular payment instrument.

11. In order to be considered that the issuers of payment instruments enable payments in a limited network only for the acquisition of a very limited range of goods or services, the following criteria should be met:

- the volume and the value of payment transactions to be executed with payment instruments on an annual basis have been envisaged;
- the maximum amount to be credited on payment instruments has been envisaged;
- the maximum number of payment instruments to be issued has been envisaged;
- the issuer of the payment instrument has identified the risks that the payer may face when using a particular payment instrument and
- the issuer has established the mutual functional connection of the goods and/or services that can be purchased with the specific payment instrument.

IV. TRANSITIONAL AND CLOSING PROVISIONS

12. Legal entities that on the date of the entry into force of this Decision have issued a payment instrument referred to in item 2 paragraph 1 indents 1 and 2 of this Decision worth over Denar 60 million in the previous calendar year shall be obliged not later than 15 February 2023 to submit a notification to the National Bank in accordance with item 4 of this Decision.

The operator of the electronic communication networks or the provider of electronic communication services which on the date of commencement of implementation of this Decision already enable execution of payment transactions, including the e-money payment transactions referred to in item 3 of this Decision, shall be obliged to inform the National Bank within 12 months from the day of commencement of implementation of this Decision in the manner specified in item 9 of this Decision.

13. This Decision shall enter into force on the date of publication in the Official Gazette of the Republic of North Macedonia.

D No. 02-15/XXII-4/2022
28 December 2022
Skopje

Anita Angelovska Bezhoska
Governor and Chairperson
of the Council of the National Bank
of the Republic of North Macedonia

Form 1 - Data on the issuer of payment instruments

1.1 Full name of the issuer of payment instruments:

1.2 Main office of the issuer of payment instruments:

1.3 Identification number of the entity and tax number:

1.4 Has the issuer of payment instruments previously submitted a notification to the National Bank for providing services based on payment instruments that can be used only in a limited way?

If the answer is yes, please provide detailed data:

2. Value of transactions

Please provide information about the total value of payment transactions that are planned for carrying out during 12 months, which are considered services based on payment instruments, including if these payment instruments store electronic money, which can be used only in a limited way.

2.1 The information refers to the initial date, the final date and the value of transaction.

Period:

Initial date
Initial date

Final date
Final date

Value of transaction (in denars):

3. Description of the offered services and explanation for the fulfillment of the appropriate condition for exclusion that is applied to these services:

3.1 How many products offered by the issuer of payment instruments are considered to meet the conditions for providing services based on payment instruments, including if these payment instruments store electronic money, which can be used in a limited way?

3.2 Please provide detailed data on each product / service that is considered to be used only in a limited way.

Product / service 1

Name of the product / service that is recognizable to the general public and the payer:

Please select which instrument from the list is the most suitable.

If the answer is yes, please provide detailed data:

Please provide a short description of the service based on the issued payment instrument (e.g. a prepaid gift card for the purchase of a cinema ticket):

Please select whether the individual product / service meets the conditions for limitation of the network or the conditions for limitation of the range of goods or services:

Please provide detailed data for the services based on payment instruments, including if these payment instruments store electronic money, about:

- the type of payment instrument;

- where and how the payment instrument can be used;
- where the clients or users are located;
- the role of the issuer of the payment instrument in the flow of funds (if any), e.g. when the issuer of the payment instrument has acquired the funds, from where the funds are obtained and where the funds are transferred;
- how transactions are acquired (generated);
- the merchant(s) accepting payment for goods and services through the payment instrument and the contractual relations between the issuer of the payment instrument and the merchant(s);
- the type of goods and/or services that can be purchased by using the payment instrument;
- any limitations on the use of the payment instrument (and how this limitation is imposed, e.g. through the technical functionality of the payment instrument or through the conditions enclosed with the payment instrument) and
- all other characteristics of the payment instrument that are relevant to the limitation of the network or to the limitation of the range of goods or services.

Product / service 2

Name of the product / service that is recognizable to the general public and the payer:

Please select which instrument from the list is the most suitable.

Select

If the answer is yes, please provide detailed data:

Please provide a short description of the service based on the issued payment instrument (e.g. a prepaid gift card for the purchase of a cinema ticket)

Please select whether the individual product / service meets the conditions for limitation of the network or the conditions for limitation of the range of goods or services:

Select

Please provide detailed data for the services based on payment instruments, including if these payment instruments store electronic money, about:

- **the type of payment instrument;**
- **where and how the payment instrument can be used;**
- **where the clients or users are located;**
- **the role of the issuer of the payment instrument in the course of funds (if any), e.g. when the issuer of the payment instrument has acquired the funds, from where the funds are obtained and where the funds are transferred;**
- **how transactions are acquired (generated);**
- **the merchant(s) accepting payment for goods and services through the payment instrument and the contractual relations between the issuer of the payment instrument and the merchant(s);**
- **the type of goods and/or services that can be purchased by using the payment instrument;**
- **any limitations on the use of the payment instrument (and how this limitation is imposed, e.g. through the technical functionality of the payment instrument or through the conditions enclosed with the payment instrument) and**
- **all other characteristics of the payment instrument that are relevant to the limitation of the network or to the limitation of the range of goods or services.**

If the issuer of instruments provides more than two products / services, please copy the information above and add it for each product below.

Place and date	Name, surname and signature of the responsible officer of the issuer of payment instruments
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Form 2 - Data on the operator of electronic communication networks / provider of electronic communication services

3.3 Full name of the operator of electronic communication networks / provider of electronic communication services:

3.4 Main office of the operator of electronic communication networks / provider of electronic communication services:

3.5 Identification number of the entity and tax number:

3.6 Has the operator of electronic communication networks / provider of electronic communication services previously submitted a notification to the National Bank for payment transactions and e-money payment transactions?

If the answer is yes, please provide detailed data:

4. Description of payment transactions that are carried out through the operator of electronic communication networks / provider of electronic communication services:

4.1 Are the payment transactions, including the e-money payment transactions for the purchase of digital contents and voice services, regardless of the device that is used for the purchase or for the spending of the digital contents, and are collected by submitting an appropriate bill or an invoice to the subscriber?

If the answer is yes, please provide detailed data on the goods or services:

Purchase of digital contents:

Voice –based services:

2.2 Are the payment transactions including the e-money payment transactions carried out with or through an electronic device, for charity purposes or for the purchase of entrance tickets, and are collected together with the electronic communication services by submitting an appropriate bill or an invoice to the subscriber?

Select

If the answer is yes, please provide detailed data on the goods or services:

Charity purposes:

Tickets:

Does the operator of electronic communication networks / provider of electronic communication services already offer such services?

Select

2.3 Please state the conditions for fulfillment of the exception to the Law on these payment transactions, including the e-money payment transactions:

2.4 Please provide an explanation for the establishment and monitoring of the limitations on the amount of 3,000 denars for an individual payment transaction and for the total monthly amount of payment transactions of 18,000 denars of an individual subscriber:

Place and date

Name, surname and signature of the responsible officer of the operator of electronic communication networks
