



# THE MACEDONIAN LAW ON ELECTRONIC COMMERCE

**E**lectronic commerce started its rapid development approximately 30 years ago, when the era of paperless transactions began. While many business transactions are still executed in paper form, the advantages associated with e-commerce continue to grow, including greater speed, efficiency, traceability, accuracy, and so forth. The legal issues arising from this way of doing business in international and domestic law arose at the point when existing laws proved to be insufficient or incompetent and often presented obstacles for realization of such transactions.

## LAW ON ELECTRONIC COMMERCE IN MACEDONIA

Macedonian Commercial Law is undergoing a harmonization process with European Union (EU) legislation, as is the case with most areas of Macedonian law. Therefore, the Law on Electronic Commerce published in the *Official Gazette of the Republic of Macedonia* on November 2, 2007 was intended to be in line with EU regulations. More specifically, this law was drafted on the basis of the EU Directive on

Electronic Commerce (2000/31/EC) dated 8 June 2000.

Passing this law filled the existing regulatory gap by addressing information society services, not just communications (covered by the Law on Electronic Communications). This law creates a basic legal framework to support e-commerce in the Macedonian marketplace and aims to remove all obstacles to cross-border online services as well as provide legal certainty to businesses and citizens alike. It regulates information society services related to e-commerce, liabilities of the providers of such services, commercial communications and handling of contracts in electronic form (elaborated below). Importantly, the law does not require businesses or citizens to obtain prior authorization, approvals nor concessions before providing information society services.

Like the EU Directive, the provisions of the Macedonia law do not address copyright nor industrial property rights, the transmission of electronic funds, taxation, notary services or equivalent professions to the extent that they involve a direct and specific connection with the



**Ana Hadzieva**

*Polenak Law Firm; Orce Nikolov 98;  
1000 Skopje, Macedonia;  
Tel: + 389 2 311 4737;  
Fax: + 389 2 312 0420;  
web site: [www.polenak.com](http://www.polenak.com)*

exercise of public authority, the representation of a client and defense of his interests before the courts, nor gambling activities (including lotteries and betting) which involve wagering a stake with monetary value in games of chance.

## CONTRACTS IN ELECTRONIC FORM

As mentioned above, the new law allows contracts to be concluded online (i.e., in electronic form). Both offer and acceptance of a contract may be provided electronically and a contract's validity may not be questioned on the sole basis that it was concluded in electronic form. When the validity and conclusion of a contract requires a signature, electronic signatures will suffice, in accordance with electronic signature regulations.

These e-commerce provisions may not be applied to contracts that create or transfer rights in real estate (with the exception of rental rights); contracts required by law to involve the courts, public authorities or professions exercising public authority; contracts of suretyship granted and on collateral securities furnished by persons acting for purposes outside their trade, business or profession; nor contracts governed by family law nor by the law of succession.