

(RS Official Gazette No. 31/2013 and 86/2019)

Pursuant to Article 44 of the Law on the Procedure of Registration with the Serbian Business Registers Agency (RS Official Gazette No. 99/11),

The Minister of Finance and Economy hereby issues the following

RULEBOOK

on the content of the Register of Financial Leasing and documents required for registration

I. INTRODUCTORY PROVISIONS

Scope

Article 1

This Rulebook shall govern the content of the Register of Financial Leasing (hereinafter: Register) and documents required for registration or strike off of data from the Register.

Subject of Registration

Article 2

The subject of registration are data on the financial leasing contract (hereinafter: Contract) mandatory under the law for registration in the Register.

II. CONTENT OF THE REGISTER

Data Contained in the Register

Article 3

The Register shall contain data:

- 1) on the exact time of receipt of the application for registration (day, hour and minute);
- 2) on the Contract (date of conclusion, term of the Contract, number under which it is filed with the lessor);
- 3) on parties to the contract, specifically, the data on the lessor and the lessee;

4) on the leased asset (data specifying in detail the movable or immovable asset subject to leasing);

5) on the date of delivery of the leased asset.

The Register may contain other data relevant for the contractual relationship, in particular data:

1) on the delivery contract (date of stipulation, number under which the contract is filed);

2) on the supplier of the leased asset;

3) other data foreseen as mandatory content of the Contract by the law governing financial leasing transactions;

3a) special authorization given by the lessor to the lessee regarding the holding and use of the object of leasing;*

4) other data of relevance for the contractual relationship.

If the person referred to in paragraph 1, item 3) and paragraph 2, item 2) herein is a domestic natural person, the Register shall contain his name, surname, personal ID number, address of permanent or temporary residence and if it is a foreign natural person, then his name, surname, passport number, country of issuance, and the address of permanent or temporary place of residence.

If the person referred to in paragraph 1, item 3) and paragraph 2, item 2) herein is a domestic legal entity, the Register shall contain its business name, i.e. name and company code, and if it is a foreign legal entity, then its business name i.e. name, seat address, the code in the foreign register, the name of the register, and the name of the country where its seat is located.*

*RS Official Gazette No. 86/2019

Changes and Additions to Registered Data

Article 4

Any amendments to the data referred to in Article 3 of this Rulebook shall be registered in the Register.

Annotations in the Register

Article 5

The following types of annotations shall be entered in the Register:

1) annotation on dispute, if a litigation procedure is underway concerning the leased asset or the contract;

2) annotation of data on facts and documents relevant for legal transactions, in connection to the registered contract.

III. REGISTRATION OF DATA ON THE CONTRACT AND STRIKE-OFF OF DATA FROM THE REGISTER

Filing an Application for Registration

Article 6

The application for registration (hereinafter: Application) shall be submitted on the prescribed application form.

A properly filled in application must be accompanied by the following documents:

1) a document that provides legal grounds for registration or strike-off of data, pursuant to this Rulebook;

2) other appropriate document that can corroborate the data that are foreseen by Article 3 of this Rulebook;

3) proof that the prescribed registration fee has been paid.

The application referred to in paragraph 1. herein may be submitted electronically. *

The completion and submission of an electronic application shall be done in accordance with the technical manual for submission of applications and other submissions through a special application system of the Register. *

The signing of the electronic application shall be done in accordance with the law which regulates the registration procedure in the Serbian Business Registers Agency. *

*RS Official Gazette No. 86/2019

Registration of Data on the Contract

Article 7

For registration of data on the Contract, the applicant shall submit the following documents:

1) Financial Leasing Contract;

2) a lessor's statement to the effect that he agrees that the Contract be registered, if the application is filed by the lessee, and if such a statement is not contained in the Contract;

2a) statement of the lessor on the date of delivery of the leased object or other document from which this information can be determined;*

3) other documents corroborating the data whose registration is sought, if such data are not contained in the Contract.

*RS Official Gazette No. 86/2019

Registration of Changes and/or Additions to Registered Data

Article 8

For registration of new data, amendment of existing ones or strike-off of registered data, the applicant shall submit one of the following documents:

1) annex to the Contract;

2) a contract by which the lessor has transferred the right of ownership over the leased asset onto a third party-lessor, pursuant to the law governing financial leasing transactions;

3) an agreement or other act on the transfer of the Contract;

4) a contract which corroborates that a third party is granted the right to use the leased asset, along with a lessor's written consent;

5) other appropriate document corroborating with certainty that registered data have been changed.

Registration of an Annotation

Article 9

For the registration of an annotation on a dispute, the applicant shall submit a copy of the lawsuit bearing a court's receipt seal or any other appropriate document proving, beyond any doubt, that a dispute is underway before a court of law in connection to the leased asset or the Contract.

The documents to be submitted for registration of an annotation of data on facts and documents of relevance for legal transactions must corroborate with certainty the fact or document whose registration is sought.

Strike-Off of a Registered Annotation

Article 10

For the strike-off of an annotation on a dispute, the applicant shall submit the final court decision or a settlement finally concluding the dispute.

For the strike-off of an annotation on data and documents of relevance for legal transactions, the applicant shall submit the appropriate decision by the state authority or some other document corroborating that circumstances or documents that had prompted the registration of the annotation have changed.

Registration of Termination of the Contract

Article 11

For the registration of termination of a contract, depending on the manner in which it was terminated, the applicant shall submit the following documents:

1) lessor's confirmation that the lessee has satisfied all of his contractual obligations;

2) notice by which one side informs the other that the contract period has expired;

2a) a document from which it can be determined that the lessee has an appropriate subsequent deadline for fulfilling the obligation with proof of delivery in accordance with the law and notification of unilateral termination of the contract due to non-payment of the leasing fee;*

3) consensual termination of the Contract, final court decision on termination of the Contract or other document which corroborates, with certainty that the Contract has been terminated pursuant to the Law governing financial leasing transactions and the law governing contracts and torts;

4) appraisal of damage on the leased asset made by an insurance company in case of destruction of the leased asset, or other document corroborating with certainty that the leased asset has deteriorated;

5) a document corroborating that the leased asset has been taken over by the lessor (minutes of handing over – separate recovery of the leased asset by the lessor in the bankruptcy procedure instigated against the lessee, a decision or another act by the court proving that the leased asset was seized from the lessee in an enforcement procedure upon the lessor's proposal or the minutes stating that the leased asset has been taken over by the lessor, signed by both parties to the contract);

6) a court decision or other appropriate document that proves, beyond any doubt, that the financial leasing contract has been terminated.

*RS Official Gazette No. 86/2019

Strike-Off of Data on a Registered Contract

Article 12

For the strike-off of data on a registered contract, the applicant shall submit the final court decision establishing that the contract is null and void, i.e., annulling the contract.

Ex Officio Registration or Strike-Off of Data

Article 13

The Register shall instigate a procedure for registration or strike-off of data *ex officio* upon receipt of a decision, ruling or other appropriate act issued by a court or other state authority, providing legal grounds for registration or strike-off of data from the Register, and if *ex officio* registration or strike-off of data is foreseen by a separate law.

Documentation to be Submitted in Support of the Application

Article 14

Documents foreseen to be submitted in support of the application must be originals or transcripts or copies thereof notarized by the notarization authority.

When foreign documents are submitted in the data registration process, they must be notarized according to the law, and accompanied by translations certified by a court certified translator.

IV. FINAL PROVISION

Article 15

This Rulebook shall enter into force on the eighth day after its publication in the Official Gazette of the Republic of Serbia and shall be applicable as of 1 October 2013.

No. 110-00-129/2013-01

In Belgrade, on 2 April 2013

The Minister,

Mladen Dinkić, sgd.