UNITED NATIONS CONVENTION AGAINST CORRUPTION

Guidance to filling in the revised draft self-assessment checklist on the implementation of chapters II (Preventive measures) and V (Asset recovery) of the United Nations Convention against Corruption

Summary

The present document contains information which States parties may find relevant in preparing their responses to the revised draft self-assessment checklist on the implementation of chapters II (Preventive measures) and V (Asset recovery) of the United Nations Convention against Corruption. For ease of reference, this guidance is presented in relation to the relevant questions contained in the revised draft self-assessment checklist.
GENERAL INFORMATION

Focal point
Elena Dimovska, Junior associate for coordination of anti-corruption activities
Ministry of Justice - International Legal cooperation Department
Unit for Coordination of Anti-corruption Activities

Institutions consulted
Ministry of Justice
State Commission for Prevention of Corruption
Ministry of Interior
Ministry of Finance
(including the Central Harmonization Unit for Financial Management and Control, Financial Police Directorate, Customs Administration, Public Revenue Office and Financial Intelligence Office).

1. Please provide information on the ratification/acceptance/approval/accession process of the United Nations Convention against Corruption in your country (date of ratification/acceptance/approval of/accession to the Convention, date of entry into force of the Convention in your country, procedure to be followed for ratification/acceptance/approval of/accession to international conventions, etc).


2. Please briefly describe the legal and institutional system of your country.

The Republic of Macedonia is a unitary State with a parliamentary type of governance. According to article 1 of its Constitution, the Republic of Macedonia is a sovereign, independent, democratic and social State with its sovereignty deriving from and belonging to its citizens. The constitutional organization of power is based on its division to legislative, executive and judicial branches.

The Assembly of the Republic of Macedonia is a representative body of citizens in which the legislative power is vested. At present, it is composed of 123 representatives, directly elected for a term of four years.

The President of the Republic is elected directly for a term of five years, for a maximum of two terms.

The executive power is vested in the Government.

The office of the Prime Minister and that of a Minister is incompatible with the performance of any other public office or profession.

The judicial power is exercised by independent Courts which rule on the basis of the Constitution, laws and international agreements ratified in accordance with the Constitution.

In accordance with article 118 of the Constitution, “the international agreements ratified in accordance with the Constitution are part of the internal legal order and cannot be changed by the laws”.

The laws most relevant to the prevention and fight against corruption are:

- Law on Criminal Procedure (“Official Gazette of the Republic of Macedonia”, No. 150/10, 100/12, 142/16);
- Law on Whistleblower Protection (“Official Gazette of the Republic of Macedonia”, No. 196/15);
- Law on International Cooperation in Criminal Matters (“Official Gazette of the Republic of Macedonia”, No. 124/10);
The institutions most relevant to the fight against corruption are:

State Commission for Prevention of Corruption;
Public Prosecutors Offices - especially Public Prosecutor’s Office for Organized Crime and Corruption;
Courts – especially First Instance Court Skopje 1 (Criminal Court) - Specialized department for proceeding cases of organized crime and corruption;
Ministry of Interior
Ministry of Finance - Financial Police Directorate;
Ministry of Finance – Financial Intelligence Office
Ministry of Finance - Public Revenue Office
Ministry of Finance - Customs Administration.
Ministry of Finance - Central Unit for Harmonisation of PIFC System
State Audit Office
Ministry of Justice

Type of criminal process, the structure and main phases

The Law on Criminal Procedure is based on several procedural principles: a) which refer to the initiation of the procedure (accusatory, formality and legality); b) which relate to the conduct of the criminal procedure (contradiction, immediacy, publicity and equity); and truth and fairness that are more than just the principles of the procedure - they represent the basic values and goals on which the procedure is based and designed. Significant for the criminal procedure are also the principles that refer to the organization and organization of the judiciary and the public prosecution and advocacy (principle of independence of the judiciary, participation of citizens as lay judges, etc.). The key principle underlying the Law of Criminal Procedure is the principle of fair trial in accordance with the rules and practice of the European Convention on Human Rights.

Phases of the procedure:

1) Preliminary procedure - with an emphasized role of procedural fairness and the principle of contradiction in the main hearing, a procedure from the so-called "Mixed" type. The case from the police or another person reporting a criminal act is transferred only to the public prosecutor's office. The public prosecutor's office is heading and guiding the judicial police. The court has the role of a controller of lawfulness and guarantor of freedoms and rights instead of an active investigator, which enables him to make impartial decisions on measures of detention, special investigative measures, searches, and so on.

The investigative procedure is deformed - the evidence is not being presented, but only collected, until the main hearing. With this, the preliminary procedure is significantly accelerated, and the importance of the main hearing as a central part of the criminal procedure where the evidence is tested in a public and contradictory hearing, which is essential for a fair trial, is also emphasized.

The procedure starts with the revealing and initial checks of the police and other state bodies with similar authorizations (Chapter 20, Pre-investigative procedure). The public prosecutor's office can itself undertake any act, for which the Police, the Financial Police and the Customs Administration of the Republic of Macedonia have authorisations necessary for detecting and prosecuting a criminal offense and its perpetrator, acts for which by law is authorized by the Police, the Financial Police and the Customs Administration of the Republic of Macedonia (the judicial police). At the beginning of the performance of its duty that the defence counsel can take certain actions in order to find and collect evidence in favour of the defence. The defence counsel may directly present to the public prosecutor and the judge of the preliminary procedure the information and evidence that benefit the person representing him/her.

2) Accusation - The sole authorized prosecutor in the regular criminal procedure is the public prosecutor. A control mechanism has been set up under which the injured party can submit an appeal to the immediate superior public prosecutor from the one who made the decision to cancel the prosecution or not to initiate criminal proceedings. After the completion of the investigation procedure, the public prosecutor prepares and directs the indictment to the competent court when it determines that there is sufficient evidence from which a convicting verdict may be expected.

The control of the indictment is carried out by a judge for the assessment of the indictment in case the indictment refers to a crime for which a sentence of imprisonment of up to ten years is envisaged, or a council for assessment of the indictment for a criminal act for which a sentence of imprisonment of ten years or more severe punishment is envisaged. Regarding the determination of measures to ensure the presence of the defendant, the provisions provide a disposition for the public prosecutor, in accordance with his/her own assessment, within the indictment act to propose some of the measures for securing suspect’s presence.

A judge performs the assessment of the indictment independently (indictment review), and the indictment review chamber performs the assessment at a session. The assessment may be conducted at a hearing that is held when the judge or the indictment review chamber considers that it is necessary (the hearing is scheduled within a period not longer than 15
days from the receipt of the objection) or when in the filed objection against the indictment the suspect stated the readiness to give a statement and plead guilty in respect of all or some of the criminal offenses of the indictment. Within 8 days of receipt of a objection against the indictment, i.e. after the deadline for submitting an objection against the indictment, the indictment review chamber schedules a session. The hearing differs depending on the existence of a statement of guilty plea. When there is no statement of guilty plea, the public prosecutor briefly presents the results of the investigative procedure, the evidence on which the prosecution act is based and justifies its filing, and the suspect and his counsel explain the filed objection. At the hearing, the suspect may make a statement of guilty plea of all or some of the criminal offenses of the indictment and then the legal provisions stipulating a hearing in the event of a statement of guilty plea are applied.

If the suspect who has a defence counsel, gives a statement and pleads guilty with respect to all or certain counts of the indictment, or if he or she pleaded guilty at the hearing, the judge or the indictment review chamber shall check the following:

1) whether the guilty plea has been given voluntarily, advisedly and with full understanding of the consequences, including the consequences related to any property-legal claim and the expenses of the criminal proceedings; and
2) whether there is sufficient evidence to prove the suspect’s guilt.

The judge or the indictment review chamber assesses the justification of the indictment in respect of all criminal offenses indicated in the indictment when in the objection against the indictment the suspect did not give a statement of guilty plea or if the given statement of guilt was not accepted.

The judge or the indictment review chamber assesses only certain criminal acts indicated in the indictment if, on the basis of an accepted motion for a plea bargaining agreement, a judgment was rendered according to the provisions of the procedure for reaching a judgment based on an agreement between the parties during the course of the investigation.

3) **Main hearing and verdict**

The mixed type of criminal procedure is established with the advantage of the inquisitorial maxim and of the right of the president of the panel to examine the defendant in order to obtain his/her statement as evidence (inquisitorial elements). Primarily, the greater initiative when proposing and presenting evidence is put on the side of the parties. The court is to be activated only when the defence will prove incompetent for its role.

Evidentiary procedure - Evidence is usually presented in the following order: a) prosecutorial evidence, b) evidence of the defence, c) prosecutorial evidence refuting the evidence of the defence (reply), d) evidence of the defence in reply to the refuting, and e) evidence of relevance to the measurement of the criminal sanction.

In presenting evidence, a direct examination, a cross-examination and additional examination is permitted.

4) **Legal remedies** are systematized as regular legal remedies and extraordinary remedies.

Appeal against the judgment is permitted only if the appeal refers to a wrongly established factual situation, and not an incomplete factual situation. New facts or new evidence may not be cited in the appeal, except those for which the parties will prove that they could not present by the conclusion of the evidentiary procedure during the main hearing because the evidence were not known or available to them. This solution is adopted in order to avoid the tactics, mostly on the part of the defence, evidence that may significantly affect the final outcome to be saved and not presented during the first instance procedure).

A judgment that has entered into effect may be **reversed without repeating the criminal procedure** in the following situations: 1) If several sentences have been provided for the same convicted person in two or more judgments that have entered into effect, and the provisions for a single sentence for concurrent crimes have not been applied; 2) If, when a single sentence has been provided for by applying the concurrent crime provisions, the sentence according to the concurrent crime provisions from an earlier conviction has been taken as the established one; 3) If, after the judgment has entered into effect, certain circumstances have occurred that were missing at the time of the verdict or they were not known although existed, which obviously would have provided for a more lenient conviction; 4) If a judgment that entered into effect, which provided for a single sentence for several crimes, could not be enforced in one part due to amnesty, pardon or for any other reason; 5) If, following a conviction verdict that entered into effect, whereby the defendant was found guilty of a continuous crime, additional injured parties appear, the first instance court shall reverse its verdict regarding the legal and property claim, and the procedure shall be initiated upon a motion by the injured parties within a period of three moths from the date when they have learned about the verdict.

Any criminal procedure that was validly terminated prior to the commencement of the main hearing may be repeated, if the public prosecutor waived his or her right of criminal prosecution, or if it is proved that such a waiver was a result of a committed crime.

Any criminal procedure that ended with a judgment that entered into effect may be **repeated in favour of the convicted person** in the following situations: 1) If it is possible to prove that the verdict was based on a false document, visual-audio recording or a false statement by a witness, expert witness, translator or interpreter; 2) If it is possible to prove that the verdict was caused by a criminal offense committed by the judge, lay-judge or any person involved in the investigative actions; 3) If new facts or evidence are presented, which are sufficient on their own or in relation to the former evidence, to cause an acquittal of the person who was earlier convicted or his or her conviction according to a more lenient criminal law provisions; 4) If a person was tried several times for the same crime or if several persons have been convicted for the same crime that could have been committed by only one person or some of them; 5) If new facts or evidence is presented in the event of a conviction for a continuous crime or another crime that covers several actions of the same or different type according to the law, which show that the convicted person did not perform the action covered by the crime of the conviction, and the existence of those facts would have an essential influence over the sentencing. 6) If the European
Specific procedures are prescribed as follows:

In exceptional cases, the criminal procedure may be repeated to the detriment of the convicted person, if the verdict that overruled the indictment has been passed due to subject-matter non-jurisdiction of the court and the public prosecutor initiated a procedure before a competent court asking for the procedure to be repeated.

Any criminal procedure whereby a person was convicted in absence (Article 365 of the Law on Criminal Procedure) and there is a possibility for the person to be tried in his or her presence shall be repeated also apart from the conditions prescribed in Article 364 of this Law, if the defendant or his or her counsel puts a motion for repetition of the criminal procedure within one year as of the day when the convicted person learned of the conviction in his or her absence. Also, in any event, the court shall allow for repetition of the criminal procedure if there is an ongoing procedure for extradition of the person convicted in his or her absence and if the state where the person resides is asking for guarantees that the person shall be granted the right to be tried again in his or her presence. The court shall not allow for a defendant to be tried again in his or her absence, when the person’s motion for repetition of the criminal procedure due to a trial in absence was granted, if the person becomes unavailable to the law enforcement entities during the repeated procedure.

The Chief Public Prosecutor of the Republic of Macedonia may file a motion for protection of legality against judicial verdicts that have entered into effect if there was a violation of the Constitution, the law or an international agreement that was ratified in accordance with the Constitution of the Republic of Macedonia.

The Law on Criminal Procedure prescribes expedited procedures:

- Summary procedure (Chapter XXVIII)
- Reaching a judgment on the basis of a plea agreement between the public prosecutor and the suspect (Chapter XXIX),
- Mediation procedure (Chapter XXX) and
- Procedure for issuing a penal warrant (Chapter XXXI).

The special forms of expedited procedures vary depending on which phase of the procedure is left out, upon whose initiative the procedure is initiated, and in light of the will of the defendant to acknowledge the guilt and engage in a plea agreement with the public prosecutor. A distinction should be made between the possibilities for negotiation and bargaining where the injured party participates and has the character of a three-pronged relationship (a third person who is not involved as a mediator, an arbitrator, participates) and the bargaining as a twofold relation between the perpetrator (in the capacity of a suspect or accused and his/counsel) and the authorized prosecutor (as a rule, the public prosecutor).

Specific procedures are prescribed as follows:

- Procedure for issuing alternative measures (Chapter XXXII);
- Procedure against legal persons (Chapter XXXIII);
- Procedure for application of safeguarding measures, forfeiture of property and crime proceeds, seizure of objects and revocation of suspended sentences (Chapter XXXIV);
- Procedure for enacting a decision on shorter duration of prohibitions, termination of any legal consequences of the conviction and deleting a conviction from a record (Chapter XXXV);
- Procedure for compensation for damages, rehabilitation and exercising other rights of persons who have been unjustifiably convicted and ungrounded or unlawfully deprived of their liberty (Chapter XXXVI), and
- Arrest warrant and public notice (Chapter XXXVII).

Confiscation

The legislation regulating confiscation is in line with international standards in this sphere. Thus, the documents of the Council of Europe were analysed in detail (Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Gain from Crime) (ETS No. 141), the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Gain from Crime and on the Financing of Terrorism (ETS No. 198), Criminal Law Convention on Corruption (ETS No. 173), Recommendation REC(2001)11 of the Committee of Ministers to member states concerning guiding principles on the fight against organized crime and Recommendation REC(96)8 of the Committee of Ministers to member states concerning criminal policy in Europe at the time of change, the documents of the European Union (Directive 2014/42/EU of the European Parliament and of the Council from 03.04.2014 on the freezing and confiscation of objects and the gain from crime in the European Union, Joint action for money laundering, investigations, freezing, seizure or confiscation of property or property gain from crime 98/669/PUP, Framework Decision of the European Council on money laundering, identification, finding, seizure and confiscation of assets and gain from crime 2001/500/PUP, The Framework Decision of the European Council for the execution of orders for the freezing of property or evidence in the European Union 2003/577/PUP, the Framework Decision of the European Council on the Separation of property gains, assets and property acquired with the crime 2005/212/PUP and the European Council's Framework Decision on the application of the principle of mutual recognition of confiscation orders 2006/783/PUP), as well as the instruments of the United Nations (special attention was paid to the incorporation of the standards contained in the Palermo Convention).

Also, special attention was paid to the jurisprudence of the European Court of Human Rights in respect of all segments connected with the confiscation on which it was deciding, in particular: Free enjoyment of property (Article 1,
Protocol 1 of the ECHR), Prohibition of the retroactive effect of the Criminal Code (Article 7 of the ECHR) and the right to a fair trial and presumption of innocence (Article 6, paragraphs 1 and 2 of the ECHR).

Characteristic of confiscation in the Republic of Macedonia is that our legislation has adopted the model of confiscation in criminal proceedings. This matter is regulated in the Criminal Code, the Law on Criminal Procedure and the Law on Managing Confiscated Property, Property Gain and Confiscated Items in Criminal and Misdemeanour Procedure. Meanwhile, new institutes (extended confiscation) and criminal act ("Unlawful acquisition and concealment of property") have been introduced in our criminal law, which have certain elements of confiscation in civil proceedings.

Also, the confiscation institute is part of the Macedonian misdemeanour law. Thus, provisions for confiscation and confiscation of objects are contained in the Law on Misdemeanours and in numerous substantive laws that prescribe misdemeanour liability.

The concept of confiscation in the Criminal Code in the Republic of Macedonia is based on the principle that "injustice couldn’t be justice". Thus, in Article 97 of the Criminal Code, this concept is embodied in a specific legal provision according to which it is stipulated that "no one can retain the indirect and immediate property gain obtained through a criminal act". The condition for pronouncing the confiscation measure is to commit a certain crime and to obtain indirect or immediate gain from its execution. In this context, in paragraph 2, Article 97 stipulates that the property gain will be confiscated by a court decision establishing the commission of the crime. In addition, the court may also take a decision on confiscation when it is not possible to initiate criminal proceedings against the perpetrator of the criminal act because of actual or legal obstacles. Legal obstacles exist when the perpetrator is available and known to the prosecuting authorities, but criminal proceedings cannot be instituted against him for several reasons: obsolescence of the prosecution, amnesty or pardon, if the person enjoys immunity or because of age - for example, it's about a child under the age of 14.

Actual obstacles to the conduct of the criminal procedure are the perpetrator to flee, to die, etc.

An important novelty in our penal legislation is the provision related to the confiscation of indirect property gain. This provision is fully taken from Article 5 of the Warsaw Convention. In accordance with Article 97 of the Criminal Code, the indirect property gain consists of:
1) the property in which the gain acquired from a criminal act is transformed or converted;
2) the property acquired from legal sources if the gain acquired from a criminal act is intermingled, completely or partly, with such property up to the estimated value of the interfering gain acquired from a criminal act; and
3) the revenue or other gain arising out of the gain acquired from a criminal act, from property in which the gain acquired from a criminal act is transformed or converted, or from property in which the gain acquired from a criminal act is intermingled, to the estimated value of the interfering gain acquired from a criminal act.

The manner of confiscation is regulated in Article 98 of the Criminal Code. It can be realistic and worthwhile. The real confiscation implies the confiscation of "the immediate and indirect property gain acquired from a criminal act consisting of money, movable or immovable items in value, as well as any other ownership, property or assets, tangible or intangible rights."

Unlike natural, value confiscation is applied if it is not possible to carry out the actual confiscation, after which "other property corresponding to the value of the acquired gain is confiscated from the perpetrator."

The Criminal Code also stipulates the obligation to confiscate the immediate and indirect property gain and from third parties for which it was achieved with the committing the criminal act. In this context, the provision is also stipulated that the property gain is confiscated from the family members of the perpetrator to whom it is transferred, if it is obvious that they did not provide compensation corresponding to the value of the acquired property gain or from third parties if they do not prove that for the item or property, have counter-compensation that corresponds to the value of the acquired property gain. From the third party, the property gain is confiscated and when it was due to know that it was acquired with a criminal act.

A special confiscation regime is prescribed for items proclaimed as a cultural heritage or natural rarities, as well as for those with whom the injured party is personally connected. These items are confiscated from third parties irrespective of whether they were transferred with appropriate compensation. These cases constitute an exception for confiscating property gain from third parties. The reason for the introduction of this exception in the provisions of the Criminal Code is the insistence on the protection of cultural monuments and other natural rarities that cannot be transferred in private ownership. Also, this exception protects the injured party when is personally connected to a particular item that has been stolen and then sold to a third party for appropriate monetary compensation.

One of the most important innovations introduced by the novel of the Criminal Code of 2009 is the incorporation of extended confiscation in our criminal justice system. This provision fully implemented the standards contained in the Framework Decision of the Council of Ministers of the European Union since 2005. This document stipulates that is confiscated not only the property gain acquired in the concrete criminal act which is subject to prosecution and conviction, but also the gain acquired by the perpetrator accused of participating in a criminal enterprise. Namely, it is envisaged that the court pronounce the extended confiscation measure when it is determined that the value of the defendant's property is disproportionate to his legal income and if he does not prove the origin of the property. In these cases, the burden of proof in relation to the origin of the property is transferred to the defendant.

The extended confiscation applies to several categories of offenses stipulated in the Special Part of the Criminal Code:
• a criminal act committed within a criminal association for realising a property gain and for which a sentence of at least 4 years imprisonment is prescribed;
• a criminal act on terrorism referred to in Articles 313, 394 a, 394 b, 394 c and 419 of the Criminal Code for which a sentence of imprisonment of 5 years or more is prescribed or is related to the criminal act of money laundering for which a prison sentence of at least 4 years is prescribed.

In these cases, the property acquired by the perpetrator is confiscated within a reasonable period of time before committing the act, determined by the court in accordance with the particular circumstances of the case. This period cannot be longer than five years before committing the act. According to the previously stated requirements, the measure extended confiscation is pronounced when on the basis of all circumstances the court is convinced that the property exceeds the legal income of the perpetrator and originates from that criminal act or similar acts for which the perpetrator cannot prove the legal origin of the property.

The application of the extended confiscation is also foreseen for third parties for whom the property was realised with the commission of the crime. The property shall be confiscated from third parties if they do not prove that for the item or property give counter-compensation corresponding to the value. It is also stipulated that the property of the family members of the perpetrator to whom it is transferred is also confiscated when it is obvious that does not give counter-compensation corresponding to the value.

The concept of responsibility of a legal entity is established with the novel of the Criminal Code of 2004. The objectives for the introduction of penal responsibility for legal entities were aimed at the more efficient suppression of the "corporate" crime. The criminal legal liability of the legal entities inevitably entails the need for prescribing provisions for confiscation from a legal entity. This was done by the amendments to the Criminal Code of 2004, whereby in Article 100 of the Criminal Code it is prescribed that for the confiscation of property and property gain acquired by criminal offence of a legal entity, the provisions on confiscation of Articles 97 to 100 of the Criminal Code are being applied. Also, in the Article 100 of the Criminal Code, it is stipulated that "if the criminal offence of the perpetrator has acquired property gain for a legal entity, the property gain will be confiscated from him". Regarding the criminal legal responsibility of the legal entities, it is of the utmost importance the provision of paragraph 2 of Article 96-m according to which "if from the legal entity it cannot confiscate property and property gain because it ceased to exist before the execution of the confiscation, the legal successor, i.e. the legal successors, if there are no legal successors, the founder or the founders of the legal entity, i.e. the shareholders or the partners in the company in the cases determined by law, shall jointly oblige themselves to pay a monetary amount corresponding to the acquired property gain".

The confiscation procedure is regulated in detail in the Law on Criminal Procedure in Chapter XXXIV "Procedure for Application of Security Measures, Confiscation of Property and Property Gain, Confiscation of Items and Suspension of Conditional Conviction".

Also, in the Law on Criminal Procedure, the issue of "Temporary Security and Confiscation of Items or Property" is regulated in detail.

The data on the pronounced measures for confiscation and confiscated objects were presented by the State Statistic Office, in its annual publications. In the answer to this question, we briefly refer to the application of the institute confiscation in the Novel of the Criminal Code from 2009, as well as on the correlation of the imposed confiscation measures depending on the variation in the number of convicted persons. In the presented data from 2007 as of 2015, regarding the total number of convicted persons, it is characteristic that from 2007 to 2013 there are a constant number of about 9500 convicted persons in all basic courts in the Republic of Macedonia. This number is increasing in 2014 and 2015 when it is 11,683, or 10,312 people. In the years prior to the adoption of the Novel of the Criminal Code from 2009, there can be noticed a very small number of imposed confiscation measures. The results of the application of this Code are especially visible in 2011 when the number of measures imposed confiscation from 42 in 2010 increased to 111 in 2011. Furthermore, in 2012 and 2013, this trend is again decreasing, and the number of perpetrators of criminal offenses remained approximately the same.

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<td>1. convicted persons</td>
<td>9639</td>
<td>9503</td>
<td>9801</td>
<td>9169</td>
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<td>9042</td>
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<td>2. Measured confiscation measure</td>
<td>0</td>
<td>18</td>
<td>30</td>
<td>42</td>
<td>111</td>
<td>56</td>
<td>53</td>
<td>133</td>
<td>125</td>
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<td>3. Seized objects</td>
<td>712</td>
<td>633</td>
<td>963</td>
<td>794</td>
<td>956</td>
<td>864</td>
<td>827</td>
<td>1041</td>
<td>968</td>
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Imposed confiscation measure  Total number of convicted persons

Seizure of items  Total number of convicted persons

Regarding the seizure of objects, a trend of its permanence is noticeable (from 712 in 2007 to 827 in 2013). There is a rise in the seizure of objects in 2014 and 2015, along with the trend of the increased number of convicted persons.

**Guidance:** Information sought relates to the legal system in place in your country (common law, civil law, mixed or other system), the status of judicial decisions, the hierarchy of norms, the unitary or federal character of your country, etc.

Further information relates to the status of the Convention in your country’s legal system, whether the Convention can be applied directly or whether it needs implementing legislation.

Further information sought is the type of criminal process in your country (accusatory, inquisitorial, mixed) and the structure and main phases of the criminal process.

Finally, the most important institutions responsible for implementing the various provisions of the Convention.
3. In a separate communication addressed and emailed to the secretariat (uncac/cop@unodc.org), please provide a list of relevant laws, policies and/or other measures that are cited in the responses to the self-assessment checklist along with, if available online, a hyperlink to each document and, if available, summaries of such documents. For those documents not available online, please include the texts of those documents and, if available, summaries thereof in an attachment to the email. If available, please also provide a link to, or the texts of, any versions of these documents in other official languages of the United Nations (Arabic, Chinese, English, French, Russian or Spanish). Please revert to this question after finishing your self-assessment to ensure that all legislation, policies and/or other measures you have cited are included in the list.
4. Please provide a hyperlink to or copy of any available assessments of measures to combat corruption and mechanisms to review the implementation of such measures taken by your country that you wish to share as good practices.

Assessment of the level and nature of corruption and of the visibility and perception of the anti-corruption policy, summary report, January 2015 - commissioned by the State Commission for Prevention of Corruption within IPA 2010 Twinning Project “Support to efficient Prevention and Fight against Corruption” (See Annex: Twinning project survey 2015)


**Promoting cooperation through good governance in the anti-corruption policy implementation, surveys and analysis, December 2014** - commissioned by OSCE Mission to Skopje, Democratic Governance Unit, in partnership with the State Commission for Prevention of Corruption and in cooperation with Transparency International - Macedonia

**Report on assessment of corruption in Macedonia, 2016** - commissioned by NGO Macedonian Centre for International Cooperation (MCMS)

**OECD Competitiveness in South East Europe: A Policy Outlook 2016**

**GRECO evaluation reports**

**Moneyval evaluation reports**

**Annual report on implementation of the SEE 2020 Strategy**

**RCC - Balkan opinion barometer**

**Public Attitudes to Whistleblowing in SEE - Data Analysis of Opinion Survey about Whistleblowing and the Protection of Whistleblowers**

**RAI Assessment Report on Macedonian Methodology on Anti-corruption Assessment of Legislation**

**Open Government Partnership - Macedonia Mid Term Self-Assessment 2016-2018**

**European judicial systems Efficiency and quality of justice CEPEJ Studies No. 23**

**European judicial systems Efficiency and quality of justice CEPEJ Studies No. 24**

**SIGMA Monitoring report: The Principles of Public Administration - Macedonia, 2017**

**Guidance:** Information to be included here could be gap analysis reports, reports of other international and regional review mechanisms, and policy studies, both at the national and international level (e.g. reports of the Asian Development Bank (ADB)/Organisation for Economic Co-operation and Development (OECD) Anti-Corruption Initiative for Asia and the Pacific, the African Peer Review Mechanism, the Deauville Partnership with Arab Countries in Transition, the Financial Action Task Force (FATF), the Group of States against Corruption (GRECO), the Group of Twenty (G20), the Istanbul Anti-corruption Action Plan, the Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption (MESICIC), and the OECD Working Group on Bribery in International Business Transactions).

5. Please provide the relevant information regarding the preparation of your responses to the self-assessment checklist.

The Team of governmental experts (TEG) is composed of members – representatives of the Secretariat of the State Commission for Prevention of Corruption, the Ministry of Justice, the Ministry of Interior and the Ministry of Finance.

**Sources of information used in completing the checklist:**

Laws and bylaws and related explanatory notes and commentaries – direct contributions from the members of the Team (See: Table of MKD TEG distribution of labour)

Contributions sent to the European Commission for the progress reports

Completed questionnaires for research and/or evaluation purposes (GRECO, RCC - SEE Strategy 2020, OECD –
Competitiveness Outlook, CEPEJ, Moneyval)
Published official documents: strategic and programmatic documents, publications/brochures for citizens, manuals and statistical information, research documents, desk-reviews, surveys and reports

Consultative processes

The initial consultative meeting with representatives of the academic community, interested NGOs and business associations was organized and held on 18.09.2017.

All participants were called upon to provide opinions, reports and publications relevant for presentation regarding the implementation of chapters II and V of the Convention (challenges and good practices as viewed by representatives of academic community, NGOs and business associations).

On 21.09.2017, open call for participation of interested individual and organisations in activities organized by the Ministry of Justice in the course of preparation of the responses to the self-assessment checklist was published on the web-site of the Ministry of Justice, with a plan of activities and contact information of the designated coordinator.

The focal point for the self-assessment is appointed on 17.10.2017.

To ensure participation of NGOs, business associations and representatives of academic community, following organisations were directly contacted and invited to nominate participants: Transparency International – Macedonia, Macedonian Center for International Cooperation (MCMS), Institute for Democracy “Societas Civilis” – Skopje (IDSCS), Center for Civil Communications, Center for Research and Policy Making, Economic Chamber of Macedonia, Business Confederation Macedonia, Analytica Think Tank, the Organization of Employers of Macedonia (OEM), Coalition “All for fair trials” (represents a network of 15 independent NGOs), Faculty of Law “Iustinianus I” - Skopje, Faculty of Security - Skopje, Faculty of Law – Tetovo.

As of 7 April 2017, IDSCS is hosting the Secretariat of the Anti-corruption platform of civil society organizations. The Anti-corruption platform of civil society organizations is formed by 15 independent civil society organizations.

Second meeting for exchange of views between the Team of governmental expert and the NGOs, business associations and representatives of academic community was held on 31.10.2017.

The following NGOs, business associations and representatives of academic community participated in the organised events: Transparency International – Macedonia, Macedonian Center for International Cooperation (MCMS), Institute for Democracy “Societas Civilis” – Skopje (IDSCS), Economic Chamber of Macedonia, Center for Civil Communications and Faculty of Law “Iustinianus I” – Skopje (prof. Ana Pavlova Daneva, Head of the Delegation of the Republic of Macedonia to GRECO).

Feedback was received directly from two NGOs: Transparency International – Macedonia (short comments on the level of implementation of UNCAC Chapter II and Chapter V provisions in Macedonia) and Institute for Democracy “Societas Civilis” (links to a research publication).

The members of the Team of governmental experts held several coordinative and consultative meetings and completed its work on preparation of the responses to the self-assessment checklist following a workshop on consolidation and exchange of opinions held in the period 27-29 November 2017.

Guidance: Please describe sources of information used in completing the checklist, from both the public and private sector/civil society, and the consultative processes held, e.g. validation workshops, etc.

6. Please describe three practices that you consider to be good practices in the implementation of the chapters of the Convention that are under review.

The fact that relevant and comprehensive regulation is adopted and instruments to ensure broad public consultation (Regulatory Impact Assessment and Anti-corruption Assessment of Legislation, mechanism for cooperation with CSOs) and ex-post evaluation are in place.

The fact that there is specialization in corruption in judiciary and law-enforcement (BPPO for organized crime and corruption, First Instance Court Skopje 1 (Criminal Court) - Specialized department for proceeding cases of organized crime and corruption; Mol-Public Security Bureau - Central Police Services - Department for Combating Organized and Serious Crime - Anti-corruption Unit, FIO-Unit for detection of corruption and organized financial crime, Customs Administration - Professional Standards Department, Public Revenue Office - Tax Inspectorate for Examination of Assets and Property Status)

The Republic of Macedonia has adopted a special Law on International Cooperation in Criminal Matters and is a party to a large number of relevant bilateral and multilateral agreements.

Guidance: Please describe innovative, successful approaches to implementing the Convention which might be interesting to other States in their efforts to implement the Convention.
7. Please describe (cite and summarize) the measures/steps, if any, your country needs to take, together with the related time frame, to ensure full compliance with the chapters of the Convention that are under review, and specifically indicate to which articles of the Convention such measures would relate.

- Implementation of the new Strategy on reform in the Judicial Sector
- Adoption and implementation of the new Strategy on reform in Public Administration 2018-2022
- Implementation the State Programme on Prevention and Repression of Corruption and Prevention and Reduction of Conflict of Interest, with action plan 2016-2019
- Implementation of the AML/CFT National Strategy

The following resources developed by or in cooperation with the secretariat might be useful in the compilation of information:


Chapter II:

- Guidebook on anti-corruption in public procurement and the management of public finances
2011 UNCITRAL Model Law on Public Procurement

Reporting on Corruption: A Resource Tool for Governments and Journalists

Resource Guide on Good Practices in the Protection of Reporting Persons (forthcoming,

An Anti-Corruption Ethics and Compliance Programme for Business: A Practical Guide

Anti-Corruption Ethics and Compliance Handbook for Business (OECD/UNODC/World Bank)

A Resource Guide on State Measures for Strengthening Corporate Integrity

Commentary on the Bangalore Principles of Judicial Conduct

Implementation Guide and Evaluative Framework for Article 11

Chapter V:

Manual on Mutual Legal Assistance and Extradition

Manual on International Cooperation for the Purposes of Confiscation of Proceeds of Crime

Handbook on the International Transfer of Sentenced Persons

StAR (UNODC/World Bank) Study: Public Wrongs, Private Actions

StAR (UNODC/World Bank) Study: Left out of the Bargain – Settlements in Foreign Bribery Cases and

StAR (UNODC/World Bank) Study: On the Take – Criminalizing Illicit Enrichment to Fight Corruption

StAR (UNODC/World Bank) Study: Politically Exposed Persons – Preventive Measures for the Banking

StAR (UNODC/World Bank) Study: Public Office, Private Interests – Accountability through Income and Asset

StAR (UNODC/World Bank) Study: Identification and Quantification of the Proceeds of Bribery – A joint OECD-
StAR Analysis (https://star.worldbank.org/star/sites/star/files/Quantification.pdf)

StAR (UNODC/World Bank) Study: The Puppet Masters: How the Corrupt Use Legal Structures to Hide Stolen
Assets and What to Do About It
THEMATIC AREAS

A. Prevention (arts. 5-13)

Article 5: Preventive anti-corruption policies and practices

Article 5, paragraph 1

1. Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

I. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The State Commission for Prevention of Corruption (hereinafter: SCPC) on the basis of their legal competencies stipulated by the Law on Prevention of Corruption - Article 49, paragraph 1 and the Law on Prevention of Conflict of Interest - Article 21, paragraph 1, adopts the state programme for prevention and suppression of corruption and the state programme for prevention and reduction of conflict of interest, with action plan.

The state programmes represent a comprehensive anti-corruption strategy which reinforces the need for consensus and a coordinated, systematic and comprehensive action against corruption that is in line with the strategic goals of the state to fight corruption together with the development and reform processes. Typically, the action plan of the state programmes covers a period of 4 years.

The continuity and high level of commitment of the authorities of the Republic of Macedonia in finding comprehensive solutions to overcome the corruption and conflicts of interest by establishing and strengthening the principles of good governance, integrity, transparency and accountability, as well as coordination of all stakeholders in building strategic
documents, is confirmed by the activities identified in the previous government programs, their implementation and the conclusions and recommendations taken into consideration when creating the next state programs.

So far, SCPC has adopted the following state programmes:

- **State Programme for Prevention and Suppression of Corruption, with Action Plan in 2003**: The measures and activities of the State Programme, in particular, were aimed at creating and strengthening the anti-corruption legal and institutional framework.

- **Annex of the State Programme for Prevention and Suppression of Corruption**: Measures for prevention and suppression of corruption within the local government, Action Plan as of 2005. The purpose of the Annex was to establish a system of measures to prevent corruption within local government in terms of transfer of powers from central to local level.

- **State Programme for Prevention and Suppression of Corruption, with Action Plan in 2007**: Based on the six pillars of the system of national integrity. The action plan included the indicators for monitoring the implementation of activities and key performance indicators for individual institutions included in the action plan.

- **State Programme for Prevention and Reduction of Conflict of Interest, with Action Plan in 2008**: Separate strategy paper that identified nine risk areas for the occurrence of conflicts of interests with measures to overcome them.

- **State Programme for Prevention and Suppression of Corruption and the State Program for Prevention and Reduction of Conflict of Interest, with Action Plan 2011**: This state program is based on a sectoral approach in determining the 11 sectors that from experience proved to be especially risky areas in terms of corruption and conflict of interest.

- **State Programme for Prevention and Suppression of Corruption and Prevention and Reduction of Conflict of Interest, with Action Plan 2016-2019**: The latest State Programme established five specific strategic goals under which the activities of the Action Plan were specifically developed: 1. Strengthened institutional system and legislation for prevention of corruption and conflict of interest; 2. Strengthened repression of corruption; 3. Strengthening of the capacities and independence of the law enforcement bodies; 4. Increased public participation in the fight against corruption and conflict of interest; 5. Efficient coordination of anti-corruption activities, monitoring and evaluation of the implementation.

All state programs adopted by SCPC are published on the website of the SCPC. Also, SCPC publishes on regular and annual basis reports with assessment of the implementation of the activities set out in the strategic anti-corruption documents. https://www.dksk.mk/index.php?id=70

SCPC, since the adoption of the first anti-corruption strategy in 2003, prepares the drafting of state programs and action plans for their implementation along with the principle of broad participation of all segments of society, including the NGOs. Regarding the process of developing the State Programme for 2016-2019, despite the SCPC active involvement and participation within the preparation of the State Programme, representatives of other relevant institutions, the private sector, the media, the international community, experts in the field and representatives of civil society organizations were also included. All involved stakeholders have had the opportunity, in an open and inclusive process of development and adoption of this strategic anti-corruption document to give their suggestions, comments and opinions related to the detection of problems, corruption risks and conflict of interests in the areas within the scope of institutional competence and conduct. Their suggestions, comments and opinions served as a basis for determining and defining the measures set out in the Action Plan for implementation of the State Program 2016-2019. (Section 4.2)

As a result of the involvement of all relevant stakeholders, five strategic objectives were identified in the State Programme 2016-2019 whose implementation, ultimately, should enable further strengthening of the rule of law as well as management of public affairs and property, integrity and accountability. Within each strategic objective, specific fields were identified as more risky or prone to corruption and conflict of interests. Thus, the first strategic objective covers: Strengthened institutional system and legislation for prevention of corruption and conflict of interest, including the following areas: Integrity and ethics in the institutions at all levels; Public procurement, concessions and public-private partnerships; Election process, financing of political parties and election campaigns; Free access to public information; Assets and conflicts of interest; Anti-corruption examination of the legislation; and lobbying.

In the area “Integrity and ethics in institutions at all levels”, a determined frame of integrity system, which as a whole shall contribute to enhancing the personal and institutional integrity in the public sector and established elements for the concept of integrity: Full respect and use of existing mechanisms in organizations of public administration such as internal audit and control mechanisms, as well as systems of quality management; Adjustment of the various organs of public administration in accordance with their specific needs for their own corruption risk management; Standards and procedures in operation established in an inclusive way so as to inform partners and employees of the institutions, where larger structures require larger systems for continuous monitoring; Creating a code of ethics specific to particular institutions; Defining clear and written anti-corruption policy - a policy of integrity, concise, visible and available to everyone; Establishing internal channels for reporting corruption and impermissible conduct.

The second strategic objective is: Strengthened repression of corruption, covering the following areas: Handling of the judicial system as well as cooperation and coordination between institutions in detecting, proving and prosecuting corruption.
The State Program 2016-2019 covers the area of “Judicial bodies and their proceedings”, concerning the functioning of the judicial system. The area of Judiciary was also included as an important segment in the previous program for 2011-2015, based on the recommendations of the reports on Macedonia's progress towards Euro-Atlantic integration, which is continuously monitored.

The third strategic objective is: Strengthening the institution’s capacity and independence to implement the laws. The State programmes adopted by SCPC are national strategic anti-corruption documents that regularly include addressed segments that are important for the establishment of accountable and modern criminal justice system and promotion of the Rule of law.

The fourth strategic objective is: Increased public awareness to combat corruption and conflict of interests, covering the following areas: Raised public awareness of the harmfulness of corruption and conflict of interest; The role and importance of the media in the fight against corruption, the role and importance of NGOs in the fight against corruption and significance of education in the fight against corruption.

Considering the role of civil society organizations in the social system, civil society organizations are becoming an important entity in the process of monitoring, analysis and prevention of corruption and conflict of interest. It is identified that there is great potential in civil society organizations to inform the public and thus affect the strengthening of consciousness. (6.4.3 The role and importance of NGOs in the fight against corruption). The Civil Society Sector and the media were specifically covered in the previous program of 2011-2015.

The fifth strategic goal is: Effective coordination of anti-corruption activities, monitoring and evaluation of the exercise covering four stages that are aimed at efficient and effective realization of the State Programme 2016-2019, as follows: Cooperation between the institutions involved in the implementation of the State Programme 2016-2019; Monitoring exercise; evaluation; and the effect of implementation of the State Programme 2016-2019.

The 2016-2019 State Program clearly outlines the main determinants of its development, and the principles that underpin the State Programme. Key determinants for the development of the State programme are: the UN Convention against Corruption; European Commission reports on the progress of the Republic of Macedonia; The List of urgent reform priorities of the Republic of Macedonia (June 2015); The priority objectives set in the National Program for adoption of the Acquis (NPAA); GRECO recommendations; Southeast Europe Strategy 2020, dimensions Effective Public Services, Anti-corruption and Justice; Research on the perception on corruption and conflicts of interest and sectoral qualitative analysis; Principles of the State Program 2016-2019 are: The Rule of Law; Basic facts in planning, monitoring and evaluation of accomplished anti-corruption measures; Comprehensiveness and inclusiveness through coordinated activities of all stakeholders and creating a strong coalition for the prevention of corruption and conflict of interest; Transparency in order to timely inform the public about the adopted anti-corruption policies, existence of appropriate mechanisms for communication and consultation with the public and visibility of anti-corruption commitments for planned treatment and reporting the deflection; Orientation of the results by identifying specific, clear, measurable, achievable and cost-effective objectives and activities in a given time frame; Flexibility and openness of the State Program 2016-2019 to be applied; (11 Section 4.3 Key milestones for the development of the State Program 2016-2019 and Point 4.4.Principles of the State Program 2016-2019). This document emphasized the need of implementation of the action provided for in the fifth strategic goal, section "5.3. Evaluation of the implementation, "which refers to the notification of competent institutions for the adoption and implementation of specific institutional anti-corruption strategies, created in accordance with the activities envisaged in the State Program 2016-2019 (5.3Evaluation of exercise, activity 2). In relation to the framework for monitoring, the results-oriented implementation of this document means that SCPC continuously monitors the implementation of the established anti-corruption policies and activities in general and individually through a special system for monitoring the implementation of the activities foreseen with the State Program 2016-2019, and has already established and accepted methodology designed so that the competent institutions, systematically and directly through a web application, once a year collect the necessary data on the status of the implementation of activities. After the completion of each year, SCPC prepares a report on the implementation of the State Program 2016-2019, per activity. The annual reports are published on the website of the SCPC.

Report on the implementation of the State Program 2016-2019, is delivered within the first year of its adoption, and it is published on the website of the SCPC. https://www.dksk.mk/fileadmin/PDF/Report_2016-2019.pdf

To encourage stronger impetus of the competent authorities for successful realization of the activities with a high degree of commitment in finding comprehensive solutions to effectively implement the State programme, the SCPC organizes a regular annual event - a conference to assess the implementation of the State programme. At the conference, representatives of the institutions responsible for implementation of the identified activities have the opportunity to make suggestions for tailoring specific content of the State programme in accordance with the reform process in the country. It gives them the flexibility and openness when working on the State programme when it comes to the current changing and adding new content that will arise from changes in social, economic and political mainstream.

Regarding the results from the implementation of the activities in State Program 2016-2019, within the fifth strategic, section" 5.4. Effects of the implementation of the State Program 2016-2019" there is an activity named as
"Conducting research to measure the effects of the activities of the State Program ",1 This activity is foreseen as such to be implemented in cooperation with the support and involvement of civil society organisation and with acquired contribution from international organizations. The need for this activity or the need for measuring the effects of the activities was perceived by SCPC in order to achieve greater efficiency and to get a clear picture of whether the planned activities and their implementation had an impact in improving the situation of fulfilling planned objectives for the prevention of corruption conflict of interests.

In terms of conducting research on corruption, which includes qualitative analysis and research on public corruption for specific sectors, SCPC, in 2012, implemented the project called: "Promoting transparency and accountability in public institutions," in partnership and support of the OSCE mission in Skopje and in cooperation with Transparency International - Macedonia. The project, among other things included the development of a methodology and implementation of a qualitative assessment of the implementation of the indicators taken out from the Sector for Education and Sports of the State Programme for Prevention and Suppression of Corruption and Prevention and Reduction of Conflict of Interest and the Action Plan 2011 - 2015, and the indicators from the implementation of the thematic studies on perception of corruption in three sectors of the state program: Public administration, education and sports, media and civil society. The results of these activities are used as a basis for qualitative assessment of policies to prevent corruption and conflicts of interest set out in State Programs 2011-2015, then consider the opinion of the citizens and to raise their awareness on corruption, and the organization of thematic public debates. The reports contain recommendations to the institutions responsible for taking measures to prevent corruption, but also to the public.2 The publication "Promoting transparency and accountability in public institutions" from December 2012 is published on the website of the SCPC.3

SCPC, during 2013, continued the already established partnership with the OSCE Mission and implemented the project “Promoting the principles of good governance in the implementation of anti-corruption policy” that included the following components: 1) preparing three papers for qualitative analysis and evaluation of the three sectors of the State Programme for Prevention and Suppression of corruption and prevention and reduction of conflict of interest with Action Plan for 2011-2015, based on the methodology of the system for national integrity, 2) the implementation of three thematic studies on perception of corruption in three sectors of the State program, and 3) capacity building of the SCPC and promoting transparency and inter-institutional proportional cooperation. The results of the three components were used to raise public awareness and public debate. The thematic report qualitative analysis and research reports contain recommendations for public institutions responsible for taking measures to prevent corruption, primarily SCPC. The results from the qualitative analysis and research on the perception of citizens regarding the political sector, the private sector and the local self-government were presented during round table meetings and public debates. The reports contain findings, conclusions and recommendations based on which SCPC and other institutions may direct their competent actions in order to build a strategic approach to prevent situations of corruption. Simultaneously, research made it possible to perceive the opinion of citizens and raise their awareness on corruption in these sectors.4

During 2014, the collaboration established in 2012 between SCPC and the OSCE Mission was extended within the project "Promoting cooperation through good governance in the implementation of anti-corruption policy” that included and implemented the following activities:

1) Preparing two analyses of qualitative assessments of the implementation of the State Programme 2011-2015 by the Department of Public Administration and the Civil Society Sector. Qualitative analysis and research on the perception of corruption and conflicts of interest within the stated projects 2012-2014 constituted important source materials for preparing the new State Programme 2016-2019.

2) Strengthening the capacity of local self-governments for developing strategies to manage the risks of corruption. Within this activity series of trainings were conducted for employees of financial affairs units and internal auditors from local self-government unit which was a practical way to develop procedures for the preparation of strategies with regard to risk management.

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2  [https://www.dksk.mk/fileadmin/user_upload/Annual_reports/work_report_for_2012_-_dksk.pdf](https://www.dksk.mk/fileadmin/user_upload/Annual_reports/work_report_for_2012_-_dksk.pdf), P.36 and 37 point IV.3.1 Support for qualitative analysis and surveys of public opinion on corruption


4  [https://www.dksk.mk/fileadmin/user_upload/Annual_reports/work_report_for_2013_-_dksk.pdf](https://www.dksk.mk/fileadmin/user_upload/Annual_reports/work_report_for_2013_-_dksk.pdf), Page 41, point IV.2. Project “Promoting the principles of good governance in the implementation of anti-corruption policy”
3) Organizing an international conference on "Requirements and practices of the UN Convention against Corruption (UNCAC) in the implementation of the provisions of the preventive measures and asset recovery."

The public opinion on corruption and the visibility of anti-corruption measures and policies was significantly implemented in January 2015 within the IPA 2010 twinning project "Support to the efficient prevention and fight against corruption," where the project main beneficiary was SCPC and the implementing partner was the Federal Office of Administration in Germany. The purpose of this research was to serve as a basis – preparatory activity for development of a campaign for raising public awareness about the negative effects of corruption. See Annex: Twinning project survey 2015

Based on the results of the measures set out in the State Program 2011-2015 and the State Program 2016-2019, it was determined that analysis of discretionary powers of certain officials on certain positions is necessary. This resulted in implementation of a series of activities relating to conducting analysis of discretionary powers and which are further described in detail in response to paragraph 2 of this article of the Convention.

Also, corruption proofing of legislation is envisaged as corruption prevention measure in the State Program 2016-2019, that resulted in taking concrete actions to implement this process by the SCPC, which is further explained in the response to paragraph 2 of this Article. The Anti-corruption assessment of legislation, that is, the assessment of the corruption risks in the law is a relatively new approach in the preventive anti-corruption mechanism to be applied in the country.

SCPC in collaboration with UNDP in 2012 implemented the project "Support for strengthening the system of integrity at the national and local level", funded by the Royal Norwegian Embassy. The project is upgrading the continuous support provided by UNDP in collaboration with the SCPC which together enable mechanisms to prevent corruption, aimed at local level. The aim of the project was directed at supporting the SCPC in its work with institutions at central and local level so as to introduce and maintain effective solutions in detecting and reducing risks of endangering the institutional integrity, and encouraging the engagement of civil societies in order to increase the social accountability. The project specifically includes the following components: Reducing the risks of corruption at the local level by developing the concept of integrity and appropriate framework of interventions, while taking into account the legal and institutional arrangements; Strengthening the dialogue on prevention of corruption and conflicts of interest by establishing systems for social accountability and open public space for an increased role of civil society sectors, the private sectors, the media and citizens abroad; Strengthening the capacities of the SCPC for monitoring and implementing the above components, and the development of web application for the implementation of the State programmes 2011-2015. Under the first component, SCPC and UNDP organized 4-day workshops with mayors and municipal administration staff of 10 municipalities that presented elements of the concept of integrity. Results of the implementation of this component were recorded during December 2012 when 10 pilot municipalities have adopted anti-corruption policy documents/politics of integrity, adopted procedures for reporting corruption and conflict of interest and appointed persons for reporting corruption in municipalities.6

5 [https://www.dksk.mk/fileadmin/user_upload/Annual reports/work report for_2014_-_dksk.pdf], P. 55, point V.4. Project "to promote cooperation through good governance in the implementation of anti-corruption policy"

6 [https://www.dksk.mk/fileadmin/user_upload/Annual reports/work report for_2012-_dksk.pdf], P. 35 and 36.
As part of the concept of integrity, SCPC in collaboration with UNDP in 2014 and in 2015 promoted the signing of the Anti-Corruption Policy/Policy Integrity documents at the local level and so far, 47 municipalities have signed the anti-corruption policy. The aim is for all the units of local self-government to sign such a document as a first step in establishing the concept of integrity.

To that extent, this activity is covered in the third National Action Plan for Open Government Partnership for the period of 2016-2018. Representatives from the SCPC were involved in the preparation of the new Action Plan for Open Government Partnership for the period of 2016 -2018, and within the priorities set in the Action Plan, the State Commission for Prevention of Corruption is defined as a leading institution for the implementation of commitments in priority 4 "Preventing corruption and promoting good governance."

In June 2016, a policy of integrity was signed by the Minister of Local Self-Government and the Ministry of Local Self-Government is the first institution at the central level to accept this initiative. Moreover, the Ministry in cooperation with the SCPC prepared a new, updated version of the policy of integrity in terms of assessment of corruption risks in accordance with the latest legislative changes in the area of the protection of whistleblowers. The document-integrity policy is published on the website of the Ministry.  

In order to establish the assessment of the risks of corruption, which is also one of the recommendations of the urgent reform priorities of the Government, the Ministry of Interior in coordination with the Ministry of Finance and State Commission for Prevention of Corruption so as to achieve the European standards in this area with the support of TAIEX instrument of the European Commission in January 2016, had organized an expert mission on "Assessing the risks of corruption in the public sector."

Within the activities of IPA Twinning Project "Support to efficient prevention and fight against corruption", financed by the European Union and implemented by the SCPC in cooperation with the Federal Office of Administration Germany, in September 2016, a publication was produced named "Risk Management Corruption." The publication is published on the website of the SCPC.

In the interests of enhancing cooperation and coordination of activities aimed at preventing the appearance of corruption and conflict of interests in the country, SCPC initiated on 25.12.2007 the signing of the cooperation protocol for the prevention and suppression of corruption and conflict of interest by 10 institutions.

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8 [http://www.dksk.org.mk/images/Manuals/1%20priracnik.pdf](http://www.dksk.org.mk/images/Manuals/1%20priracnik.pdf)
Reaffirming their commitment, as well as the need and interest to contribute to the enhancement of the cooperation and coordination of the activities in the prevention and suppression of corruption and conflict of interests, another 8 institutions\(^9\) joined the Protocol by the year of 2014. The signatories to this Protocol have agreed to collaborate on the prevention and suppression of corruption and conflict of interests in the country, in line with their competencies, and especially to exchange of information, conduct mutually agreed activities, coordination of activities and more.

In December 2010, SCPC signed a memorandum for mutual support with regard to the prevention of corruption and conflict of interest with 17 civil society organizations. The memorandum of cooperation, the manner of cooperation, coordination and conduct of joint activities agreed between the signatories so as to more effectively prevent corruption and conflicts of interest in the country.\(^10\) By February 2014, another 5 CSOs signed agreement on Accession to the Memorandum. The memorandum covers cooperation between the signatories towards exchange of available information and initiatives specializing corruption and conflict of interest, holding meetings, cooperation in the implementation of public debates, workshops, conferences and campaigns to raise public awareness, analysis and research on corruption conflict of interests, mutual professional cooperation in the anti-corruption education, mutual cooperation in vocational preparation of the regulation treats in this area, as well as cooperation in the realization of joint projects of interest in the fight against corruption and conflict of interest. The SCPC and Transparency International - Macedonia, in November 2017, signed a Memorandum of Cooperation with the objective to conduct activities of common interest that will be outputs of the Project "Strengthening of the national integrity system in the Western Balkans Countries and Turkey as well as monitoring the development of anti-corruption reforms" supported by the European Union and Embassy of Netherlands in the Republic of Macedonia. The memorandum covers, inter alia, cooperation for implementation of activities to strengthen the effective implementation of the Law on Whistleblowers Protection.\(^11\)

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9 Protocol of cooperation for the prevention and suppression of corruption and conflict of interest


11 [https://www.dksk.mk/index.php?id=34&tx_news_pi1%5Bnews%5D=516&tx_news_pi1%5Bcontroller%5D=News&tx_news_pi1%5Baction%5D=detail&cHash=46c41f0cb16792e2b469ab5f15d2bf4c](https://www.dksk.mk/index.php?id=34&tx_news_pi1%5Bnews%5D=516&tx_news_pi1%5Bcontroller%5D=News&tx_news_pi1%5Baction%5D=detail&cHash=46c41f0cb16792e2b469ab5f15d2bf4c)
The Inter-agency body for coordination of the activities against corruption (formed by the Government) on its sessions keeps track on the implementation of the State Programme (briefed by the representative of the State Commission for Prevention of Corruption seated as a member of the body). The Ministry of Justice informs the Government about activities related to Anti-corruption policy development and implementation. Representatives of the Ministry of Justice preside at the sessions of the Inter-agency body and at the sessions of the Working group on Chapter 23 – Judiciary and Fundamental Rights (for harmonisation with EU acquis), which also covers area Anti-corruption.

The Government measures the impact from its anti-corruption efforts through considering relevant reports prepared by national institutions, international organisations and networks (including European Commission, Council of Europe – GRECO, UNODC, Regional Cooperation Council, Regional Anti-corruption Initiative, World Bank, World Economic Forum and Transparency International) and NGOs.

The Government adopts annual reports prepared by the Ministry of Justice on statistics on corruption related cases.

Report on the assessment of the implementation of the Law on Prevention of Corruption – Chapter 6 Misdemeanour sanctions is prepared.

The Government of the Republic of Macedonia developed Action plan related to the List of urgent reform priorities - 2015. This action plan contains sub-chapter of measures devoted to Anti-corruption policy and legislation. The List of urgent reform priorities is an official document of the European commission (DG NEAR), directly linked to the Recommendations of the Senior Experts' Group on systemic Rule of Law issues relating to the communications interception revealed in Spring 2015. Following the change of Government, a new plan on urgent reform priorities was adopted: Plan 3-6-9 http://vlada.mk/sites/default/files/Plan3-6-9ENG.pdf

Legislation governing risk assessments has been adopted.

Conducting Risk Assessment is one of the obligations stipulated by the Law on Public Internal Financial Control, and the entities of central and local government implement this obligation by adopting Strategies for risk determination. This Law regulates the public internal financial control system that covers the financial management and control, internal audit and their harmonisation, established in compliance with the international standards for internal control and internal audit and the conditions and manner of conducting the examination for certified internal auditor in the public sector. Financial management and control, pursuant to this Law, is applicable to budget users in the field of legislative, executive and judicial authorities (central government), funds, the municipalities and the City of Skopje (local government).

The new Law on Public Internal Financial Control is adopted in 2009 and its implementation started one year after its entry into force. The first Law on Public Internal Financial Control was adopted in 2007 and its validation ceased on the date of entrance into force of the new Law.

All related bylaws are adopted and adequate handbooks have been prepared and published. Pursuant to the Law on Public Internal Financial Control (Chapter “Undertaking measures against irregularities and frauds”), heads of the public sector entities are obliged to both prevent the risk of irregularities and frauds and to undertake activities against irregularities and frauds.

On the basis of the annual risk assessments, the departments of internal audit draft the annual plans for their work.

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<th>Typology of Risks</th>
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<td><strong>Main groups of risks</strong></td>
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Table: Typology of Risks

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<th>Main groups of risks</th>
<th>Areas which need to be considered during the process in which potential risks are determined</th>
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| External | 1. Risks related to external environment | - risks stemming from macro-environment (geopolitical, economy, natural disasters, etc.)
- policy decisions and priorities made outside the budget user (Parliament, Government, European Commission, etc.)
- external partners (citizens, other budget user, external service provider, consultants etc.) |

| Internal | 2. Risks related to planning, processes and systems | - strategy, planning and policy, including policy decisions
- operative processes (process design and description)
- financial processes and allocation of funds
- IT and other system supports |

| Internal | 3. Risks related to the employees and the organization | - employees, competency
- ethics and conduct in the organization (tone of the top, fraud, conflict of interest etc.)
- internal organization (management, roles and responsibilities, delegation etc.)
- safety of employees, items and equipment |

| Internal | 4. Risks from the aspects of legality and rightness | - clarity, accordance and unification of current regulation and rules
- other possible outcomes related to legality and rightness |

| Internal | 5. Risks related to communication and information | - methods and channels of communication
- quality and timeliness of information |

In accordance with the simplified Guidelines on Risk Management, as of March 2015, published by the Ministry of Finance, 8 categories of risks in the context of the activities of an organisation are defined:

- Strategic risk: related to long-term strategic objectives of the organisation (for example: lack of rules on monitoring (monitoring policy), unclear strategies or objectives, unrealistic objectives, lack of defined and realised objectives...);
- Operative risk: related to the issues facing the organisation on daily basis, such as its commitment to realise its strategic objectives (for example: lack of secure IT system, complex rules, complex performance tasks, lack of or insufficient guidelines, timely external information ...);
- Organisational risk: for example: insufficient or lack of supervision/insufficient or lack of management with/delegating tasks and inadequate distribution of duties);
- Compliance risk: related to issues such as data protection, lack of efficient regulation, insufficient legal instruments, contradicting working procedures, complex rules that raise the risk for wrong interpretation or error in implementation of the rules, acceptance of unacceptable requests as a result of unclear rules and legal acts;
- Efficiency risk: (for example: lack of objectives of the supervision/monitoring system);
- Financial risk: related to the effective management and control of finances in the organisation, such as fraud and irregularities and the effect of the external factors such as the currency exchange rate;
- Reputation risk: (for example: negative external assessment);
- Other risks.
In June 2017, developed Guidelines for risk management of fraud and corruption, available on this link: http://finance.gov.mk/files/u249/Guidelines%20for%20risk%20management%20of%20fraud%20and%20corruption.doc

The part devoted to monitoring of the implementation of the anti-corruption strategic documents and other elements of the Integrity System within the System for monitoring of the implementation of the anti-corruption policy, inter alia includes a mechanism for centralised collection of data on conducted corruption risk assessments. Activities for full implementation of the System for monitoring of the implementation of the anti-corruption policy are undertaken under Twinning IPA 2010 Project "Support to efficient prevention and fight against corruption" 2014-2016 (Component 4). Within this project, IT tool is developed (currently in testing phase).

The Law on introduction of Quality Management System and Common Assessment Framework for assessment of the performance and providing services in state service is adopted in 2013. The purpose of the Law is to establish international and Macedonian standards of quality management system and common assessment framework and thus to improve the quality of state services. This Law covers state and local government as well as all other institutions established by the Constitution of the Republic of Macedonia or by a law. The Law on introduction of Quality Management System and Common Assessment Framework for assessment of the performance and providing services in state service prescribes the starting date for initiating compulsory introduction of at least the basic standard ISO 9001 in state authorities and other authorities established by the Constitution (from 1 January 2014) and the deadline for compulsory start of introduction of (at least) the basic standard ISO 9001 in ministries (by 1 January 2014). The Law provides basis for introduction and establishment of the Common Assessment Framework (CAF) that would be implemented through involvement of employees and self-assessment conducted in accordance with the guidelines prepared by the Ministry of Information Society and Administration. The guidelines are published.

Conducting self-assessment in determining working processes, as required for introduction and establishment of the QMS and CAF, contributes to identifying vulnerability and exposes corruption risks which stem from organizational and managerial flaws.

Special Coordinative body formed by the Government of the Republic of Macedonia monitors and annually reports about the progress in the introduction and establishment of the standards for QMS and CAF in compliance with the Law. As of September 2014, 4 units of local self-government, 5 ministries and the State Statistical Office completed the process of introduction of CAF (the standards are established and implemented). The SCPC, 1 ministry and 1 unit of local self-government initiated the process of implementation of CAF. 42 institutions are ISO 9001:2008 certified, 2 institutions are ISO 17025 certified, the State Audit Office is INTOSAI certified, 9 institutions are in the process of completion of the last stage in ISO certification and 43 started the process of ISO certification.

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As of December 2016, 29 central level institutions and local level institutions completed the process of introduction of CAF (the standards are established and implemented) and 9 central level institution and local level institutions are in the process of introduction of CAF. Out of 110 institutions, 35 institutions initiated activities to start process of ISO certification, 5 institutions are in the process of completion of the last stage in ISO certification and 51 institutions are ISO certified.

Activities for development of the concept of Integrity and regular conducting corruption risk assessment and monitoring in Macedonia are envisaged in the State Programme for Prevention and Repression of Corruption and Prevention and Reduction of Conflicts of Interest, with Action Plan 2016-2019, under strategic goal 1 „Strengthened institutional system and legislation for prevention of corruption and conflict of interest“, 1.1. Area: Integrity and Ethics in Institutions at all levels, envisages activities for regular implementation of corruption risk assessments and monitoring of CRAs implementation.

TAIEX expert mission has been held in the period 25-29 January, 2016 on the topic „Corruption risk assessment in the public sector“. In the report delivered by the expert engaged in the TIAEX expert mission, inter alia, the expert concludes that adoption of specific/additional methodologies for corruption risk assessment in not necessary, considering that adequate legal framework is adopted and put in place; however, gap between the legal framework and its implementation in practice has been identified (In 2016, approximately 50% of the total number or institutions at central level and 25% of the total number of institutions at local level drafted and adopted their strategies, registers and action plans for risk management).

Within the project activities of IPA 2010 Twinning project „Support to efficient prevention and fight against corruption“:
Mission report is delivered and international standard, best practices, identified needs for improvement of legislation and proposal model for trainings on corruption risk assessment are presented, in the period February-March 2016;
Guidelines for corruption risk management – addendum to the Risk management guidelines are published

The institutions obliged to conduct Risk Assessment in accordance with the Law on Public Internal Financial Control currently are not all equally advanced in the process of implementation of the obligation. Law-enforcement authorities make special efforts to promote Risk Assessment (including assessment of corruptibility factors by different methodologies) considering their risk susceptibility.

The Customs Administration of the Republic of Macedonia provides the best practices in this field.

The Customs Administration has established internal control system as a continuous process that includes all kinds of financial and other controls which gives reasonable confidence that reasonable prerequisites are provided for: fulfilment of determined tasks and goals; economic and efficient utilization of resources; adequate risk control and safe maintenance of means; reliability and integrity (accuracy, timeliness and completeness) of financial and managerial information, and accordance with laws and regulations, as well as with policies, plans, internal rules and procedures.

The identification, analysis and assessment of risks in the Customs Administration is a continuous process within the internal control system by which organisational elements that are susceptible to risks are exposed for to be specifically subjected to internal control procedures.

All employees of the Customs Administration are actively involved in the process of risk identification and assessment. There are specific obligations for the employees of the Customs Administration to report corruption risk and incompliance with laws and regulations in performing duties. Identification, assessment and monitoring of corruption risks are performed continuously by re-assessment of internal and external factors. The following basic risks are regularly assessed within the Customs Administration: regulatory risk; reputational risk; financial risk and operational risk.

The managerial staff of the Customs Administration has adopted descriptions of work processes and matrices for risk assessment in work processes for all different organisational units of the Customs Administration. The established internal control systems are revised, upgraded and complemented following changes in activities of the organisational units annually.

The Internal Audit Unit, organisationally established as an independent unit, high in organisational hierarchy, responsible only before the director of the Customs Administration (Internal Audit Units in this manner are established as mandatory in all public sector entities that have average annual budget/financial plan above 50 million MKD in the last three years.), regarding the internal control system has the following competences and obligations: a) establishing and updating records of processes and risks for all organisational units and generally for the Customs Administration; b) monitoring and assessment of the efficiency and the effectiveness of the internal control system of the Customs Administration and drafting annual reports on this matter; c) providing the management of the Customs Administration with assessments and recommendations for improvement of the internal control systems and monitoring of the implementation of the given recommendations.

The Professional Liability Department of the Customs Administration within its competences has prepared a List of risk points in customs’ work susceptible to corruption. The List is regularly re-assessed and updated. Recently, considering the revised list, all heads of organisational units conducted internal controls on the manner of task performance in the period of March - June 2014, specifically concerning identified corruption risk points. Following the internal controls, the heads of the organisational units submitted to the Professional Liability Department their suggestions and proposals based on self-evaluation for the purposes of revision of the determined list of positions susceptible to risks and revision of determined risk points.

By introducing automated work processes wherever possible, adopting clear and simple rules for conducting customs and excise procedure, strengthening investigation, intelligence and other law enforcement activities and permanent investment in staff professionalism and promotion of established professional standards, for the purposes of maximum prevention of corruptive behaviour of employees, the Customs Administration clearly stresses to all participants involved in any segment of the customs procedure that the corruption risks are institutionally treated and thus the incentives and opportunities for risk events are minimized.

Effectiveness of public information on anti-corruption measures is seldom assessed and measured. Also, such assessment is seldom directly related to the provision of public information.

Guidance: Information sought may include:
- Any anti-corruption policies (strategy, plan, or other policies) that have been developed by the State party;
- Establishment of policy implementation mechanisms (including allocated budget,
designed responsible institutions, etc.);

- Policy coordination mechanisms which have been put in place (including establishment of coordination structures, protocols or procedures);
- Description of how the participation of society is promoted, including whether stakeholders were consulted and involved in the development, implementation, coordination and monitoring of the policies;
- Description of how the policies reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

The State Commission for Prevention of Corruption organized a workshop (held on 01.10.2015) for preparation and improvement of the draft text of the narrative part of the State Programme 2016-2019. This workshop was supported by OSCE Mission to Skopje and by Macedonian NGO International Centre for International Cooperation (Makedonski centar za megjunarofna sorabotka – MCMS). During this event, the draft text of the State Programme 2016-2019 was presented and discussed together with the expert opinion provided by engaged international expert, whose opinion was obtained within the USAID Programme for Fight against Organized Crime and Corruption, implemented by the NGO MCMS. Representatives of state authorities, business associations and civil society organizations took part in the discussions, including representatives of the Assembly of the Republic of Macedonia, the Judicial Council of the Republic of Macedonia, the Council of Public Prosecutors, the Secretariat of the Government of the Republic of Macedonia, the Ministry of Justice, the Ministry of Information Society and Administration, the Ministry of Finance, the Ministry of Internal Affairs, the Ministry of Economy, the Ministry of Local Self-government, the State Audit Office, the State Election Commission, the Public Revenue Office, the Public Procurement Bureau, the Agency for Audio and Audi-visual media services, the Head of Delegation of the Republic of Macedonia to GRECO, the Association of Local Self-government Units (ZELS), and representatives of the civil society organizations MCMS and Centre for Civil Communication, as well as representatives of the business associations Chamber of Commerce of the Republic of Macedonia, the Macedonian Chambers of Commerce and the Business Confederation of Macedonia. The proposals, the risk factors and problems identified by the participating representatives served as a basis for defining measures and actions in the development of the Action plan for implementation of the State Programme 2016-2019.

After the collection of proposals, a second event was organized (workshop held in November 2015) specifically for development of the Action plan. The draft Action plan was developed by four working groups composed of nominated representatives of different state institutions, civil society organizations and business associations, in line with the general directions on the methodological approach (the form of the Action plan) provided by the State Commission for Prevention of Corruption. Two working groups, covering areas Integrity and ethics, Public procurement, concessions and public-private partnership, Election process, financing political parties and election campaigns, Access to information of public character, Asset disclosure and conflict of interest, Anti-corruption assessment of legislation and Lobbying, worked on Strategic objective 1: Strengthened institutional system and legislation for prevention of corruption and conflict of interest. The third working group covered the areas Justice, Law-enforcement and inter-institutional coordination and cooperation, and worked on Strategic objective 2: Strengthened repression of corruption and Strategic objective 3: Strengthening the institutions’ capacities and independence to implement the laws. The fourth working group covered the areas Public awareness, Education, Role of the Media and the role of the NGO sector and worked on Strategic goal 4: Increased public participation in the fight against corruption and conflict of interests.

CSOs conduct research and regularly keep track on delivered national and international recommendations related to anti-corruption. The participation was meaningful and systematic (comments, opinions and suggestions were submitted by involved institutions and participating COs), especially regarding Strategic objective 1: Strengthened institutional system and legislation for prevention of corruption and conflict of interest, areas 6.1.2 Public procurement, concessions and public-private partnership and 6.1.3 Electoral process, political party and electoral campaign funding. Submitted suggestions and opinions served as a basis for identifying and defining measures for the Action plan of the State Programme 2016-2019.

Civil society organisations (CSOs) were involved in all phases of development of the latest State Programme for Prevention of Corruption and Prevention and Reduction of Conflicts of Interest, with Action plan 2016-2019. In accordance with the methodology on monitoring and evaluation of the implementation of the State Programme, in cooperation with and with the support of civil society organizations and international organizations, the SCPC will be
conducting research to assess the effects of the activities foreseen in the State Programme 2016-2019. The research and reports on the implementation of these activities, together with the relevant opinions and recommendations, will reveal the areas in which progress has been made.

Related document regarding implementation of the State Programme 2011-2015:
**Promoting cooperation through good governance in the anti-corruption policy implementation, surveys and analysis, December 2014**
- commissioned by OSCE Mission to Skopje, Democratic Governance Unit, in partnership with the State Commission for Prevention of Corruption

Civil society organisations were and will be regularly invited to discuss the implementation of the State Programme. Such events – annual conferences were organised to present and discuss the status on and the results from the implementation of the State Programme 2011-2015. The presented annual reports are published on the website of the State Commission for Prevention of Corruption.


Possibility to modify the State Programme 2016-2019 following internal and/or external analysis of its implementation is foreseen in accordance with the methodology for efficient coordination of anti-corruption activities, monitoring and evaluation of the implementation (see strategic objective 5, stage 3- Evaluation of the implementation). Report on the implementation of the State Programme 2016-2019 for the period January – December 2016:

Internal or external analysis of the implementation of the State Programme 2011-2015 resulted in improvement of the methodology on evaluation of implementation.

The anti-corruption measures to be incorporated in the current State Programme were discussed during working sessions of working groups comprised of representatives of state institutions and interested CSOs (mixed composition). Separate working group was formed per strategic objective.

In the first stage of development of the State Programme, all representatives of working groups were asked to submit proposals. Submitted proposals were shared among representatives of the working groups and later discussed on a working session.

Other discussions on anti-corruption measures:
- Discussion on public consultation on draft-laws (Regulatory Impact Assessment Methodology and use of the Unique Electronic National Register of Legislation portal) and participation of civil society organisations in development of policies – Two Agora sessions „Practicing participatory policy making“, held within project implemented in the period May 2015 – March 2016 by the Institute for Democracy ‘Societas Civilis’ – Skopje (IDSCS), financially supported by the British Embassy.

http://idscs.org.mk/en/2015/06/08/agora-sessions/

- Discussion related to introduction of compliance management systems and measures for prevention of corruption in private sector entities, held on workshops IPA 2010 Twinning Project “Support to efficient prevention and fight against corruption”, component 1, activity 1.5, for CSOs and business associations, and discussions held on the Conference on the topic “Compliant Management and Prevention of Corruption in the Private Sector”, 05.03.2016, held within the IPA 2010 Twinning Project, supported by the Ministry of Justice.


- Discussion on the possibilities for monitoring the financing of the political parties and the election campaigns – Workshop on Civic Control over the Financing of Political Parties and Election Campaigns, held on 27.05.2015 within IPA 2010 Twinning Project “Support to efficient prevention and fight against corruption”


Discussions held during events and working sessions of the working groups on the priority Prevention of corruption and promotion of good governance and other related priorities incorporated in the National action plan on Open Government Partnership. See Third National Action Plan on OGP, pages starting from page 6
http://www.opengovpartnership.org/sites/default/files/MK_NAP3_Eng.docx

Discussions held within the campaign/debate cycle “EU talks” cooperation with civil society organisations, coordinated by the Secretariat for European Affairs, especially with NGO Network 23

http://www.sep.gov.mk/channel/?id=84

Discussions resulted in introduction of new anti-corruption measures or improvement of already introduced anti-corruption measures.

Examples:
The president of the CSO Centre for Civil Communication, following the discussions and suggestions presented at the first workshop for preparation of the State Programme 2016-2019, on 08.10.2015 replied to the additional circular letter of request for proposals (letter sent by the State Commission for Prevention of Corruption to state institutions and to CSOs).

The suggestions and proposals of the president of this CSO were discussed by the related working groups (the president of the CSO himself took part in the sessions of the working groups) which resulted in further identification of issues, as well
as identification of responding activities in the areas of Public Procurement and Access to information of public character. This is finally reflected in the Action Plan for implementation of the State Commission: text for justification of the activities and defined activity indicators in the area 1.2.: Public Procurement, Concessions and Public-Private Partnership (related to monitoring and transparency of public procurement), and partially in the area 1.4. Free Access to Information of Public Character (due to need for further analysis).

Recommendations delivered during discussions held within debate cycle “EU talks- cooperation with civil society organisations” were reflected in the amendments to the Law on Prevention of Corruption adopted in June 2015 (related to clarification of the obligation for publication of asset declarations and statements of interest submitted by a certain “category” of appointed persons).

Discussion related to introduction of compliance management systems and measures for prevention of corruption in private sector entities, held on workshops IPA 2010 Twinning Project “Support to efficient prevention and fight against corruption”, component 1, activity 1.5, resulted in improved interest of business entities and associations in the implementation of the Law on Whistleblower Protection and the related guidelines. In line with the State Programme for Prevention of Corruption and Prevention and Reduction of Conflicts of Interest, 2011-2015, amendments and addenda to the Law on Prevention of Corruption (Official Gazette of the Republic of Macedonia, No. 97/15) were adopted in June 2015 to introduce the Register of Elected and Appointed Persons, as an instrument for consistent verification of compliance with the obligation to submit to the SCPC asset declarations and statements of interest. Within the Twinning Project, software solution was developed for establishing electronic register of elected and appointed persons. The Register is fully functional as of June 2016.

In the same period, in direction to further promote the efficiency of the Agency for Management of Confiscated Property, amendments and addenda to the Law on management of confiscated property, property benefit and seized items in criminal and misdemeanour procedure (Official gazette of the Republic of Macedonia, No. 97/15) were adopted relating to electronic exchange of data with the Cadastre and relating to efficient enforcement of final judgments imposing confiscation measure. (beyond the scope of the State Programme)

In line with the State Programme for Prevention of Corruption and Prevention and Reduction of Conflicts of Interest, 2011-2015, to introduce specific internal and external channels for whistle-blowing in public and private sector as well as systemic institutional whistleblower protection, a draft law was prepared by the working group for analysis and preparation of amendments to the Law on Prevention of Corruption and to the Law on Prevention of Conflict of Interest. This draft was discussed within the negotiation process between major political parties represented in the Assembly. Following political negotiations in which international actors were involved, MPs proposed draft Law on Whistleblower Protection in which the draft prepared by the Working group was reflected to a great extent. The Assembly of the Republic of Macedonia passed the Law on Whistleblower Protection in November 2015. The bylaws related to the Law (published in Official gazette of the Republic of Macedonia, No. 46/16) were adopted by the Minister of Justice in March 2016. The implementation of the Law on Whistleblower Protection, as per its provisions, started in March 2016.

In August 2015, amendments and addenda to the Election Code (Official gazette of the Republic of Macedonia, No. 196/15) were adopted to introduce new prohibitions that apply during the period from the adoption of the decision on calling elections until the completion of elections. These amendments and addenda to the Election Code, inter alia, introduced the obligation of the State Audit Office to notify (within term of 24 hours) the State Election Commission and SCPC about each objection submitted referring to violation of legal provisions on financing election campaign. (beyond the scope of the State Programme)

In September 2015, Specialized Public Prosecutor’s Office was introduced for prosecuting criminal acts related to or deriving from contents obtained with the unlawful communication interception conducted during the period 2008 – 2015. The Specialized Public Prosecutor’s Office is formed in accordance with the Law on Public Prosecutor’s Office for prosecuting criminal acts related to the content of the unlawful communication interception (Official gazette of the Republic of Macedonia, No.159/15). (beyond the scope of the State Programme)

On 22.09.2015, the State Commission for Prevention of Corruption, to foster its competence in providing opinions on draft laws, developed and adopted Methodology on Anti-corruption assessment of Legislation. In direction to incorporate best practices in corruption proofing of legislation, the State Commission benefits from related activities implemented by Regional Anti-corruption Initiative within RAI-UNODC Regional Programme on Strengthening the Capacity of Anti-corruption Authorities and Civil Society to Combat Corruption and Contribute to the UNCAC Review Process. In the period November-December 2015, amendments and addenda to the Criminal Code (Official gazette of the Republic of Macedonia, No. 196/15 and 226/15) were adopted relating to article 151 „Unauthorized wiretapping and audio recording” and relating to other incriminations in direction to implementation of MONEYVAL recommendations given within the Fourth round of evaluation. (beyond the scope of the State Programme).

During the implementation of the IPA 2010 Twinning Project “Support to Efficient Prevention and Fight against Corruption”, July 2014 - October 2016, various activities were conducted within 8 components:

- Component 1: Improving the anti-corruption legal and institutional framework
  Activities for assessment and provision of recommendations and guidelines
- Component 2: Improving the system of management of conflict of interests
  Activities for assessment and provision of recommendations
- Component 3: Building capacity of institutions on prevention and repression
  Training activities, workshops, seminars and study visits
Component 4: Developing Legal institutional framework and IT system for collection and processing of corruption prevention and repression statistics  
Development and provision of IT tool for collection and processing of corruption prevention and repression statistics
Component 5: Awareness raising  
Survey conducted and report presented on the Level and nature of corruption and the visibility and perception of the anti-corruption policy assessed  
Activities for development of e-learning tool
Component 6: Establishing consistent track record on asset declarations and statements of interests  
Development of IT tools, provision of electronic Register of elected and appointed persons
Component 7: Improving the monitoring and auditing financing of political parties and electoral campaigns  
Activities for assessment and provision of recommendations and guidelines
Component 8: Establishing effective management of confiscated property  
Activities for assessment and provision of recommendations and guidelines  
(in line and beyond the scope of the State Programme)

<table>
<thead>
<tr>
<th>Central level institutions/entities</th>
<th>2015</th>
<th>January 2016</th>
<th>June 2016</th>
<th>September 2016</th>
<th>October 2016</th>
<th>November 2016</th>
<th>(by November)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of entities that adopted risk management strategies</td>
<td>42</td>
<td>49</td>
<td>59</td>
<td>59</td>
<td>62</td>
<td>62</td>
<td>67.39</td>
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<td>Number of entities that adopted risk registers</td>
<td>36</td>
<td>39</td>
<td>46</td>
<td>46</td>
<td>47</td>
<td>47</td>
<td>51.09</td>
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</table>

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<tr>
<th>Local level institutions/entities</th>
<th>2015</th>
<th>January 2016</th>
<th>June 2016</th>
<th>September 2016</th>
<th>October 2016</th>
<th>November 2016</th>
<th>(by November)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of entities that adopted risk management strategies</td>
<td>22</td>
<td>24</td>
<td>31</td>
<td>31</td>
<td>32</td>
<td>32</td>
<td>39.51</td>
</tr>
<tr>
<td>Number of entities that adopted risk registers</td>
<td>16</td>
<td>18</td>
<td>24</td>
<td>24</td>
<td>26</td>
<td>25</td>
<td>32.10</td>
</tr>
</tbody>
</table>
NGO Macedonian Centre for International Cooperation (MCMS) within Project “Oversight of the Work of the State Commission for Prevention of Corruption by the Public”, supported by the British Government conducted activities to assess the performance of the SCPC:

**Executive summary: Quarterly report No. 1 for oversight of the work of the State Commission for Prevention of Corruption (SCPC) Achievements in the period from October to December 2016**

**Executive summary: Quarterly report No. 2 for oversight of the work of the State Commission for Prevention of Corruption (SCPC) Achievements in the period from October to December 2016**

**Executive summary: Quarterly report No. 3 for oversight of the work of the State Commission for Prevention of Corruption (SCPC) Achievements in the period from October to December 2016**

Other examples of such assessment are surveys on general knowledge and awareness on prescribed rights or on certain laws, such as the Law on Whistle-blower Protection - Survey commissioned by Institute for Strategic and Research and Education, in the period October-November 2016, within project "Will there be ‘Whistle-blowers’ at the Universities? The Possibilities of the Law for Protection of Whistle-blowers and Prevention of Corruption in the Higher Education). Number of surveyed students: 513 [from 4 faculties of law from 3 state universities (Skopje, Bitola and Shtip) and 1 private university (SEE University - Tetovo)]. Excerpt from the results:

- 355 surveyed students were not informed by the Law
- 234 surveyed students were informed (50/139 had detailed knowledge)
- 7 surveyed students never heard of the law

64% of the surveyed students think that the Law is encouraging to report corruption. Another example is related to the same Law and is commissioned by Transparency International – Macedonia, in the period 14-16 October 2016 (Second survey on public opinion: opinions of employed citizens of the Republic of Macedonia on reporting unethical, immoral and illicit conduct in firms and in institutions, results published in the publication “Whistle-blower protection – opportunities and practice”, pages 59-72 )

Surveying sample 400 employees from 24 municipalities (58,2% employees in private sector, 39,1% employees in public sector, 2,7% owners of private businesses). Excerpt from the results:

- 31,7% from the total number of surveyed persons were informed about the Law (32% from private sector, 31% from public sector, 27% from private owners)
- 66,6% from the total number of surveyed persons were not informed about the Law
- 1,7% from the total number of surveyed persons refused to answer

Effectiveness of educations measures on anti-corruption is measured following as foreseen following educational programme activities.

A good example of direct measuring of effectiveness of information and education measures on anti-corruption is the survey related to the project "Anticorruption education for primary school students". Methodology: questionnaires – filled-out by pupils at the beginning and at the end of the project to measure the effect of the programme.

### Results:

<table>
<thead>
<tr>
<th>Questions</th>
<th>At the beginning of the educational activities (%)</th>
<th>After the educational activities (%)</th>
</tr>
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<tbody>
<tr>
<td>Have you ever heard about the term “corruption”?</td>
<td>79.6 %</td>
<td>100%</td>
</tr>
<tr>
<td>Is the corruption negative phenomenon?</td>
<td>85.9 %</td>
<td>100%</td>
</tr>
<tr>
<td>Define corruption with your own words – proper answers</td>
<td>65%</td>
<td>93%</td>
</tr>
<tr>
<td>Do you think that societies should fight corruption?</td>
<td>87.2 %</td>
<td>100%</td>
</tr>
<tr>
<td>Do you know how to recognize and how to protect yourself from corruption? And what would you do?</td>
<td>30%</td>
<td>89%</td>
</tr>
</tbody>
</table>
The results of the questionnaires indicate the success and relevance of the project activities. The results were encouraging, therefore the Ministry of Education and Science in September 2013 approved continuation of the anticorruption education as an extracurricular activity in all primary schools in the country. Obviously there has been a need for such programme and this is successfully addressed having in mind that the raised awareness amongst the pupils.

**Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:

- Anti-corruption policy documents (strategy, action plan or other policies) or other documents containing anti-corruption policies;
- Government regulations, decrees etc., establishing coordination structures and/or procedures;
- Examples of the operation of the mechanisms for inter-institutional coordination;
- Progress reports on the implementation of national anti-corruption strategies, action plans and/or policies;
- Other annual reports or public reports analysing the anti-corruption policies;
- Evaluation reports of the effectiveness of measures taken to prevent and detect corruption;
- Studies or measurements of corruption;
- Public surveys of the extent of corruption in various sectors;
- Risk assessments of areas or sectors particularly susceptible to corruption.

**Article 5, paragraph 2**

2. Each State Party shall endeavour to establish and promote effective practices aimed at the prevention of corruption.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The authorities of the Republic of Macedonia continuously implement and promote effective practices to prevent corruption.


Starting from the fact that effective practices include use of instruments and tools that have a preventive character, as well as monitoring and evaluation, SCPC adopts the national strategic anti-corruption document - State Programmes for Prevention and Suppression of Corruption and a State Programmes for Prevention and Reduction of Conflict of Interests along with an Action Plan. The competence of SCPC regarding its implementation, coordination and monitoring of the planned activities is described in detail in the response related to article 5 paragraph 1 of the Convention.

In accordance with its competencies, SCPC provides opinions on draft laws which are of importance for the prevention of corruption, in order to approve the legislation anti-corruption aspects. The opinions provided by SCPC were issued upon the request of the authorized authority for the proposal and the opinion refer to issues relating to corruption and conflict of interests, their intercepting and sanctioning. SCPC representatives also take part in the working groups as members and are engaged in the preparation of new laws or amendments to law of the areas essential to combat corruption and conflict of interest. The Government, in order to promote this competence of the SCPC, adopted Guidelines on cooperation among the state administration bodies, public enterprises, public institutions and other legal entities managing state capital including the SCPC (“Official Gazette of the Republic of Macedonia”, No. 81/2004 and 135/2006). Pursuant to Article 8 of the Guidelines, "when the state administration prepare legislative projects or initiate amendments that regulate certain
The SCPC, in September 2015, based on Strategy SEE 2020 Anti-corruption dimension measure reflected in the list of urgent reform priorities for the Republic of Macedonia (June 2015), adopted a Methodology for anti-corruption assessment (corruption-proofing) of legislation. Along with the establishment of the Department for anti-corruption assessment of legislation, in which 5 people were employed on temporary and fixed-term basis, the SCPC worked on strengthening the capacity of SCPC Department for anti-corruption examination of the legislation. In cooperation with the Regional Anti-Corruption Initiative (RAI), SCPC provided technical support for the implementation of the methodology for anti-corruption examination of the legislation. SCPC, as a result of this cooperation, based on the recommendation given by the experts engaged by RAI, amended the Methodology to harmonize it with the Regional Methodology of RAI which was done and resulted with expanding the list of the corruption risks. The adoption of the Methodology for anti-corruption assessment of legislation is an instrument that improved and methodologically upgraded the implementation of the competence of SCPC stipulated by the Law on Prevention of Corruption and the Law on Prevention of Conflict of Interest, as a competent authority to look into the proposal legislation and provide opinions and thus work on detecting and preventing risks of corruption and conflict of interest that may derive from legislation.

The Methodology for anti-corruption examination of the legislation is published on the website of the SCPC. 13

The Government session held on 23.02.2016 adopted the Rules Amending the Rules of Procedure of the Government ("Official Gazette of the Republic of Macedonia", 41/16), which introduced the possibility of anti-corruption assessment of proposal legislation, by providing an opinion from the SCPC. Namely, with the Rules of Procedure of the Government, article 68, paragraph 1, with regard to the materials submitted to the Government for review and adoption, it is stipulated that ministries and other state bodies must obtain opinion from the State Commission for Prevention of Corruption (previous review) for all draft laws that are subject to regulatory impact assessment. 14

Within this competence, SCPC in 2016, conducted an in-depth analysis of the legislation based on the established methodology that comprised the anti-corruption assessment and produced special reports on the conducted assessment, published on the website of the SCPC (E.g. Report on anti-corruption assessment of the Law on Weapons Act, the Academy of Judges and Public Prosecutors, the Law on State Market Inspectorate, Law on Textbooks for Primary and Secondary Education, the Law on construction products, etc.). 15

In order to promote the process of anti-corruption assessment of the legislation in the country and the methodology for anti-corruption examination of the legislation by the RAI, in cooperation with the SCPC and the Regional Cooperation Council, in November 2016, anti-corruption assessment of legislation was organized. Another Second training was organized by RAI in cooperation with the SCPC and the Regional Cooperation Council, supported by the Austrian Development Agency and the anti-corruption assessment of legislation was held in March 2017. The purpose of the training was to strengthen the capacity of relevant institutions and the civil society sector in the implementation of anti-corruption examination of the legislation at the national level, by detecting the shape and content of the regulations that are under development or have already been adopted, in order to detect corruption risks and minimize them. The cooperation with RAI towards the effective and efficient implementation of the process of anti-corruption assessment of the legislation by the SCPC in the country continues to be applied.

According to its competencies in the area of prevention of corruption in politics, in the exercise of public authority and in the exercise of activities of public interest, the SCPC acts upon cases with regard to dealing with specific cases in which there is suspicion of corruption, based on complaints/reports received from citizens or institutions, in its discretion, reports from relevant institutions and information published in the media. Without exception, applicants shall be informed for the outcome of their submission. In cases of reasonable grounds for suspicion, SCPC shall submit initiative for investigation of the proceedings before the competent authorities for determining criminal offense, disciplinary or other liability.

To the Public Prosecutor of Macedonia and the Public Prosecutor's Office for Organized Crime and Corruption, the SCPC shall submit initiatives for criminal prosecution, based on the findings of the existence of reasonable grounds for suspicion of committed act of corruption. In order to determine the facts in cases, SCPC shall collect necessary information and documents from all relevant institutions. The institutions are obliged to submit requested information and documents in written form within determined deadlines. According to the competencies specified in Article 49, paragraph 1, item 5 of the Law on Prevention of Corruption, SCPC shall initiate proceedings before the competent authorities for dismissal.

12 Guidelines for cooperation of the state administration bodies, public enterprises, public institutions and other legal entities managing state capital SCPC ("Official Gazette of the Republic of Macedonia" no. 81/2004 and 135/2006)


15 https://www.dksk.mk/index.php?id=71
reassignment, replacement or implementation of other measures of accountability of elected or appointed officials, officials or responsible persons from public companies and other legal entities managing with state capital.

Information regarding the initiatives raised by the SCPC is published in the annual reports for the work of the SCPC.\textsuperscript{16} SCPC also has competencies set out in the Electoral Code that provide it with an active role during the electoral processes in the country. The state bodies, institutions and individuals, in order to intercept a violation of the law and ethical norms in the election process, may request an opinion from the SCPC that will provide guidance on whether they may or may not undertake certain actions during the election period, such as recruitment procedures for an indefinite and definite period, public procurement procedures, procedures for lease of state property and other forms of disposal of state property.

In terms of the provisions of the Electoral Code, the participants of the campaign have an obligation to submit to the SCPC, the State Audit Office and the State Election Commission financial statements for the designated account of the election

\textsuperscript{16} \url{https://www.dksk.mk/index.php?id=55}
campaign within the legal deadlines. SCPC publishes all submitted financial statements submitted by the broadcasters and participants of the election campaign on its website. Information about the actions provided by the SCPC during the election processes is published in the annual reports of the SCPC. 17

SCPC is the competent authority to record and monitor the assets and changes in assets of elected and appointed officials and responsible persons in public enterprises and other legal entities managing with state capital, in the manner prescribed by the Law on Prevention of Corruption and to keep a Register of elected and appointed officials. More information about the system of recording and monitoring of assets and interests are provided in the response related to article 8, paragraph 5 of the Convention.

In June 2015, the Law amending the Law on Prevention of Corruption introduces the Register of elected and appointed officials. The provisions relating to the Register began to be applied one year after the entry into force of this Act. For the implementation of the law, SCPC, on 14.7.2015, adopted the form of the data selected and the Guidelines for filling in the form. Also, in July 2015, SCPC adopted the Rulebook on the content, the form and manner of keeping of the Register of elected and appointed officials. In 2016, as part of software solution for the Register of elected and appointed officials within the IPA2010 Twinning Project "Support to efficient prevention and fight against corruption" a software solution for electronic filing and submission of the forms of assets was developed and will be put in function after the adoption of the necessary legislative changes.

According to Article 33 of the Law on Prevention of Corruption, the elected and appointed person, as well as responsible person of a public enterprise, public institution or other legal entity with state capital, must no later than 30 days from the date of election or appointment, fill the questionnaire with a detailed inventory of real estate, movable property of greater value, securities, claims and debts, as well as other property in his or her possession or ownership of his family members, by explaining the basis of title over the declared property, along with a statement certified by the notary public for revoking protection of banking secrecy with regard to all accounts in domestic and foreign banks. The mentioned persons are obliged to also fill out an asset declaration within 30 days after the termination of office. The asset declarations are submitted to the State Commission and the Public Revenue Office. The same obligation applies to officials employed in state bodies, municipal administration and the administration of the City of Skopje (Article 33-a of the Law on Prevention of Corruption), which asset declarations are submitted to the body in which they are employed.

Elected or appointed person, official or responsible person in public enterprise or other legal entity with state capital is obliged to report changes in assets or within 30 days to report any increase in his property or the property of a member of his family, such as building a house or other buildings, the purchase of real estate, securities, cars or other moving objects in the value that exceeds twenty average net wages in the previous quarter.

Data from the asset declarations and the application for a change in assets represent public information and declarations and applications submitted by elected and appointed officials are published on the website of the SCPC with the exception of information which is protected by law (Law on Personal Data Protection).

Against an elected or appointed person, as well as other official or responsible person in public enterprise, public institution or other legal entity disposing with state capital, on the basis of Article 36 of the Law on Prevention of Corruption may be initiated a procedure for examining the property, which is initiated by the Public Revenue Office. Request for initiation of procedure for examining the assets may be submitted by SCPC.

If a examination procedure of property and assets do not prove that the property was acquired or increased as a result of revenues that are reported and taxed, the Public Revenue Office will make a decision for tax personal income. The basis for calculating the tax is the difference between the value of the property at the time of acquisition and the proved amount of funds for its acquisition. The tax on undeclared earnings is calculated at the rate of 70%.

SCPC continuously and indiscriminately checks data from asset declarations in proceedings on reports/complaints of corruption, own its own finding the SCPC, through regular checks and through systematic examination of the content of the asset declarations, as with prescribed by Criteria for the determination of asset declarations to be examined, by a certain ID number from the database.

A fine of 500 to 1,000 euros in MKD equivalent shall be imposed to a person who will not submit a binding asset declaration and information about property, business, employment or other data provided for in Articles 22, 23, 24, 26, 27, 28, 29, 32, 33 and 34 of this law. (Article 63 of Law on Prevention of Corruption)

Information about SCPC monitoring over the asset declarations of elected and appointed persons is published in the annual reports for the work of the SCPC. 18

The website of the SCPC has a specially marked menu titled "Register of elected and appointed officials" and "Forms" and published data: Assets of elected and appointed officials (information about elected officials). Access to the web-application of the Register of elected and appointed officials is authorised to users who are nominated persons from state institutions responsible for verification and/or election and appointment of officials). 19

17 https://www.dksk.mk/index.php?id=home
18 https://www.dksk.mk/index.php?id=home
SCPC as the competent institution for the implementation of the Law on Conflict of Interest acts upon cases from the area of conflict of interest. More information about the system for prevention of conflict of interest is provided in the response related to Article 7 paragraph 4 of the Convention. The procedure for determining conflict of interest is implemented by SCPC ex officio, at the request of an official, based on an application of another person or at the request of the head of the authority/body where the official is employed or on the basis of an anonymous report. The purpose of this procedure for the implementation of the Law on Conflict of Interest is to ensure the prevention of misuse of public powers and duties of the official for the exercise of private interest for themselves or close relatives and to ensure the prevention of the possibility for preventing the private interest of the official to jeopardize the public interest. The term "conflict of interests" in accordance with the Law on Conflict of interest means conflict of public powers and duties to the private interest of a public official, in which the official has a private interest that affects or may affect the exercise of its public powers and duties. According to Article 23 of the Law on Conflict of Interests, if SCPC finds conflict of interests it is obliged to inform the official and asked him/her, to remove the conflict of interest within 15 days of submission of the decision. If an officer is to act upon the recommendation, the State Commission shall stop the procedure and inform the official and the applicant. If an official fails to act in accordance with SCPC recommendation, SPCP shall decide on the measure of public reprimand, which shall be submitted to the official. If an official within 15 days of receipt of the decision did not take actions to remove the conflict of interest and to inform the State Commission, the State Commission before the competent authority shall initiate termination of public office or duties or an initiative for disciplinary procedure for determining disciplinary offense shall be initiated. Measures for public notice are published on the website of the SCPC.20

According to Article 20 of the Law on Prevention of Conflict of Interest, "the President, MPs, mayors, ambassadors and other persons appointed by the Republic of Macedonia abroad; elected and appointed persons in the Assembly and the Government, state administration and other state bodies, judiciary, public enterprises, institutions and other authorities of central and local government established by law, in taking the exercise of public powers and duties within 30 days are required to submit a statement on the existence of conflicts of interest to the State Commission.

Civil servants and employees in state administration and other state bodies, judiciary, public enterprises, institutions and other legal entities of the central and local government established by law, and persons employed by temporary employment agencies with the authority, within 30 days are required to submit a statement on the existence or non-existence of conflict of interests in the authorities/bodies where they perform their duties and where they are employed

(Article 20-b). The Law amending the Law on Prevention of Conflict of Interests from 2012 provides the competence for the SCPC has the authority to check the statements of interest.

In March 2012 the Government adopted Decree on checking the contents of Statements of Interest. Statements of interests to SCPC are submitted in accordance with Article 20 of the Law on Prevention of Conflict of Interests, SCPC examines the content and thus conclude that the officials usually are engaged in conflict of interest in the accumulation of functions, in example, the simultaneous execution of two or more functions and that is in violation of Article 9 of the Law on conflict of interest. Information collected by SCPC on specific conflict of interest cases is published in the annual reports for the work of SCPC.

The State Commission for Prevention of Corruption participated in the drafting of the Action Plan for implementing the strategic priorities of the Public Procurement Bureau. During the meetings held with representatives from the Bureau of Public Procurement SCPC opened the question on the content of the declaration of existence/nonexistence of conflict of interest as stipulated in Article 62 of the Law on Public procurement. In 2016, the State Commission for Prevention of Corruption developed a unique form of declaration of nonexistence of conflict of interest for the needs of contracting authorities in the implementation of public procurement procedures in accordance with the Action Plan for implementing the strategic priorities of the Public Procurement Bureau.

The Law on Lobbying adopted in 2008 ("Official Gazette" No.106 / 2008 and 135/2011) regulates the principles of lobbying, the conditions for becoming a lobbyist, registration of lobbyists, the Register of lobbyists, rights and obligations of lobbyists, activities that are not considered lobbying, oversight of lobbying and the measures that could be imposed on lobbyist for violating the provisions of this law. In the law, the head VII. Supervision of lobbying and VIII. Types of measures (from Article 24 to Article 27) stipulates that oversight of the lobbying is carried out by the State Commission for Prevention of Corruption and determines types of measures that SCCP can apply in case of violation of the measures imposed on lobbyists. The practice showed that this law is not revived in Macedonia and based on recent data, there are no lobbyists registered in accordance with the Law. Within the Component 1 of the IPA 2010 twinning project "Support to efficient prevention and fight against corruption" an expert report has been prepared on the Law on Lobbying.

The implementation of the Law on Whistleblower Protection, adopted in November 2015 ("Official Gazette" No. 196/2015), and the related bylaws started on 18 March 2016. Information about the channels for protected reporting and system for whistleblower protection is provided under article 8 paragraph 4 of the Convention. In order to increase transparency in the area of protection of whistleblowers, within the framework of IPA 2010 Twinning project "Support to efficient prevention and fight against corruption" Manual on Whistleblower Protection was drafted and published on the website of the SCPC. The State Commission for Prevention of Corruption and the Ministry of Justice submit to the Assembly special reports for received whistleblower reports. (Article 15 paragraph 2 of the Law on Whistleblower Protection). Upon commencement of the implementation of the Law and bylaws thereof, institutions started to submit to the SCPC information by designated authorized persons about received whistleblower reports. Acting in accordance with

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Article 2 (1) of the Regulation on protected internal reporting, a total of 29 public sector institutions submitted Notice of authorized person for receipt of whistleblower reports in the public sector. Acting in accordance with the provisions of the Law on Whistleblower Protection and regulations, 42 public sector institutions submitted semi-annual reports for the period from 13. 03.-30. 06. 2016, while for the period from 01. 07. 31. 12. 2016, SCPC, semi-annual reports for received whistleblower reports were submitted from a total of 18 public sector institutions. The analysis of the reports concludes that in both periods there are no recorded whistleblower reports in public institutions.25

The Law on Prevention of Corruption stipulates that ( "Official Gazette" no. 28/02, 46/06, 126/06, 145/10, 97/15 and 148/15), any elected or appointed person or official shall, in the exercise of discretionary powers, render decisions in good faith, taking into account all the facts and circumstances of the case and the principle of legality and justice. Serious risk of widespread and unlimited discretionary powers of individual positions is recognized and treated in strategic documents of the SCPC. It was even addressed as a key issue in the State Programme for Prevention and suppression of corruption and reduction of corruption 2011-2015 as a problem and risk factor. In January 2017, SCPC formed a working group to conduct an analysis of discretionary powers of public officials, in addition to representatives of the SCPC, it also includes representatives of relevant authorities – such as the Ministry of Justice, Legislation Secretariat and Ministry of Information Society and Administration. During the implementation of related TAIEX expert mission, and for more organized and unified analysis, a Methodology for conducting analysis of discretionary powers was developed to define the process of the analysis of existing laws and regulations that determine and prescribe powers of public officials, the indicators on how to assess the laws and bylaws, the role of the state administration bodies and their working groups, the structure of the reports and the role of the SCPC in the process of conducting analysis of discretionary powers. With a unified questionnaire, which is part of the methodology, it is also provided a unified implementation of self-assessment of the laws and regulations of the jurisdiction of each state authority. The Government of its twenty-seventh session held on 12.09.2017, considered and accepted the Methodology for analysis of discretionary powers of public officials and obliged all state bodies to set up working groups for self-assessment and to inform the SCPC for the selected coordinator of the working group. Until 30 October 2017, 33 state administration bodies submitted reports with self-completed questionnaires to the SCPC.

SCPC has the competencies to undertake activities regarding the education of bodies, responsible for detecting and prosecuting corruption and other types of crime and cooperate with other state authorities in preventing the appearance of conflict of interest. SCPC intensively and continuously implements training in the area of prevention of corruption and conflict of interest with representatives of state bodies and institutions and the judiciary. The previous positive reviews of the objectives and the content of the training along with the professional benefit that is realized through the training will leave the participants with still greater impetus and striving for the SCPC to continue in the same direction, and also to expand the circle of cooperation with other institutions implementing the anti-corruption education. In this regard, SCPC realized generic training on “Anti-corruption measures and ethics in the Public Service” organized by the Ministry of Information Society and Administration. As part of its cooperation with the Academy of Judges and Public Prosecutors, SCPC realized training for representatives of the judiciary - judges and public prosecutors, lay judges and court administration. SCPC also implemented a series of training in collaboration with several ministries and state bodies. (Ministry of Defence, Ministry of Education and Science, Ministry of Labour and Social Policy, Public Revenue Office, etc.). The topics of the training in the field of prevention of corruption, conflict of interest and protection of whistle blowers. Also, in cooperation with USAID, UNDP, OSCE, there were a number of trainings for representatives of local government on issues preventing corruption, conflict of interest and integrity. In the first half of 2017, under the Memorandum of cooperation between SCPC and the performance of Sanctions26, organized by the Directorate for


26 [https://www.dksk.mk/index.php?id=19&l=Q&id=19&tx_news_pi1%5Baction%5D=detail&tx_news_pi1%5Bcontroller%5D=News&tx_news_pi1%5Bnews%5D=91&cHash=901424ce09ee86ab8dc4d715893a4429]
Execution of Sanctions 4 trainings were held for employees of penitentiary institutions on topics of prevention of corruption, conflict of interest and protection of whistle blowers.

Within the EU-funded project "Strengthening National Capacities for Combating Organized Crime and Corruption," in which the SCPC was a beneficiary institution, during May-June 2017, activities of technical and content finalizing platform for e-learning were carried out initiated under the Twinning Project IPA 2010 "Support for effective prevention and combating corruption." Information on all activities conducted by SCPC in the area of anti-corruption education contained in the annual reports of the SCPC is published on the website of the SCPC.27
3. **Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.**

   See examples presented in relation to paragraph 1 of this article of the Convention.

   | Guidance: You may wish to refer to any relevant information provided on other articles of Chapter II in the present self-assessment report. Information sought may include: |
   | Practices and tools aimed at the prevention of corruption, indicating methods adopted to measure their effectiveness. Examples could include training, education and outreach programmes, integrity monitoring, diagnostic studies and risk assessments of institutions; |
   | Assessment of the existing legal and institutional framework to prevent and sanction acts of corruption; |
   | Baseline reports at the beginning and end of the period of national anti-corruption strategies, action plans and/or policies. |

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**Article 5, paragraph 3**

3. *Each State Party shall endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.*

1. **Is your country in compliance with this provision?**

   Yes.

2. **Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.**

   SCPC has legal competencies to perform evaluation of legal instruments to determine whether they contain provisions which are appropriate and do not contain corruption risks.

   As already stated in the responses under paragraph 2 of this article of the Convention, SCPC has the competence to provide opinions on draft laws of importance for the prevention of corruption, in order to approve the legislation from the anti-corruption aspect. SCPC also takes part in the working groups for preparation of new laws or amendments of the areas essential to combat corruption and conflict of interest.

   By adopting the methodology of anti-corruption assessment of the legislation (corruption proofing of legislation), SCPC promoted the implementation of the related competency of SCPC stipulated by the Law on Prevention of Corruption and the Law on Prevention of Conflict of Interest, in order to ensure consideration of the form and the content of the legislation under development or adopted and to ensure detection and prevention of corruption risks that may derive from legal provisions. Ministries and other state bodies are obliged prior to submission of draft laws (that are subject to regulatory impact assessment) to request an opinion from SCPC. 28 In the course of 2016, SCPC conducted in-depth analysis of the

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legislation based on an established methodology that makes anti-corruption assessment and produced special assessment reports (Eg. Report on anti-corruption examination of the Law on Weapons Act, the Academy of Judges and Public Prosecutors, the Law on State Market Inspectorate, Law on Textbooks for Primary and Secondary Education, the Law on construction products, etc.).

As already stated in the responses related to paragraph 2 of this article of the Convention, the SCPC started the process of analysing the discretionary powers of officials in state administrative bodies. The Government accepted a methodology for conducting analysis of discretionary powers; and obliged the designated authorities of the state administration for the self-assessment of existing laws and regulations that determine and set their legal powers and to prepare reports to be submitted to the SCPC in accordance with the Methodology. All State programmes for prevention and suppression of corruption and prevention and reduction of conflict of interest are set in the Action plans to achieve them, and they always provide measures that are aimed at specific legislative changes or amendments or new laws in order to eliminate any prospects for emerging risks of corruption or conflict of interest in their implementation. (Eg in the State Program 2016-2019 there was a deliberate action aimed at amending the Law on Public Procurement which is already present)

As already stated in paragraph 1 of this Article, the SCPC regularly publishes annual reports to evaluate the achievement of the activities set out in the strategic anti-corruption documents-state programs. In this regard, the information for qualitative analysis and research of the perception of corruption, was already given in response to Article 5 § 1.

Pursuant to the Rules of Procedure of the Assembly of the Republic of Macedonia, legislation proposals prior to adoption are subject to review and opinion in legislative procedure by the relevant working bodies and the Legislative Committee of the Assembly.

The Legislation Secretariat is established by the Law on the Government of the Republic of Macedonia as an independent expert service. In accordance with the Law on Government, the Legislation Secretariat is competent for securing the consistency of the legal system, the harmonization of the laws and the other regulations with the Constitution of the Republic of Macedonia and the international agreements ratified in accordance with the Constitution of the Republic of Macedonia.

In addition, the Legislation Secretariat performs its function in securing the methodological unity in the drafting of the laws and of the other regulations in view of their expert legal conceptualization pursuant to the legal system and the technical shaping of the texts of the laws and the other regulations drafted by the Ministries and the other state administration bodies by providing expert legal opinions to them. In that manner, the Legislation Secretariat:

- provides expert assistance to the state administration bodies and the administrative organizations and participates in the drafting of the laws and the other regulations,
- studies issues from the field of the legal system and provides expert opinions and proposals to the Government of the Republic of Macedonia regarding those issues,
- ensures the publication of the regulations and the other acts of the Ministers running the Ministries and the officials running other state administration bodies and organizations in the "Official Gazette of the Republic of Macedonia".

The strategic determination of the Republic of Macedonia towards EU Membership has called upon the need for monitoring, verification of the national legislation with the EU Legislation and evaluation of the approximation of the national legislation with the EU Legislation.

Within the efforts of the Republic of Macedonia for integration in the European Union and the process of approximation of the national legislation with that of the EU, the Legislation Secretariat has an important role in assessing the level of approximation of the regulations drafted by the state administration with the legislation of the European Union. Namely, this role of the Legislation Secretariat has called upon the need for a closer definition of its competencies and for changes and amendments to the Law on the Government of the Republic of Macedonia (“Official Gazette of the Republic of Macedonia No. 59/00 - 12/03) according to which, in addition to the tasks related to the consistency of the legal system and providing legal opinions regarding the approximation of the draft laws and the other regulations with the Constitution of the Republic of Macedonia as well as the ratified international agreements, the Legislation Secretariat was also delegated the competency to provide expert opinions regarding the approximation of the national legislation with that of the EU and in relation to the regulations of the municipalities for which such opinion is requested by the Ministry of Local Self-Government.

In the process of approximation of the national legislation with that of the EU, the role of the Legislation Secretariat is consisted of analysing the existing national laws, analysing of adequate Regulations, Directives, Decisions and other regulations of the European Union, providing opinion regarding the indispensable changes or amendments of the laws or adopting new laws that have been adequately harmonized and providing opinions about the possible manners of implementation of the new laws, i.e. the amended legislation.

In 2008, for the first time in Macedonia the process of Regulatory Impact Assessment (RIA) was introduced with the adoption of the first Methodology on Regulatory Impact Assessment. In 2009, the Government adopted the new Methodology on RIA. In 2010 the Methodology was upgraded to improve the established practices of 2009.
Methodology provides a clear view on all processes implemented by the Government to establish quality in the process of creating policies.

The purpose of the Methodology is to define:
- the process of conducting RIA and the expected results from the RIA process;
- the process of involvement of stakeholders;
- the organisation and management of the RIA process and
- the role and tasks of all participants in the process;

The implementation of the Methodology on RIA is supported by the information system E-Government and ENER (unified national electronic register of legislation).

Pursuant to the Rules of Procedure of the Government of the Republic of Macedonia, proposal legislation to be submitted for governmental review is subject to RIA with the exception of laws that are undergoing urgent procedure for adoption, laws on ratification of international agreements, amendments to laws for terminological harmonization with other laws, draft Budget of the Republic and the Law on the Budget of the Republic of Macedonia.

Based on the results of the RIA analysis the aims and the desired effects of the proposed laws are defined. The aims should be realistically achievable and related to the policies and the priorities of the Government and should be defined concretely and in measurable terms. The analysis conducted through the RIA process determines:
- Cost / profit for the budget;
- Costs for businesses, especially SMEs, other groups and citizens (depending on application of the law proposal);
- Impacts on the economy, social impact, environmental impact and health and other effects depending on the area;
- costs and resources needed for implementation, monitoring and control, and evaluation of each of the possible solutions;
- Acceptance/resistance that can occur when implementing and
- Negative side effects and influences.

Based on a comparison between the determined possible solutions (options) the best solution is proposed that would most effectively contribute to the achievement of the established aims of the law.

In 2013, **ex-post methodology** - Methodology for assessment of the implementation of the regulation was introduced.

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**Guidance:**

Information sought may include:

- Description of internal policies, practices, or requirements to periodically evaluate legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption;
- Description of structures or institutions responsible for evaluating relevant legal
instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption;

- Description of the processes for periodically evaluating relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption;

- Description of the requirements in relation to the frequency of these evaluations;

3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Anti-corruption assessment of Laws – methodology and reports published (MK):
https://dksk.mk/index.php?id=71

Brochure Regulations Governing Regulatory Impact Assessment (EN) (please note that pursuant to resent amendments to the Rules of Procedures of the Government, in order to obtain the views, suggestions and positions from all parties concerned, ministries shall publish the draft report and the draft text of the proposed legislation on the Single National Electronic Register of Regulations (SNERR), within 20 days (extended from previously 10 days) prior to the submission of the report to the Ministry of Information Society and Administration. Upon receipt of the view by the Ministry of Information Society and Administration, the reporting ministry shall prepare a proposal report signed by the respective minister thus guaranteeing the accuracy and the quality of the implemented RIA. Together with the proposed legislation, the ministry shall submit the proposal RIA report and other papers to the General Secretariat of the Government of the Republic of Macedonia.)

SNERR portal (MK)

Methodology and handbook on assessment of the implementation of the regulation – published (MK)

**Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:

- Primary or secondary legislation or administrative acts which provide for establishing structures, processes and responsibilities in the evaluation process;
- Evaluation reports of relevant legal instruments and administrative measures;
- Reports to Parliament and records of public hearings of such reports;
- Relevant audit reports;
- Reports evaluating the involvement of civil society, academia or the private sector;
- Relevant performance reports relating to specific budget related measures;
- Internal and external publications analysing impact of new legislation or measures taken to prevent corruption;
- Legislative reports on the adequacy of anti-corruption laws and administrative measures.

**Article 5, paragraph 4**

4. States Parties shall, as appropriate and in accordance with the fundamental principles of their legal system, collaborate with each other and with relevant international and regional organizations in promoting and developing the measures referred to in this article. That collaboration may include participation in international programmes and projects aimed at the prevention of corruption.
1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Republic of Macedonia has ratified all the relevant conventions, also including Council of Europe Civil Law Convention on Corruption (ratified in 2002) and Criminal Law Convention on Corruption (ratified in 1999). SCPC has the competencies to cooperate with the relevant national authorities of other countries and with international organizations in the field of prevention of corruption. Realizing the legal competence, SCPC equally pays attention to developing regional and international cooperation with similar bodies and institutions through the participation in regional and international conferences and meetings, seminars and workshops on preventing and combating corruption and conflict of interest as well as the implementation of study visits, but also by organizing regional and international workshops in the country. These activities are aimed at achieving preventive competencies of the SCPC as a specialized body to prevent corruption and conflicts of interest. When participating in international events SCPC presents the experiences and progress of implementation of the laws and the overall anti-corruption agenda of the country. At the same time this kind of cooperation allows to apply positive experiences, recommendations and access to other countries in the fight against corruption and conflict of interest. In the realization of this cooperation is the signing of memorandum and initiatives for cooperation and understanding with international organizations in the country, both on regional and international level, together with the anti-corruption bodies, organizations, initiatives and networks. The State Commission established good relations and cooperation with the representatives of foreign and international institutions/organisations in the Republic of Macedonia. In order to establish important successful cooperation with international institutions in the country and in order to implement joint projects, SCPC signed and benefited from cooperation instruments, as follows:

- Memorandum of understanding with UNDP for the project "Fighting Corruption to Improve Governance" and for implementing a campaign to raise awareness for anti-corporation and promotion of the TV video clip "If there was no corruption ..."
- Memorandum of cooperation with UNDP towards the implementation of the project "Support for strengthening the system of integrity at the national and local level"
- Memorandum of Understanding with USAID regarding the implementation of the intervention package for the State Commission that followed as a result of successful implementation of the Memorandum of Understanding with USAID for preparing the State Program for Prevention and suppression of Corruption. This support was adopted in the State Program Action Plan 2007 - 2011, and prepared Guidelines for managing conflict of interest training on conflict of interest for the judicial authorities, developing a Strategic Plan for the promotion of public relations SCPC and others.
- Memorandum of Understanding between UNDP Bratislava Regional Center and SCPC.
- More MoUs for projects supported by the OSCE 2012 - 2014
- EU-funded project: IPA 2010 Twinning Project "Support to efficient prevention and fight against corruption," in which the SCPC was the main beneficiary institution and its partner was the Federal Office of Administration in Germany. The project was realized in the period July 2014 - October 2016.

Information to support SCPC international organizations are given in response under article 5 paragraph 1 and paragraph 2 of the Convention.

-the participation at the international seminar on crime prevention on "Effective legal and practical measures to combat corruption - criminal legal aspect." This seminar was supported by the International Cooperation Agency of Japan and took place in the center of Tokyo UNAFEI in January-February 2008 year. The text that was presented as part of the anti-corruption agenda of the Republic of Macedonia included legal norms regulating the preventive and criminal justice aspects of the fight against corruption, institutional structure and implementation of the United Nations Convention against Corruption. Special emphasis was given to the position and role of the State Commission as an independent body to fight corruption.

- SCPC’s capacity as national coordinator Anti-corruption Network for Eastern Europe and Central Asia (ACN) OECD - as of 2010, SCPC is a member within the RAI established an international network "Network of Experts on integrity" (IED). Year-long presidency IED network was conducted in the period from May 2011 - May 2012. Action in relation to the presidency of SCPC IED network listed in the Statement of Work of SCPC for 2011.

32 [https://www.dksk.mk/fileadmin/user_upload/Annual reports/work reports for_2011_-_dksk.pdf] p.31 and 32
- Participation in the workshop to assess the mechanism for evaluation of the UN Convention against Corruption, 2011, organized by the UN Office against Drugs and Organized Crime.
- Participation in the 5th Conference for member countries of the UNCAC, Panama 2013, at which a representative of the SCPC spoke at the plenary session on prevention, and a special panel dedicated to the prevention of corruption through education was organized.
- The State Commission for Prevention of Corruption, in cooperation with the Ministry of Justice and with the support of the TAIEX instrument of the European Commission expert mission conducted analysis of the Macedonian anti-corruption legislation with particular regard to the standardization of the protection of whistleblowers. The recommendations of the expert mission are the basis for successful implementation of the project, which drafted the document - Road-map for implementation of the system of whistleblower protection in the country. Based on the Memorandum of Understanding between the Crown Agents, the British Embassy and SCPC started the project: Support for the development of the system of whistleblowers in Macedonia. As a result of this project a road-map was prepared for implementation of the system of "whistleblowers" in the country.
- SCPC is a member of the Ethics and Integrity - Integrity and Conflict of Interest within the ReSPA (Regional School of Public Administration) in Macedonia.
- In 2017, a Memorandum of Cooperation between SCPC and the Agency for prevention of corruption in Montenegro. Within the cooperation the Agency for prevention of corruption in Montenegro provided mutual technical cooperation and exchange of experiences directly or through other institutions and organizations.
- Signed Memorandum of Cooperation between the State Commission Against Corruption and the Anti-Corruption of the Republic of Serbia. The purpose of the memorandum of cooperation is the exchange of experiences, information and technical assistance, and support for improving the performance within the competences of both institutions.
- Signed Memorandum of Cooperation between the State Commission for Prevention of Corruption Agency to combat fraud in Catalonia.
- Established cooperation for successful implementation of the activities under the Project "Civil Society for Good Governance and Anti-Corruption: capacity building for monitoring, counselling and awareness" applied by SELDI network, which is expected to be approved and supported by the EU, and the SCPC in the role of assistant or associate for so-called support.

Using own experiences and knowledge in international standards and practices, SCPC created strategically important projects aimed at improving the overall capacity of the country in improving the legal, institutional and personal capacity to effectively combat corruption. Given the fact that such projects require special tools, SCPC for such projects, in recent years has established and maintained high reference partnerships with top international institutions and associations such as the EU, UNDP, OECD, OSCE and embassies of different countries involved in anti-corruption projects. Macedonia is a member country of the Regional Anti-corruption Initiative (RAI) since 2007 and benefits from activities conducted within its work plan and projects. Macedonia is one of the priority beneficiary countries in the RAI – UNODC Southeast Europe Regional Programme on Strengthening the Capacity of Anti-corruption Authorities and Civil Society to Combat Corruption and Contribute to the UNCAC Review Process, funded by the Austrian Development Agency.
**Guidance:** Information provided in relation to other articles of Chapter II may also be relevant in this response.

Information sought may include:

- Information on membership in international and regional organizations, initiatives and/or networks that address anti-corruption;
- Information on participation in international programmes or projects that address anti-corruption;
- Information on the number of relevant conventions or agreements or bilateral cooperation protocols to which your country is party to;
- Description of regional cooperation and/or programmes that address anti-corruption;
- Description of cooperation within regional frameworks on anti-corruption policies;
- Follow-up on joint recommendations arising out of meetings, international or regional organizations, initiatives and/or networks that address anti-corruption.

3. **Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.**

http://rai-see.org/about-us/

8th Summer School for Junior Magistrates from South Eastern Europe – June 03-07, 2013 – Novi Sad, Serbia


9th Summer School for Junior Anti-Corruption Practitioners from South Eastern Europe – June 01-07, 2014 – Sibiu, Romania

Regional Conference on Good Governance and Anti-corruption Policy Challenges, November 13-14, 2014, Tirana, Albania

Regional Conference on Trends and Challenges in Implementing Anti-corruption Strategies, November 25, 2014, Skopje, Republic of Macedonia

International meeting on Effectiveness of Corruption Prevention Measures, May 18-19, 2015, Zagreb, Croatia

Corruption Risk Assessment, Public Procurement, and Open Contracting in South Eastern Europe Regional Conference, May 26-27, 2015, Istanbul, Turkey

10th Summer School for Junior Anti-Corruption Practitioners from South Eastern Europe – June 01-05, 2015 – Varna, Bulgaria

International Whistleblowing Research Network Conference, June 18-19, 2015, Sarajevo, Bosnia and Herzegovina

15 Years of reforms: What worked best? Chisinau, 28 September 2015

Southeast Europe Coalition on Whistleblower Protection 1st Meeting – November 9-10, 2015 – Belgrade, Serbia

Workshop on Corruption Reporting and Whistleblower Protection – May 10-11 2016 – Rakitje, Croatia

11th Summer School for Junior Anti Corruption Professionals from South East Europe – June 6-10, 2016 – Chisinau, Moldova

2nd Annual Meeting of the South East Coalition on Whistleblower Protection – Zagreb 14 November 2016

Training on Anti-Corruption Assessment of Laws (Corruption Proofing of Legislation), Skopje, 28-29 November, 2016


http://rai-see.org/corruption-risk-assessment/

http://rai-see.org/monitoring-of-ac-strategies/

http://rai-see.org/whistleblowing/
Guidance: Information provided in relation to other articles of Chapter II may also be relevant in this response. Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:

- International or regional memoranda of understanding and cooperation agreements aimed at the prevention of corruption or the relevant provisions of such documents;
- Published reports on international or regional events and/or panel discussions organized or attended;
- International or regional decisions and/or declarations in which your country participated;
- Reports on outcomes of regional or international inter-institutional events on anti-corruption policies;
- Outputs developed together with international partners or experts.

Technical assistance

1. Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.
**Guidance:** Required actions could include the passing of a law and a time frame to do this. Related challenges could include inter-agency coordination, specificities in the legal system, competing priorities, limited capacity (e.g. technological, institutional, other), limited resources for implementation (e.g. human, financial, other), lack of a policy framework, and limited expertise and skills. In describing these issues, please be as specific as possible.

2. **Do you require technical assistance for the implementation of this article?** If so, please specify the forms of technical assistance that would be required. For example:

   **No assistance would be required**

   **Guidance:** Please tick this box if you do not require any technical assistance in the implementation of the article under review.

   **Legislative assistance: Please describe the type of assistance**

   **Guidance:** The forms of legislative assistance should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of legislative assistance might include e.g. model arrangements and agreements, legal drafting and/or advisory support.

   **Institution-building: Please describe the type of assistance**

   **Guidance:** The forms of institution-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article, including domestic coordination issues. Specific forms of assistance in the area of institution-building might include e.g. summary of good practices and lessons learned, model arrangements and agreements, on-site assistance by a relevant expert and/or mentoring, as well as the development of an action plan for implementation.

   **Policymaking: Please describe the type of assistance**

   **Guidance:** The forms of policymaking should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of policymaking might include e.g. summary of good practices and lessons learned, sensitization of decision-making bodies, on-site assistance by a relevant expert and/or mentoring.

   **Capacity-building: Please describe the type of assistance**

   **Guidance:** The forms of capacity-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of capacity-building might include e.g. case-related assistance, on-site assistance by a relevant expert and/or mentoring, strengthening the operational and/or institutional capacities of relevant authorities through training and online learning, development of an action plan for implementation.
Research/data-gathering and analysis: Please describe the type of assistance

**Guidance**: The forms of research, data-gathering and analysis should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of research, data-gathering and analysis might include e.g. expert advice on data-gathering and storage systems, statistical advice or sample studies.

Facilitation of international cooperation with other countries: Please describe the type of assistance

**Guidance**: The forms of facilitation of international cooperation with other countries should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of facilitation of international cooperation might include e.g. case-related assistance, model legislation or model treaties.

Others: Please specify

3. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

**Guidance**: If you are receiving or have received such assistance, please provide details, including on the assistance provider, description of core objectives, duration, budget, results and impact. Please include information on technical assistance being provided in the most generic way so as to also capture projects that do not directly fit into the anti-corruption category but that address aspects relevant for the implementation of the Convention against Corruption. Please also indicate whether the extension and/or expansion of such assistance would help your country to adopt the measure(s) described in the article under review.

Article 6 – Preventive anti-corruption body or bodies

**Article 6, paragraph 1**

1. Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as:

   a) implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies;

   b) Increasing and disseminating knowledge about the prevention of corruption.

1. Is your country in compliance with this provision?

   Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

   The State Commission for Prevention of Corruption in the Republic of Macedonia was established by the Law on Prevention of Corruption, adopted in April 2002. The State Commission was constituted on 12 November 2002, when the Assembly of the Republic of Macedonia appointed its members. According to Article 1 of Law on Prevention of Corruption this Law regulates the measures and activities for prevention of corruption in the exercise of power, public authorizations, official duty and policy, measures and activities for prevention of conflict of interests, measures and activities for prevention of corruption in performing matters of public interest legal entities related to the exercise of public
powers, as well as measures and activities for prevention of corruption in companies. For the mentioned measures and activities, the State Commission for Prevention of Corruption (SCPC) is established.

Position and composition and appointment of members of the SCPC (Article 47-48d)

SCPC is autonomous and independent in the performance of the activities prescribed by law and has the capacity of a legal entity. The State Commission consists of seven members. The State Commission members are appointed by the Assembly of the Republic of Macedonia for a term of four years, eligible for one reappointment.

From among its members, the State Commission elects its president for a term of one year with the right to another appointment. A person who meets the conditions stipulated by the Law on Prevention of Corruption may be appointed as a member of the State Commission. The Assembly of the Republic of Macedonia publishes a public call for the appointment of members of the State Commission in the “Official Gazette of the Republic of Macedonia” and in at least two daily newspapers, one of which is in Macedonian, and the other one is one of the newspapers that are published in the language spoken by at least 20% of the citizens who speak an official language other than Macedonian. When selecting the members of the Commission, the principle of adequate and equitable representation is taken into consideration. The Commission on Elections and Appointments of the Assembly of the Republic of Macedonia prepares a draft list of candidates and submits it to Assembly. The existing employment of a member of the SCPC from the date of his/her appointment until the date of termination of the function member of the Commission shall be suspended. The SCPC members have the status of appointed persons who conduct their function professionally. The salary and other benefits of the members of the SCPC is determined in accordance with the law that set salaries of elected and appointed officials. The work of SCPC is supported by the services of its Secretariat, which is established in accordance with the Law on Prevention of Corruption to perform professional, administrative and technical assisting activities for the SCPC. The Secretariat is headed by Secretary-General who is appointed and dismissed by the State Commission. The Secretary-General and the staff of the SCPC Secretariat have the status of civil servants.

Rights duties and responsibilities (Article 50-50-b)

A member of the State Commission has the capacity of an appointed person. For their work members of the Commission are reporting to the Assembly of the Republic of Macedonia.

In accordance with article 33 of the Law on Prevention of Corruption, the members of the State Commission fill out and submit asset declarations and statements of interest to the Commission on Elections and Appointments of the Assembly of the Republic of Macedonia and the Public Revenue Office, and to the State Commission for publishing (article 50-a). The provisions of this Law concerning the deadlines for submission of the asset declarations and the statements of interest and the application for change of assets appropriately apply to the SCPC members.

The Commission on Elections and Appointments of the Assembly of the Republic of Macedonia may submit a request to the Public Revenue Office for examination of assets of a member of the Commission.

In case of issues raised regarding conflict of interest for a SCPC member an opinion is requested from the Commission on Elections and Appointments of the Assembly of the Republic of Macedonia.

Manner of operation

Article 51 of the Law on Prevention of Corruption

The State Commission performs its competencies at a session attended by more than half of its members.

Decisions are taken with a majority vote of the members.

The Rules of Procedure shall determine the manner of work of the State Commission.

When it comes to the review of certain issues, the State Commission may request the opinion of experts or invite such persons to participate in the meeting of the committee.

Informing the public

State Commission informs the public on the measures and activities and their results, through annual reports, press conferences and press releases and through its website.

The method of informing the public is determined depending on the nature of the issues decided by the State Commission.

Competencies of the State Commission for Prevention of Corruption

The competencies of the SCPC are set out in the Law on Prevention of Corruption, article 49 and the Law on Conflict of Interest, article 21. SCPC also has powers of supervisory authority over the implementation of the Law on Lobbying adopted in 2008 ('Official Gazette No.106 / 2008 and 135/2011).

In accordance with the Law on Whistleblower Protection, the SCPC is one of the institutions to which a whistleblower may report as using the protected external reports channel. Also the SCPC is competent authority to receive and act upon notifications from whistleblowers in case of a violation of whistleblowers rights due to protected reporting.

These are the main competencies of the SCPC:

- Adoption of strategic anti-corruption documents at national level – State Programme for Prevention and Repression of Corruption and the State Programme for Prevention and Reduction of Conflict of Interest and Action Plan implementation;
- Initiating and providing opinions on draft laws that are relevant for the prevention of corruption and conflict of interest;
• Submission of initiatives to the competent authorities for control of the financial - material operations of political parties, unions, associations and foundations;
• Submission of initiatives for proceedings for dismissal, reassignment or replacement, as well as procedures for determining other measures of accountability of officials and responsible persons managing state capital;
• Submission of initiatives for instigation of proceedings for criminal prosecution of officials and responsible persons managing state capital;
• Acting upon cases of conflict of public and private interest, as regulated in the Law on Prevention of Conflict of Interest;
• Recording and monitoring the assets and changes in assets of elected and appointed officials and the responsible persons managing state capital;
• Keeping a register of elected and appointed persons;
• Supervision of lobbying and imposing measures stipulated by the Law on Lobbying;
• Collaborating with national and international institutions and bodies in the field of prevention of corruption and reducing the appearance of conflict of interest;
• Educating the authorities responsible for detection and prosecution of corruption and other forms of crime and detection of conflicts of interest;
• Informing the public about the measures and activities and their results in the prevention of corruption and conflict of interest;
• Submitting of an annual report on its performance to the Assembly of the Republic of Macedonia, as well as special annual report on received reports from whistleblowers;
• Sending the an annual report on its performance, informatively to the President of the Republic, the Government and the media;
• Performing other tasks in accordance with the laws.

More information on SCPC competencies is presented in the responses under article 5, paragraph 2 of the Convention.

More information about the system of monitoring of anti-corruption strategies, focal persons notice of the implementation of measures and activities of state programmes, corruption surveys, method of dissemination of knowledge about the prevention of corruption and conflict of interest and raising awareness is provided under article 5, paragraphs 1, 2 and 3 of the Convention.

Campaign to raise public awareness against corruption
Within its competence, SCPC continuously since 2003, is undertaking activities to raise public awareness on corruption. In this direction, SCPC issued many brochures, manuals, posters, guides, and educational videos (in Macedonian, English and Albanian) to inform the public about the responsibilities of the Commission, as well as to inform about issues that are commonly referred to SCPC. Since 2003, SCPC, with the support of international organizations or independently, organises workshops, debates and training on prevention of corruption and conflict of interest, ethics, integrity, protecting whistleblowers.

Research report: "Public opinion on corruption in the country"
The first institutionally based public opinion survey on corruption in the country was conducted in 2006 by the SCPC within the project PACO-Impact of the Council of Europe, that included surveying victimization by corruption. For the implementation of this project, the Institute for Sociological, Political and Juridical Research in Skopje was contracted. The aim of the research was to determine the public perception of the intensity and extent of corruption in the country and be identified vulnerable areas vulnerable to corruption phenomena, so the results of the survey serve to define the areas and the establishment of specific measures to reduce the opportunities corruption in the detected areas. This research covered the level of victimization, or victims of corruption (of which a bribe was asked or given a bribe) in order to achieve certain goals, and whether and in how many cases the citizens reported corruption. Research on corruption included 1600 respondents and included discussions with several focus - groups from different areas: health, justice, higher education and civil servants.

Information on corruption surveys is given in response under article 5, paragraph 1 of the Convention.

In September 2009 the SCPC launched the beginning of a campaign for raising public awareness of the negative effects of corruption and the role of the State Commission. For the realization of the campaign, SCPC prepared brochures, posters, radio and music video "Let's clear up corruption." SCPC distributed campaign material - brochures and posters to state authorities, local government, courts, universities, Clinical Center and in places that are most accessible to citizens in order to engage them in the campaign and contribute to the fight against this social phenomenon. Brochures were printed and 5,500 copies were distributed through three daily newspapers. Besides printed materials, video and radio spot were designed, developed and broadcasted within the media campaign on national and local TV and radio stations. TV and radio stations provided free broadcasting and the media campaign lasted 15 days supported by 18 television stations and 12 radio stations.

stations that contributed to raising public awareness. The campaign was implemented in cooperation with the financial assistance of USAID.36

The work and performance of the SCPC is currently monitored within a project implemented by the NGO Macedonian Center for International Cooperation (MCMS), with financial support from the British Embassy. The project aims at monitoring the implementation of legal obligations, transparency and accountability in the fight against corruption by the SCPC.

Period of implementation - September 1, 2016 - March 31, 2018.

The overall objective is a contribution to increasing transparency, accountability and raising public awareness of the effects of the SCPC.

Expected results after the completion of this project are: 1. Methodology and matrix indicators to monitor the transparency, accountability and SCPC operation and its effectiveness in the fight against corruption; 2. Established monitoring mechanism of transparency, accountability, efficiency and effectiveness of SCPC; 3. Increased public awareness of the work of the SCPC.

SCPC and Transparency International-Macedonia in November 2017 signed a Memorandum of Cooperation with the objective of activities of common interest that will be the result of programmes from a collaboration project "Strengthening of the national integrity system in the Western Balkans and Turkey and monitor the development of anti-corruption reforms", supported by the European Union and Embassy of Netherlands in the Republic of Macedonia. The memorandum covers cooperation in activities to strengthen the effective implementation of the Law on Whistleblower Protection, cooperation and communication between SCPC and TI-M, information sharing, collaboration and presence of public debates, workshops and conferences to raise public awareness and presentation of jointly implemented activities of the official websites of the signatories of the Memorandum.37

Participation of the SCPC in working groups for adoption and amendment of laws, strategies etc.

- Working Group on drafting Strategy for reform of public administration
- Working group on drafting a strategy to promote the positive context of the Law on Whistleblower Protection
- Working group on amendments to the Law on Whistleblower Protection
- Working group on review and update of the methodology for relevant statistical system for monitoring of anti-corruption policy
- Working Committee for Integration of Macedonia to NATO for the preparation of annual national programs of Macedonia for NATO membership
- Working group on analysis of discretionary powers of public officials,
- Working group on drafting the National Strategy for preventing fraud and protecting the financial interests of the EU in Macedonia
- Member of the National Technical Group to participate in the project "Measurement and evaluation of organized crime in the Western Balkans." The initiative for the implementation of this regional project was raised by the United Nations Office on Drugs and Crime (UNODC), by whom the project coordinator is elected - the State Statistical Office.
- Working Group to monitor the IPA 2012 project "Strengthening the national capacity to combat organized crime and corruption," Component 1
- Participation in the preparation of responses to questions on GRECO evaluation rounds.

The Republic of Macedonia joined the global initiative Open Government Partnership in 2011. In line with commitments for all countries that have joined the initiative to submit action plans to implement the measures of the initiative, the Government in June 2012 adopted the first Action Plan for Open Government Partnership and in May 2014 adopted the second Action plan for Open government partnership for the period 2014-2016. State Commission for Prevention of Corruption, in this action plan has been appointed coordinator of the working group on Priority 4 "Preventing corruption and promoting good governance principles." In February 2016 began the process of preparing the third National Action Plan for Open Government Partnership 2016 - 2018. As a result of broad consultation with all the relevant authorities, the general public and direct involvement of civil society representatives, was drafted third National Action Plan for Open Government Partnership for the 2016-2018 year. Representatives from the SACC were involved in the preparation of the new Action Plan for Open Government Partnership for the 2016 -2018 year, and within the priorities set in the Action Plan, the State Commission for Prevention of Corruption is defined as a leading institution for the implementation of commitments in priority 4 "Preventing corruption and promoting good conduct."38

The SCPC has the competency to undertake activities regarding the education of bodies, Responsible for detecting and prosecuting corruption and other types of crime and cooperate with other state authorities in preventing the appearance of conflict of interest.


37 https://www.dkstk.mk/index.php?id=home

38 https://www.dkstk.mk/fileadmin/PDF/izvestaj.pdf p.42 and 43
The SCPC intensively and continuously implements trainings in the area of prevention of corruption and conflict of interest with representatives of state bodies and institutions and the judiciary.

More detailed information on the implementation of anti-corruption education is provided in the responses under article 5, paragraph 2 of the Convention.

Project "Anti-corruption education of the pupils"

SCPC in cooperation with the NGO Center for Civil Communication and financial support of the Royal Norwegian Embassy in Macedonia since the beginning of 2012 started the implementation of the project "Anti-corruption education of the pupils." Based on the project goals and secured positive expert opinion from the Bureau for Development of Education, the Ministry of Education and Sciences provided consent for implementation of the project. The project is aimed to develop an anti-corruption program for education of primary schools students and to affirm the need to introduce these programs into regular classes in education.

After successfully completing the first project for 6 elementary schools, as extra-curricular subject within the educational subject Civic Education, a report was prepared and submitted - a "Policy paper" to the Ministry of Education and Sciences with recommendations for the introduction of anti-corruption educational content for all elementary schools within the regular school curriculum.

The program of anti-corruption education of pupils\(^{39}\) and the Manual\(^{40}\) are published on the website of the SCPC.

Project "Anti-corruption education of secondary school students"

The purpose of this project is to raise awareness of young people about corruption and strengthen their knowledge of corruption, forms of corruption and tools for combating corruption and strengthening knowledge about the importance of building personal and institutional integrity. The importance of the introduction of anti-corruption content in secondary education is recognized as a need in the State Programme for Prevention and Repression of corruption and prevention and reduction of conflict of interest 2016-2019, in the area 4.4. Importance of education in combating corruption, Activity: Implementation of a pilot project of anti-corruption education of students in secondary education as part of extracurricular activities.

State Commission for Prevention of Corruption in January 2016 held a working meeting with representatives from the Ministry of Education and Sciences to establish cooperation for implementation of the "anti-corruption education of secondary school students."

On 24.02.2017, SCPC signed a Memorandum of Cooperation with University "Goce Delcehev"-Shtip. The purpose of the Memorandum is to establishment of cooperation for providing practical training for students, planning and joint organization of scientific meetings, conducting public debates, workshops, conferences and campaigns to raise public awareness of corruption.

On 16.03.2017, SCPC signed a Memorandum on cooperation with the University "Ss. Kliment Ohridski"-Bitola, aimed at improving and expanding the cooperation with scientific and educational institutions in the country.

SCPC launched a procedure for signing Memorandum of Cooperation with the Faculty of Law "Iustinianus Primus"-Skopje.

A positive example of the efforts undertaken by Law faculties is creating a legal clinic for anti-corruption that will function as a modern and innovative program incorporated in the curriculum of the Law Faculty under the Higher Education Act and internal regulations. This project is supported by the OSCE Mission.

In October 2013, the Government of the Republic of Macedonia started the implementation of the concept “Menadzhement etika” (Management ethics) that represents a model of mobilization of all heading (management) structures in the administration by which all members of the administration as a whole will be covered in order to achieve promotion of the intensity of the reforms in this area, unification of information regarding the measures, activities, visions and goals that are achieved or envisioned, all for the purposes of promotion of the quality of the services provided by the state to the citizens and companies. The implementation of the concept started with an event - meeting of the President of the Government of the Republic of Macedonia with 3000 head officials of administration, including ministers, directors of state and public institutions, managers of public enterprises, trade companies, and members of steering and supervisory boards and heads of departments in institutions. On this event the willingness to focus upon ethics, openness, transparency and sharing ideas for advanced results and achievement trough productivity, efficiency and effectiveness was publicly expressed. Managerial principles such as service oriented administration; commitment, honour and respect in conduct were emphasized as values.

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39 [https://www.dksk.mk/fileadmin/Antikoruciska_edukacija/Programa_za_anti korupciska_edukacija_na_ucenici_od_OU.pdf](https://www.dksk.mk/fileadmin/Antikoruciska_edukacija/Programa_za_anti korupciska_edukacija_na_ucenici_od_OU.pdf)


that guarantee success in prevention and combating corruption. Special meetings were held with representatives of the private sector and business communities. The main goal of the model of the concept Management ethics is to raise awareness, to encourage commitment to the aforementioned values, to encourage resistance to and intolerance for unethical, illegal and corruptive behaviour, and to promote joint action of the public and private sector to continue reforms for continuous general development in the country.

In 2009, the Government of the Republic of Macedonia started a wide anti-corruption campaign for public officials, business and civil society on the negative impact of corruption and on actions to protect the rights and interests of individual citizens without resorting to bribery; Billboards were set, video and radio spots broadcasted on national and local media; printed campaign materials were published and disseminated (leaflets, posters, stickers, etc.).

The Compliance Assessment GRECO Report on the Republic of Macedonia from the Third Evaluation Round ascertains the following: The authorities of the Republic of Macedonia reported numerous anti-corruption trainings organized by the Academy for Judges and Public Prosecutors, emphasizing that during the trainings, special attention is given to the essential elements of the crime of bribery, the notion of an official and the various categories of persons who fall under that definition, including arbiters, and that the themes on giving and receiving bribes are part of the general programme for continuous training of judges and prosecutors. Simultaneously, the same Report notes that a large number of trainings were held upon the entry into force of the recent amendments and supplementations to the Criminal Code.
**Guidance:** Information sought may include:

- Description of the main body or bodies (e.g. agency, commission, organization, department, national committee or secretariat) that prevent corruption and, if applicable, oversee and coordinate the implementation of those policies;
- Description of the institutional structure and approach to monitor and evaluate the implementation of a national anti-corruption strategy, action plan and/or other anti-corruption policies;
- Description of focal points or units within government ministries and departments responsible for the implementation of anti-corruption policies designed to prevent corruption;
- Description of the structure or structures to deal effectively with grievances and complaints from citizens, such as an anti-corruption commission, ethics office, auditor general's office, ombudsman office, central procurement office, etc.;
- Description of the body or bodies that prevent corruption by increasing and/or disseminating knowledge about the prevention of corruption, including through conducting research. Such knowledge could include one or more of the subjects addressed in Chapter II, such as: civil service reform, anti-corruption policy making and coordination, codes of conduct for public officials, corruption risks in procurement, management of public finances, anti-money laundering measures, public administration reforms, increasing governmental transparency and the involvement of civil society and the private sector.

3. **Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.**

Over the past years, in cooperation with the Bureau for Development of Education (BDE) and the Ministry of Education and Science (MES), the SCPC successfully implemented a pilot activity on anti-corruption education for primary school pupils as an extracurricular activity. The positive effects of the project imply that this educational programme should be further continued and expanded in the primary and secondary education system by introducing anticorruption content in the curricula.

According to the 2013 Ministry of Information Society and Administration Annual Programme on generic training of civil servants in the Republic of Macedonia, generic trainings for civil servants on "anti-corruption measures in the public service" were conducted by trainers from the State Commission for Prevention of Corruption and the Administration Agency, 77 civil servants attended the training. In 2014, 52 civil servants attended training on the same topic and in 2015, 52 civil servants were also trained on anti-corruption measures in the public service. Within the Annual Programmes of the Ministry of Information Society and Administration on General Trainings for Administration (civil and public servants), trainings, conducted in cooperation with the SCPC, on the topic “Anti-corruption measures and ethics in state service” include the subject of Whistleblower Protection. 29 administrative servants were trained in 2016 and 31 administrative servants were trained in 2017.

In 2013, the Tax Academy (of the Public Revenue Office) in cooperation with SCPC organized 5 trainings on the topic “Prevention of Corruption and Conflicts of Interest” that covered tax enforcement officers, tax inspectors, tax controllers and desk employees.

Pursuant to the conclusions of the MoJ Analysis of the data of attended trainings, the following may be ascertained:

- The count of junior associates who attended the generic training on "anti-corruption measures in the public service" has increased. This training also included the regular officers. This trend is welcomed and it is recommended said training to be attended by all civil servants, particularly those at the beginning of their career in public service.
- There is an increased awareness for the necessity of the trainings in the area of anti-corruption, specifically tailored to the competences and functioning of each of the institutions and authorities.
- The anti-corruption trainings are organized within the capabilities of the respective institutions and authorities, and are mostly organized in collaboration or partnership with domestic institutions, the SCPC or foreign organizations.
- The activities and commitments of the Ministry of Finance, the Customs Administration, the Public Revenues Office (Tax Academy), the Ministry of Defence, and the Ministry of Labour and Social Policy with respect to the implementation of anti-corruption trainings for their employees, realized mainly by SCPC, must be emphasized.
- The count of conducted trainings has a positive effect on the level of integrity within the institutions and the authorities.
- The positive approach and interest of all institutions and authorities covered with the screening that has submitted data on the conducted trainings and the need for anti-corruption training should also be commended.
The same applies to the interest of all institutions and authorities covered with the screening to conduct and attend more specialized anti-corruption trainings.

Activities for increasing and disseminating knowledge about the prevention of corruption (situation as of 31.12.2016):

- Organised by the State Commission for Prevention of Corruption - IPA 2010 Twinning project “Support to efficient prevention and fight against corruption” 2014-2016:
  
  Project visibility
  
  At the beginning of the project the Project Office set the communication profile with the general public and with the specific audiences high, which meant making the EU as a donor and the implementing partners in the project as visible as possible. Beside of the general public, the project team defined also specific target audiences, roughly divided into following groups and subgroups:
  - Stakeholders in the anti-corruption repressive area: Ministry of Interior, Ministry of Justice, police forces, courts and judges, public prosecution offices and public prosecutors, Agency for Management of Confiscated Property etc.
  - Stakeholders in the prevention of anti-corruption area: SCPC, Customs Administration, Public Revenue Office, Central Depository on Securities, the National Assembly, Ministry of Justice, State Election Commission, State Audit Office etc.
  - Civil society organizations: Transparency International-Macedonia, MCMS, Transparency Macedonia, Centre for Civic Communications etc.

  The project and EU visibility could be ensured to a very large extent, in particular through:
  - A visibility event for opening the project’s implementation: The official Kick-Off Conference took place on the 23rd September 2014. It was opened by the Minister of Justice, the Minister Counsellor at the EU Delegation to Skopje, the President of the State Commission for Prevention of Corruption, the BVA Vice President, the Ambassadors of Germany and of Poland and the BC and MS project leader. The project leaders presented the project activities and the expected project’s results to the media and to more than 60 representatives from different ministries, institutions and NGO’s, which are active in the field of prevention and fight against corruption.
  - A visibility event for closing the project’s implementation: The official Closing Conference took place on the 13rd October 2016. It was opened by the H.E. Samuel Zbogar, Head of the EU Delegation to Skopje and Dr Christine Althauser, the German Ambassador, BVA Vice President, Wolf Schwerdtfeger and by both project leaders, Igor Tanturovski, PhD, and Holger-Michael Arndt. The project leaders, RTAs and component leaders of both partners’ side presented the project’s results, success and potential for sustainability to more than 90 invited representatives from different ministries, institutions and NGO’s, which are active in the field of prevention and fight against corruption as well as to the mass media. The conference was also used, to distribute a number of guidelines and manuals elaborated by the project team to the public.
  - A large Conference on Compliance Management Systems in the Private Corporate Sector was held 10 March 2016. This visibility event was visited by more than 80 representatives from the private corporate sector and state institutions. The aim of the conference was to increase the awareness in the private sector on the importance of introduction of risk and compliance management systems in the corporate sector in order to prevent corruption. Moreover the corporate sector representatives got acquainted with the obligation to install internal mechanisms in their companies for whistle-blower protection and protected reporting of possible corrupt behaviour.
  - A large conference about “Integrity in the Local Self-Government”, held on 05.05.2016, was visited by more than 60 mayors, representatives from the units of local self-government and from the central Government, as well from the State Commission for Protection of Corruption, the EU Delegation, the Embassies of Germany and Slovenia
  - Visibility materials prepared and disseminated during the major events, workshops, conferences and seminars;
  - Guidelines, brochure and experts’ reports designed and disseminated according to the rules of the European union for Communication and visibility materials for European Union External Actions
  - During the conferences and workshops, which were organized during project’s implementation a high profile communication with the media, the general public and the specific target groups, was conducted.
To achieve Result 3 “Building capacity of institutions on prevention and repression, financing political parties and electoral campaigns, prosecution and trial cases of corruption”, following activities were undertaken:

Activity 3.1 Trainings on prevention and repression of corruption implemented (target group identified, training needs assessment and training program delivered, trainings conducted)

The training needs of both sides, prevention and repression, were taken into consideration. In total, within the activities 3.1 – 3.3, 36 trainings and workshops for 347 participants - judges, public prosecutors, AMCP, mayors and other relevant BC stakeholders - were conducted. Training needs are evaluated for SCPC, Academy for Judges and Public Prosecutors, Customs, Ministry of Interior, Ministry of Justice

27 Trainers for future trainings are educated and now able to provide trainings on:
- “Integrity” based on the experiences they made
- “Whistle-blower Protection” based on the pertinent guideline,
- “Managing Conflicts of Interest” based on the pertinent guideline and
- “Corruption Risk Management” based on the pertinent guideline.

Several trainings on integrity and cooperation in corruption matters have been realized:
- 4 seminars, 1 day each: “Integrity for Members of Parliament”, in total 100 participants, Members of the Assembly of the Republic of Macedonia, May 2015, June 2016
- 1 congress-day: Integrity Day, 60 participants, mayors and staff of local municipalities, May 2016
- 1 congress day: “Compliance Management Systems”, 5 participants from business sector, 20 participants from NGO, November 2015
- 1 congress day: “Compliance Management”, 100 participants from private companies, chambers, and public institutions, March 2016
- 1 workshop, 2 days, “Investigative Reporting on Corruption – Improved Cooperation between the Press and Public Information Officers and the Investigative Journalists, participants: 10 spokespersons and 10 journalists, September 2015
- 2 workshops, each 2 days, “Raising awareness of anticorruption by using and E-learning system”, in total 26 participants of SCPC, September 2016
- 1 workshop, 5 days, “Improving public visibility by camera – training”, 6 participants of SCPC, March 2016

Activity 3.2 Trainings on financing political parties and electoral campaigns implemented (target group identified, training needs assessment and training program delivered, trainings conducted)

Several workshops and trainings on proactive monitoring of the Financing of Political Parties and Electoral Campaigns are done. The target groups consist of a wide range of institutions as well as a number of NGOs. The State Audit Office and the Ministry of Finance were involved in the component work via regular workshops. Presentation with information for political parties about legal financing had been done. The following trainings took place:
- 1 workshop, 1 day, “Civic control over financing of political parties and election campaigns”, 10 participants of NGO, May 2015
- 1 workshop, 2 days each, “Financing political parties and elections”, 10 participants of state institutions and 10 participants from NGO, December 2015
- 4 workshops, 38 days in total, “Development of 2 guidelines for auditing political parties and electoral campaigns”, participants: staff of SAO, December 2015, January 2016, February 2016, March 2016
- 1 congress day, “Advanced methods of monitoring on the financing of political parties and electoral campaigns”, 60 participants political parties, state institutions and NGO, October 2016
- 1 workshop, 1 day, “Financing of political parties – information day”, 20 participants from political parties and state institutions, May 2016

Activity 3.3 Trainings on prosecution and trial cases of corruption implemented (target group identified, training needs assessment and training program delivered, trainings conducted). The project delivered a series of specialized trainings for law enforcement agencies:
- 2 workshops, 2 days each “Inter-institutional Cooperation”, in total 16 participants from almost all cooperating institutions, January and February 2016.
- 1 congress-day “Inter-institutional Cooperation”, 20 participants from almost all cooperating institutions, April 2016
- 1 workshop, 3 days: Financial investigations and inter-institutional teams, 11 participants, April 2016
1 workshop, 3 days: “Legal changes concerning proceeding against legal persons”, 15 participants (judges, prosecutors, custom-officers, police-officers), April 2016

2 workshops, 3 days each: “Guidelines for addressing non unified case-law”, 14 participants from courts, June and August 2016

1 workshop, 2 days, “Financial frauds, tax evasion, usage of illegal funds for personal benefits, 20 representatives of law enforcement institutions, October 2016

4 workshops, 1- 5 days each, “Confiscating Property”, participants: judges, public prosecutors, members of SCPC, staff of the Agency, police officers, financial police officers, customs officers, February, May and August 2016.

1 workshop, 3 days, “International cooperation in processing cases of corruption” 23 participants from different law enforcement institutions, May 2016

2 workshops, 5 days each, “New methods of protecting whistle-blowers, informants, collaborators and undercover-agents”, 9 participants (judges, prosecutors, police and financial police), April and August 2016

Activity 3.4 Organization of at least two Study Visits (target group identified, study visit program delivered and study visits conducted)

3 study-visits, each 5 days, “Preventive and repressive strategies and practice of foreign institutions “, in total 23 participants of BC,

First study visit to Germany took place November 2014. Two additional study visits took place in September 2016. One with main emphasis on repression side of fight against corruption to Poland, one with main emphasis on prevention side of fighting against corruption to Germany.

- Other

  Conference on the International Anti-corruption day, 2015
  Conference on the International Anti-corruption day, 2014
  Conference on the implementation of the UNCAC, 2014
  Conference on the International Anti-corruption day, 2013

Activities organised by UNODC within Anti-Corruption Academic Initiative (ACAD):

4 Macedonian representatives from academic society (3 professors, one of which is a resource person; and 1 PhD. candidate) are members of the ACAD initiative and actively participated in the related events held in Qatar, Tirana and Moscow). As a result, cooperation between universities of the Region increased in matters of finding solutions for awareness rising at universities.

Macedonian universities work initiatives for developing new courses or lecture contents related to International and National Anti-corruption policies and legal measures.

At the Faculty of Security - Skopje, the course "Corruption and organized crime" is a separate academic discipline. During 2015 and 2016 the Faculty adopted the initiatives for accreditation of new study programs and re-accreditations of old programs for the first and second cycle, so now the subject "Corruption and organized crime" is a compulsory course within three study programs of the first cycle and is envisaged as one of the elective course of all study programs of the second and third cycle of studies. A new study program in Criminology and Criminal Policy is proposed for accreditation within which the subject "Corruption and organized crime" is envisaged as a separate module within study programme. Additionally, a new textbook has been prepared and published on the theme "Systemic Corruption and Crime”.

A professor of Law at the Faculty of Security - Skopje, member of ACAD Initiative and founder of the NGO Mission Center for Anti-Corruption and Justice, received the UNODC Anti-Corruption Academic Research Award, 2016 (shared with Groupe De Recherche Corruption & Démocratie (CORDÉ) - a joint research network between the University of Montreal, the University of Toronto, the Sorbonne University, the Catholic University of Lille and the Catholic University of Central Africa).

Activities organised by Regional Anti-corruption Initiative:

* Macedonia is a member country of the Regional Anti-corruption Initiative (RAI) since 2007 and contributes to RAI’s functioning and activities financially (payment of contributions) and with active participation of representatives seated in RAI’s Steering Group.

8th Summer School for Junior Magistrates from South Eastern Europe – June 03-07, 2013 – Novi Sad, Serbia

9th Summer School for Junior Anti-Corruption Practitioners from South Eastern Europe – June 01-07, 2014 – Sibiu, Romania
Regional Conference on Good Governance and Anti-corruption Policy Challenges, November 13-14, 2014, Tirana, Albania
Regional Conference on Trends and Challenges in Implementing Anti-corruption Strategies, November 25, 2014, Skopje, Republic of Macedonia
International meeting on Effectiveness of Corruption Prevention Measures, May 18-19, 2015, Zagreb, Croatia
Corruption Risk Assessment, Public Procurement, and Open Contracting in South Eastern Europe Regional Conference, May 26-27, 2015, Istanbul, Turkey
10th Summer School for Junior Anti-Corruption Practitioners from South Eastern Europe – June 01-05, 2015 – Varna, Bulgaria
International Whistleblowing Research Network Conference, June 18-19, 2015, Sarajevo, Bosnia and Herzegovina
15 Years of reforms: What worked best? Chisinau, 28 September 2015
Southeast Europe Coalition on Whistleblower Protection 1st Meeting – November 9-10, 2015 – Belgrade, Serbia
Workshop on Corruption Reporting and Whistleblower Protection – May 10-11 2016 – Rakitje, Croatia
11th Summer School for Junior Anti Corruption Professionals from South East Europe – June 6-10, 2016 – Chisinau, Moldova
2nd Annual Meeting of the South East Coalition on Whistleblower Protection – Zagreb 14 November 2016
Training on Anti-Corruption Assessment of Laws (Corruption Proofing of Legislation), Skopje, 28-29 November, 2016

- Activities organised by Institute for Strategic Research and Education:
  Roundtable discussions held in December 2016, within EU funded project “Will there be ‘Whistleblowers’ at the Universities? The Possibilities of the Law for Protection of Whistleblowers and Prevention of Corruption in the Higher Education of the Republic of Macedonia”. Target group - university students. The purpose of the roundtables is to discuss the potentials of the Law for Protection of Whistleblowers and Prevention of Corruption in the Higher Education with students, student’s organisations; university staffs etc. and obtain a first-hand insight in the challenges stakeholders face.

- Activities organised by Transparency International –Macedonia:
  Workshop “The citizens in the fight against corruption”, Tetovo, 10.07.2013. Participants: citizens and the mayor and representatives from municipality Tetovo, the head of the regional department for internal affairs, lawyers, representatives of CSOs. ALAC centre presentation.
  Workshop “Dare to report corruption”, Tetovo, 24.03.2014. Participants: citizens and representatives from municipality Tetovo, public prosecutors, lawyers, representatives of CSOs. ALAC centre presentation.
  Set of Workshops for investigative journalists, 16-18 may and 30 May - 01 June 2016. Participants over 30 journalists and media editors
  Formation of the Anti-corruption platform of 15 CSOs, 10.09.2014, Skopje
  Conference on Whistleblower protection: Is there time and capacity for Law on Whistleblower Protection, 14.10.2015, Skopje. Participants: representatives of central and local level institutions and CSOs
  Workshop „The regulatory and institutional framework for whistleblower protection in Macedonia “, 11.04.2016, Skopje. Participants: representatives of judiciary institutions, other state authorities and central level institutions, CSO representatives

- Activities organised by Macedonian Centre for International Cooperation
  Conference „Effective measures for fight against high-level corruption: a question of personality or system? “, 22 March 2016, Skopje. Participants: public prosecutors (Public prosecutor of the Republic of Macedonia, Zvrlvski, Special Prosecutor, Janeva, Romanian Chief prosecutor, Codruta Kovesi,
representatives of central level institutions, CSO representatives, MPs, representatives of political parties, media representatives.

Awarding investigative journalists for stories on corruption cases, 27.09.2016

Regional forum „Tackling corruption and captured state in South-eastern Europe“, 29-30 October 2016, Skopje. Participants: Representatives of judiciary and other state authorities, representatives of national and international organisations, business associations and media

Workshop “Links between organised crime and corruption”, 17.02.2015. Participants: civil servants

Training “Tracking and reporting on the links between organized crime and corruption”, 14-16 October 2014. Participants: journalists


Training on a system for tracking corruption, 12.11.2013, Mavrovo. Participants: representatives of the Ministry of Justice, the Secretariat of the State Commission for Prevention of Corruption, CSO representatives

*This list is not exhaustive, due to lack of centralised collection of information on this parameter.

Anti-corruption education programme for primary schools and related handbook

Programmes of the Academy for Judges and Public Prosecutors

Initial training programme

Continuous professional development - Judges and prosecutors

Programme for administration in courts and public prosecutors' offices

Annual Programmes of the Ministry of Information Society and Administration on Generic Trainings for Administration (civil and public servants)

Trainings on risk assessments, 2015
- organised by the Ministry of Finance – Department for Public Internal Financial Control.

Practical use of the Methodology on risk assessment and audit planning

10 trainings. Participants: 245 representatives of central level institutions and representatives of local level institutions

Trainings on risk assessments management, 2015
- organised by the Ministry of Finance – Department for Public Internal Financial Control.

Practical use of the Methodology on risk assessment and audit planning

6 trainings. Participants: representatives of 5 central level institutions

*The list is not exhaustive, due to lack of centralized collection of data on educational programmes and trainings.

Total budget allocated for Anti-corruption education for primary schools, for years 2012-2014: 10.000,00 Euros

Total budget allocated for Anti-corruption education for high-schools (new programme under development for years 2016-2018): 30.650,00 Euros.

Budget allocated and spent from IPA 2010 Twinning project 2014-2016:

Component 5 Awareness raising: 89.170,00 Euros

Component 3 Building capacity of institutions on prevention and repression (trainings): 175.641,00 Euros

Budget allocated (from National budget) for generic regular training for civil and public servants (Anti-corruption n measures and ethics - Training programme of Ministry of Information Society and Administration) annually 249.000,00 MKD/approximate costs:

For a trainer 1.000,00 MKD per 45 minute lecture or 6.000,00 MKD for one training day (3 sessions)

For participants-trainee 450,00 MKD daily

Accurate total amount cannot be presented, due to lack of centralized data collection on this parameter. All institutions, especially training institutions and training centres within institutions do not present information on budgeting per course.

In 2008 and 2009, SCPC conducted activities with characteristics of a general campaign about the detrimental effects of corruption (video-spot broadcasted on national and local media, a posters and a brochures (on the competences of SCPC) were distributed to institutions and disseminated to citizens. The video and the poster are published on the web-site of SCPC and available for download.
SCPC holds thematic conferences to present the progress of the implementation of the State programmes. The conferences are publicly announced and open.

Research on citizen’s perceptions on corruption and Qualitative analysis on anticorruption measures in different sectors were conducted in cooperation SCPC – OSCE, and both are publicly presented (NGOs were specifically invited).

Brochures prepared and distributed to employees of state and public institutions (all available for download at the web-site of SCPC):

- Guide on conflicts of interest management,
- Handbook on conflicts of interest
- Handbook on conflicts of interest and integrity

Representatives of SCPC hold trainings on anti-corruption topics: for target groups of civil servants (generic trainings organized by the Ministry of Information Society and Administration); specialized trainings on demand (for specific ministries and agencies).

In cooperation with the Academy for Judges and Public Prosecutors, anti-corruption trainings are continuously conducted for representatives of the Judiciary.

Numerous trainings are conducted for representatives of local self-government (in the period of 2011 -2012 on the topic Conflicts of Interest; in the period of 2013 -2014 on the topic Integrity System).

In cooperation with the private sector (business community) the Code of Business Ethics is drafted and adopted. Trainings for representatives of private sector followed the adoption of the Code.

To affirm the need for introducing anticorruption teaching content in education as a fundamental step towards fostering socially active youth and systematic cultural change towards total intolerance for corruption, SCPC in cooperation with the Ministry of Education and Science and the NGO Centre for citizens’ communications, with the support of the Norwegian Embassy, implements the project “Anticorruption education for primary school students”. The overall goal of the Project is to achieve longstanding impact through adequate anti-corruption education programme suitable for pupils (Target group: 7th grade pupils). Within the Project, SCPC in cooperation with foreign experts, in October 2012, conducted trainings for teachers in four primary schools in Skopje, Gostivar and Shtip. The trainings contributed to successful methodological realisation of the anti-corruption education programme. The project produced a special handbook for teachers. The content of the teaching programme for pupils and the methods of conducting anti-corruption education are the following:

**Lectures** – AC terminology, meanings, the possibilities for protection and preventive action to corruption activities

**Interactive workshops:**
- Anti-corruption education workshops, whereby the students will be placed in an active situation to decide to do or not to do something (life line game);
- Crosswords with words related to corruption;
- Barometer (list of 10 statements and explanations);

**Awards** - for best students works related to anti-corruption education (competitions for best drawings, power point presentations, plays, informative texts, video clips);

**Questionnaires** – filled-out by pupils at the beginning and at the end of the project to measure the effect of the programme. The results of the questionnaires indicate the success and relevance of the project activities. The results were encouraging, therefore the Ministry of Education and Science in September 2013 approved continuation of the anticorruption education as an extracurricular activity in all primary schools in the country. Obviously there has been a need for such programme and this is successfully addressed having in mind that the raised awareness amongst the pupils.

The Final Report on this Project was drafted – Policy Paper including the final observations and recommendations for further action i.e. introduction of Anti-corruption education as an extracurricular activity in all primary schools and in the second phase as a regular section in the teaching subject Citizen education. The Ministry of Education and Science in September 2013 approved continuation of the anticorruption education as an extracurricular activity in all primary schools in the country.
The Ministry of Education and Science approved the **anticorruption education** to be extended to high-schools. Following this approval, activities to build the concept of the educational programme for high-school students are planned to be implemented in accordance with the State Programme for Prevention and Repression of Corruption and Prevention and Reduction of conflict of Interest, with Action plan 2016-2019.

4 Macedonian representatives from academic society (3 professors, one of which is a resource person and 1 PhD. candidate) are members of the ACAD initiative and actively participated in the related events held in Qatar, Tirana and Moscow. As a result, cooperation between universities of the Region increased in matters of finding solutions for awareness rising at universities.

Macedonian universities work on developing new courses within the Faculty syllabus regarding the **International and National Anti-corruption policies and legal measures**.

**Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:

- Reports prepared by the body or bodies that prevent corruption;
- Other internal or external reports or publications on the effectiveness and capacity of the body or bodies that prevent corruption;
- Surveys of the extent of public knowledge about the prevention of corruption;
- Public awareness campaigns or communication actions implemented;
- Methods used to increase and disseminate knowledge about the prevention of corruption.

**Article 6, paragraph 2**

2. *Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.*
1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The State Commission for Prevention of Corruption (SCPC), established in 2002, in accordance with the Law on Prevention of Corruption, is an independent institution specialized for anti-corruption that has a central role in initiating preventive and repressive activities against corruption and conflict of interests. SCPC is autonomous and independent in carrying out its statutory responsibilities.

The Law on Prevention of Corruption and the Law on Prevention of Conflicts of Interest establish the competences of the State Commission, including the following: adopting a State Programme for Prevention and Repression of Corruption and prevention and reduction of conflict of interest; submitting initiatives to the competent authorities for control of financial and material operations of political parties, unions and civil associations and foundations; submitting initiatives to the competent authorities for dismissal, reassignment, replacement, criminal prosecution or application of other measures of accountability of elected or appointed officials, officers or other responsible persons in public enterprises and other legal entities with state capital; reviewing cases of conflict of general and personal interest prescribed by law; recording and monitoring of the assets and property status and change of the property status of elected and appointed officials, officers and responsible persons in public enterprises and other legal entities with state capital in a manner established laws; verification of the contents of the declarations of interest under the law.

SCPC’s structure has been decided and the structure has a formal 4 year mandate to implement the anti-corruption strategy. The function of SCPC, in compliance with the Law, is conducted by 7 members in its composition elected by the Assembly of the Republic of Macedonia. The SCPC’s internal organisation has been determined, adequately staffed with employees with both public and private sector experience. SCPC has its own Secretariat, as well as independent budget – special item in the Budget of the Republic Macedonia. In the course of 2014, in order to improve its operations, through the implementation of international methods for assessing the quality of work and management, the SCPC implemented ISO 9001: 2008 standard and acquired the CAF standard (common assessment framework).

With its Fourth round evaluation report, GRECO recommended that the financial and personnel resources of the State Commission for the Prevention of Corruption in the areas of conflicts of interest, lobbying and asset declarations be increased as a matter of priority. Activities to address the recommendations are conducted and keeping in mind the political will to strengthen the capacity of SCPC: its budget increased and its situation with staff capacity has improved. The Budget of the SCPC in 2015 was increased by 45% compared to budget of previous years and SCPC is continuously making efforts for further increase in line with its real needs identified for implementation of its increased responsibilities.

State Commission for Prevention of Corruption in accordance with the action plan of the Government prepared based on the list of urgent reform priorities for RM (June 2015), adopted methodology for anti-corruption examination of the legislation. Along with the Regulation to amend the Regulation on systematization of jobs in the State Commission for Prevention of Corruption br.02-696 / 1 of 2.17.2016 year, the capacities of the SCPC in this area, formation and anti-corruption examination of the legislation. In the Department of anti-corruption examination of legislation, agreement on fixed-term employment 5 employees executives- 1 Head of Unit and 4 councillors. The condition of the completed jobs currently 28 out of 51 envisaged under the Act on systematization of jobs in the Secretariat of the SCPC.

Every year SCPC identifies the need for staff training, the next step is the preparation of the training program which defines priority areas for training of the civil servants. The training for employees is mainly realized within the annual programmes of generic trainings organized by the Ministry of Information Society and Administration. Activities aimed at strengthening the capacities of the SCPC are envisaged in the State Program 2016-2019. The members and employees of SCPC participated in numerous seminars, workshop and study visits and internships for gathering comparative knowledge and positive experience in the field of Anti-corruption.

SCPC prepares annual reports on its performance and submits them on review to the Assembly of the Republic of Macedonia. The reports are sent to the President of the Republic, the Government and to the media as well as, but only for their information. The annual reports are published on the web-site of the State Commission. SCPC regularly informs the

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Assembly of the Republic of Macedonia about its staff and financial condition within its annual reports on its performance.\footnote{43}{https://www.dksk.mk/index.php?id=55}

The State Commission for Prevention of Corruption was the main beneficiary institution of IPA 2010 Twinning Project “Support to efficient prevention and fight against corruption” with over 40 activities structured in 8 project components aimed at promotion of legal and institutional anticorruption framework, strengthening capacities and awareness through trainings and development of IT tools for keeping records and verifying asset declarations and statements of interest as well as IT tool for collection and processing statistical data for monitoring of anti-corruption policy. The project started in July 2014 and its implementation was concluded successfully in October 2016.

Within IPA 2010 Twinning Project "Support to the efficient prevention and fight against corruption" an analysis of the Law on Prevention of Corruption and Law on Prevention on Conflict of Interest with recommendations was delivered. Namely, in addition to the analysis of the legal framework, analysis of the institutional structure of SCPC with recommendations were provided to consider opportunities for certain changes regarding the model of the key institution for prevention of corruption at national level.

The SCPC needs further strengthening of the financial and human resources in order to ensure optimal conditions for efficient and smooth operation and achieving broad competences defined in the Law on Prevention of Corruption and Law on Prevention of Conflict of Interest. Due to limited financial resources, the specialized training for employees is insufficient. The Budget of the SCPC for 2017 is decreased by 13%.

Guidance: Information sought may include:

- Description of the legal framework which provides for the independence and autonomy of the body or bodies that prevent corruption;
- Description of the mandate of the body or bodies that prevent corruption, and the extent to which they include prevention and education;
- Legal safeguards of the independence of the body or bodies that prevent corruption, aimed at enabling them carrying out their functions effectiveness and protect them from any undue influence;
- The procedures for appointment of the head or heads of the body or bodies that prevent corruption as well as the procedures for the recruitment and selection of specialized staff;
- The procedures for ensuring the allocation of necessary material resources of the body or bodies that prevent corruption, including annual budgets and expenditures;
- Description of the mandatory and optional training requirements for staff of the body or bodies that prevent corruption to allow them to carry out their functions.

### Budget of the State Commission for Prevention of Corruption

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Note: Supplementary Budget of the SCPC for 2017 is decreased by 13%.

### Staff of the State Commission for Prevention of Corruption

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Annual reports on SCPC performance that SCPC submits to the Assembly of the Republic of Macedonia are published: https://www.dksk.mk/index.php?id=55

NGO Macedonian Centre for International Cooperation (MCMS) within Project “Oversight of the Work of the State Commission for Prevention of Corruption by the Public”, supported by the British Government conducted activities to assess the performance of the SCPC:

- Executive summary: Quarterly report No. 1 for oversight of the work of the State Commission for Prevention of Corruption (SCPC) Achievements in the period from October to December 2016
- Executive summary: Quarterly report No. 2 for oversight of the work of the State Commission for Prevention of Corruption (SCPC) Achievements in the period from October to December 2016
- Executive summary: Quarterly report No. 3 for oversight of the work of the State Commission for Prevention of Corruption (SCPC) Achievements in the period from October to December 2016

Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision. Information may, in particular, include the following:

- Reports prepared by the body or bodies that prevent corruption, including budgetary submissions and expenditure reports;
- Analytical assessments of the human and material resource needs of body or bodies that prevent corruption, including number of employees working on prevention activities;
- Studies, analysis and evaluation reports on the effectiveness and performance of the body or bodies that prevent corruption;
- Parliamentary reports regarding the effectiveness and performance of the body or bodies that prevent corruption.

Article 6, paragraph 3

3. Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that may assist other States Parties in developing and implementing specific measures for the prevention of corruption.

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44 5 persons temporary employed.
1. Is your country in compliance with this provision?
   Yes.

2. Has your country provided the information as prescribed above? If so, please also provide the appropriate reference.
   Information is available at [https://track.unodc.org/LegalLibrary/pages/LegalResources.aspx?country=Macedonia](https://track.unodc.org/LegalLibrary/pages/LegalResources.aspx?country=Macedonia)

**Guidance:** The Secretary-General would be grateful if Governments would send the aforementioned information to the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria (uncac.cop@unodc.org).

**Technical assistance**

1. Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

   **Guidance:** Required actions could include the passing of a law and a time frame to do this. Related challenges could include inter-agency coordination, specificities in the legal system, competing priorities, limited capacity (e.g. technological, institutional, other), limited resources for implementation (e.g. human, financial, other), lack of a policy framework, and limited expertise and skills. In describing these issues, please be as specific as possible.

2. Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:
   **No assistance would be required**

   **Guidance:** Please tick this box if you do not require any technical assistance in the implementation of the article under review.

   **Legislative assistance:** Please describe the type of assistance

   **Guidance:** The forms of legislative assistance should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of legislative assistance might include e.g. model arrangements and agreements, legal drafting and/or advisory support.

   **Institution-building:** Please describe the type of assistance

   **Guidance:** The forms of institution-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article, including domestic coordination issues. Specific forms of assistance in the area of institution-building might include e.g. summary of good practices and lessons learned, model arrangements and agreements, on-site assistance by a relevant expert and/or mentoring, as well as the development of an action plan for implementation.
### Policymaking: Please describe the type of assistance

**Guidance:** The forms of policymaking should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of policymaking might include e.g. summary of good practices and lessons learned, sensitization of decision-making bodies, on-site assistance by a relevant expert and/or mentoring.

### Capacity-building: Please describe the type of assistance

**Guidance:** The forms of capacity-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of capacity-building might include e.g. case-related assistance, on-site assistance by a relevant expert and/or mentoring, strengthening the operational and/or institutional capacities of relevant authorities through training and online learning, development of an action plan for implementation.

### Research/data-gathering and analysis: Please describe the type of assistance

**Guidance:** The forms of research, data-gathering and analysis should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of research, data-gathering and analysis might include e.g. expert advice on data-gathering and storage systems, statistical advice or sample studies.

### Facilitation of international cooperation with other countries: Please describe the type of assistance

**Guidance:** The forms of facilitation of international cooperation with other countries should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of facilitation of international cooperation might include e.g. case-related assistance, model legislation or model treaties.

### Others: Please specify

3. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

**Guidance:** If you are receiving or have received such assistance, please provide details, including on the assistance provider, description of core objectives, duration, budget, results and impact. Please include information on technical assistance being provided in the most generic way so as to also capture projects that do not directly fit into the anti-corruption category but that address aspects relevant for the implementation of the Convention against Corruption. Please also indicate whether the extension and/or expansion of such assistance would help your country to adopt the measure(s) described in the article under review.
**Article 7 – Public sector**

**Article 7, paragraph 1**

1. Each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, endeavour to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials:

   (a) That are based on principles of efficiency, transparency and objective criteria such as merit, equity and aptitude;

   (b) That include adequate procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption and the rotation, where appropriate, of such individuals to other positions;

   (c) That promote adequate remuneration and equitable pay scales, taking into account the level of economic development of the State Party;

   (d) That promote education and training programmes to enable them to meet the requirements for the correct, honourable and proper performance of public functions and that provide them with specialized and appropriate training to enhance their awareness of the risks of corruption inherent in the performance of their functions. Such programmes may make reference to codes or standards of conduct in applicable areas.

1. **Is your country in compliance with this provision?**

   Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

   The Law on Prevention of Corruption and the Law on Prevention of Conflict of Interest are systemic laws with provisions applicable to all employees in public and private sector, unless stipulated otherwise with their provisions. The Law on Whistleblower Protection is applicable in public and private sector and there are no exceptions for public sector institutions regarding the implementation of the obligation to establish channels for protected reporting. The Law on Public Internal Financial Control, article 30, prescribes the obligation Internal Audit Unit to be established in:

   - the Assembly of the Republic of Macedonia,
   - the National Bank of the Republic of Macedonia, the
   - General Secretariat of the Government of the Republic of Macedonia,
   - the Judiciary Council of the Republic of Macedonia,
   - the ministries,
   - the Pension and Disability Insurance Fund of the Republic of Macedonia
   - the Health Insurance Fund of the Republic of Macedonia,
   - Agency for State Roads of the Republic of Macedonia Employment Agency of the Republic of Macedonia and
   - the Civil Servants Agency;

   Internal Audit Unit is also mandatory to be established as in all public sector entities, which average annual budget/financial plan was above 50 million MKD in the last three years. Public sector entity, which average annual budget/financial plan did not exceed MKD 50 million in the last three years must organise the internal audit by engaging:

   o Internal auditor/s from Internal Audit Unit from other public sector entity, on the basis of an agreement concluded between the heads of the both public sector entities; or
   o Auditor/s listed in the internal auditors registry.

   Undertaking measures against irregularities and frauds is prescribed by the Law on Public Internal Financial Control, as follows:

   “Article 50

   (1) The head of the public sector entity shall be obliged to both prevent the risk of irregularities and frauds and to undertake activities against irregularities and frauds.
The A gency of Administration (AA), the recruitment authority for civil servants, does not answer to the Administration. However, the Ministry does not have direct command over all Human Resources Management (HRM) of all candidates. Annual staffing plans must be approved by the MISA, the Ministry of Finance (MoF) and the Assembly of the Republic of Macedonia.

The new recruitment process described in the LAS and in the secondary legislation ensures equal, merit-based treatment of all candidates. Annual staffing plans must be approved by the MISA, the Ministry of Finance (MoF) and the Assembly of the Republic of Macedonia.

The main political responsibility for the public service is clearly assigned to the Ministry of Information Society and Internal Affairs and the Law on Police. To some extent, this is also true for the Customs Administration, in which some state employees are now considered customs officers.

Concerning the vertical scope of the public service, the highest officials under a minister – state secretaries, general secretaries and other secretaries – are considered Group A civil servants. Secretaries are discretionally selected by ministers among Group B civil servants within the same institution. Group B civil servants are recruited through open and merit-based competition. The LPSE and the LAS limit the number of special (political) advisers working as cabinet officers. These positions can be filled by either civil servants or external employees who do not gain tenure in the civil service. Civil servants may apply for these positions through a mobility procedure they keep their civil servant status while working as advisers in a cabinet. Legislation does not specifically exclude cabinet officers from participating in promotion procedures or the performance-appraisal system. The material scope of the civil service legislation is adequate, as the LAS regulates its key features. The LAS specifies several Human Resources processes in a detailed way, while in certain cases the secondary legislation only provides a few additional procedural regulations (mainly concerning recruitment, performance appraisals and disciplinary procedures).

The new Law on Public Sector Employees (LPSE), adopted in February 2014 (in force from 13 February 2015), stipulates the main principles applicable to all forms of public employment. The legislation significantly reduces the traditional fragmentation of public employment, and the horizontal scope of the public service is reasonable. Top civil servants (i.e. state secretaries and other secretaries) must be mandatorily chosen from among existing career civil servants in Group B (head administrative servants). The Law on Administrative Servants (LAS) broadly defines the horizontal scope of the civil service, taking into consideration the list of state administrative bodies presented in the Law on Organisation and Operation of the State Administrative Bodies. Some institutions have been excluded from the LAS. For example, some staff of the Ministry of Interior who were previously regarded as administrative servants are now considered “authorised officers in the area of security, defence and intelligence” - officers regulated by the Law on Internal Affairs and the Law on Police. To some extent, this is also true for the Customs Administration, in which some administrative employees are now considered customs officers.

Concerning the vertical scope of the public service, the highest officials under a minister – state secretaries, general secretaries and other secretaries – are considered Group A civil servants. Secretaries are discretionally selected by ministers among Group B civil servants within the same institution. Group B civil servants are recruited through open and merit-based competition. The LPSE and the LAS limit the number of special (political) advisers working as cabinet officers. These positions can be filled by either civil servants or external employees who do not gain tenure in the civil service. Civil servants may apply for these positions through a mobility procedure they keep their civil servant status while working as advisers in a cabinet. Legislation does not specifically exclude cabinet officers from participating in promotion procedures or the performance-appraisal system. The material scope of the civil service legislation is adequate, as the LAS regulates its key features. The LAS specifies several Human Resources processes in a detailed way, while in certain cases the secondary legislation only provides a few additional procedural regulations (mainly concerning recruitment, performance appraisals and disciplinary procedures).

The main political responsibility for the public service is clearly assigned to the Ministry of Information Society and Administration. However, the Ministry does not have direct command over all Human Resources Management (HRM) instruments: the Agency of Administration (AA), the recruitment authority for civil servants, does not answer to the MISA, but to the Assembly of the Republic of Macedonia.

The new recruitment process described in the LAS and in the secondary legislation ensures equal, merit-based treatment of all candidates. Annual staffing plans must be approved by the MISA, the Ministry of Finance (MoF) and the
secretariat for Implementation of the Ohrid Agreement (SIOFA). The various institutions’ job-systematisation acts – wherein every job position must be described following a predefined model, weighted in accordance with the required tasks and required competences, and matched to one of the various levels or categories – must also be agreed by the MISA before approval of the annual staffing plan. In accordance with the Constitution, public bodies are required to ensure equitable representation of the different communities. This is done by calculating recruitment quotas to compensate specific imbalances in each institution. These quotas should be applied to the merit-based ranking of successful candidates, with shortlisted candidates classified in different lists according to their community. Depending on its community quotas, the recruiting institution should then hire the first candidate from the corresponding list to fulfil the requirement. The public bodies are supported in their calculations by the so-called BalancER application provided by the MISA. The community quotas are included in the annual staffing plan, which needs to receive SIOFA approval. Positive discrimination for individuals with special needs is possible, if specifically determined as an additional condition for filling a job position. For each vacancy, the Director of the AA designates a selection commission comprising a president (who should be a civil servant from the Agency), the head of the HR unit of the recruiting institution, the head of the organisational unit in which the vacancies are to be filled, and one representative from the SIOFA. Candidates who have not been selected can appeal the selection decision to the Committee Deciding in Second-Instance Complaints and Appeals of Administrative Servants (the Committee) within the AA and, after that, to the competent court.

Dismissals of civil servants and other public employees are regulated by the LPSE and present certain weaknesses. Compared to European Union (EU) countries, dismissals based on negative performance are possible after an overly short period, i.e. a single appraisal cycle (one year). The evaluator should at least offer the civil servant a procedure for improving performance (including through training opportunities) during the mandatory semi-annual appraisal. Dismissals are also possible as a result of restructuring. The regulation stipulates that institutions facing restructuring or downsizing should prepare a list of employees whose positions are being suppressed. These employees must be reallocated to other jobs at the same level within the same institution or to another public body. Employees who do not accept the transfer are dismissed. Contrary to dismissals, demotions are only possible through a disciplinary procedure. Concerned civil servants can appeal against demotion and dismissal to the AA in the first instance and to the competent court in the second instance.

Group A positions are discretionally appointed from the pool of Group B administrative servants by a minister, head of institution or mayor, without recruitment or promotion procedures. The term of office of group A servants is equal to the term of office of the official who appointed the group A servant. After the completion of the term of office of group A servant, the servant returns to his/her previous job position (group B). Group A positions are not subject to performance appraisals or the disciplinary regime. According to the Law on Organisation of State Administrative Bodies, the heads of the administrative agencies under ministries and the independent administrative bodies are not included in the scope of the civil service.

Public Service and Human Resource Management servants’ salaries are expressed in points. The value of the point is fixed yearly by the Government. Each salary comprises a general component and, in certain cases, a so-called exceptional component. The general component leaves no room for interpretation. It has three different elements: the individual’s educational level; the position-related supplement (i.e. the value of the position); and the seniority supplement (i.e. work experience). The exceptional component includes: i) a special working condition-related supplement for hazardous jobs and for individuals working extended hours in cabinets; ii) supplements for night work and shift work; compensation of overtime is also considered as an exceptional component. These supplements are fair and straightforward, and do not create opportunities for eventual misuse. For certain jobs, such as those related to information technology (IT), an additional salary supplement is foreseen to ensure competitiveness in the labour market. This provision has not yet been applied, as it must be activated by a Government decision. This remuneration system is fully applicable across the scope of the LAS, meaning that similar positions in different ministries are paid the same salary. The compression ratio between the lowest and highest entry level salaries (D4 versus A1 job positions) is 4.45:1. Progression along pay levels is fair and provides moderate incentives for career progression. The LAS recognises training as a right and a duty of civil servants. The MISA is the co-ordination body for the civil-service training policy: it collects the annual training plans from state administrative bodies and prepares and adopts an annual training programme for “generic competences” based on those plans. The MISA is in charge of organising those generic trainings for administrative servants. The LAS stipulates the creation of an “academy” within the MISA to perform those activities, but a classical public administration school has not been created. For the last two years, the MISA has invested in e-learning modules on generic competences, as required by the LAS.

In cases of negative performance, the Law foresees the possibility of additional training or mentoring. Employees may appeal appraisal results to the AA and/or the competent court. Chapter VII of the LPSE provides the regulatory basis for organising mobility procedures; it states that mobility is possible upon prior consent of the employee and the manager of the receiving institution. A transfer to other positions (within a radius of 50 kilometres from the present location) can also be imposed on public employees.

Chapter VIII of the LAS is devoted to the promotion procedure. Candidates for promotion should hold a position immediately lower than the position opened for competition. A specifically designated committee (hereafter designated as the promotion committee) undertakes the promotion procedure: after checking the job requirements, the promotion committee scores qualified applicants according to their training, performance and mentorship records. It then conducts an oral interview and takes the final decision concerning the promotion. As an exception to the rule, interviews for
promotions to Group B positions are directed by the secretary of the institution alone, instead of the promotion committee. The results are then communicated to the committee, which integrates them with the other results (i.e. the candidates’ scores) and proposes the best candidate.

The LAS describes the basic principles governing the disciplinary procedure; the secondary legislation only provides further details on the process itself. The time limit for initiating a disciplinary procedure is three months after the wrongdoing (or up to one year, if the fault was discovered during an internal audit), whether for minor or major violations. The LAS adequately distinguishes between disciplinary irregularities and disciplinary offences; in both cases, civil servants have the opportunity to respond to the allegations levied against them. For disciplinary irregularities, the secretary alone makes a decision based on a written report submitted by the incriminated individual’s manager. For disciplinary offences, the secretary establishes a commission to analyse the case. Secondary legislation grants the administrative servant the right to be assisted by a lawyer or trade union representative. Regarding the proportionality of the measures, the maximum fines – for minor violations, 20% of the individual’s monthly salary for three months could be considered excessive. For both disciplinary irregularities and offences, the civil servant can lodge an appeal with the AA and the court. Legal safeguards are in place, and suspending civil servants from duty is only possible when: i) criminal proceedings are brought against the civil servant for a crime committed at work or related to work; or ii) a disciplinary procedure is initiated for an offence such that the civil servant’s presence in the workplace shall adversely affect the institution.

The legislation governing integrity in the public sector is quite strong, with related provisions in both the LAS and the LPSE. The Labour Law limits secondary employment to a maximum of 20 hours per week for all employees (including public employees and civil servants). Should the institution or public employee harbour doubts on the appropriateness of secondary employment, advice can be requested from the SCPC. The Law on Prevention of Conflicts of Interest obliges top civil servants to declare their assets when entering and leaving office. The declaration is to be made to the SCPC and to the Public Revenue Office.

The general structure of the state administrative apparatus is defined in the Constitution and in more detail in the Law on Organisation of State Administrative Bodies (LOOSAB). Article 5 of the LOOSAB provides a general typology of state administrative bodies that can be established as ministries, other state administrative bodies (both independent and within ministries) and administrative organisations. The LOOSAB clearly designates all ministries with their competences and areas of responsibility: 5 independent bodies, 4 administrative organisations and 35 bodies within ministries, some of them with legal personality. Other state administrative and independent bodies have been created through special laws. According to the LOOSAB, autonomous bodies are supervised by the relevant ministry, but the pertinent material laws usually stipulate that they (and some bodies within the ministries) also report to the Government on the previous year’s performance.

Judicial police
Following receipt of criminal report or after receipt of notification made by the police, the public prosecutor shall start to manage the procedure. The judicial police shall be obliged to proceed according to the orders and instructions provided by the public prosecutor. The judicial police shall continue with further actions even when it has not received specific orders or instructions by the public prosecutor, and shall inform the public prosecutor about the conducted measures and activities accordingly [Article 283 item 9] of the Law on Criminal Procedure].

Judicial police includes the police officers from the Ministry of Interior and the members of the Financial Police as well as legally authorized persons from the Customs Administration that are working on the detection of criminal offenses (Article 21 of the Law on Criminal Procedure)

Duties of the Judicial Police (Article 46 of the Law on Criminal Procedure):
(1) The Judicial Police, ex-officio or upon order by the public prosecutor shall take measures and activities in order to detect and criminally investigate crimes, prevent any further consequences of the crimes, apprehend and report the perpetrators, secure the evidence and other measures and activities that might be useful for an unobstructed criminal procedure.

(2) The Judicial Police shall conduct investigations and activities as ordered or asked by the court and the public prosecution office.

(3) The abovementioned duties are performed by the chiefs and officers from the Judicial Police.

Authority of the Financial Police and the Customs Administration:
1) The authorization that has been provided to the Judicial Police with the Law on Criminal Procedure, shall also belong to the Financial Police in the event of detection and investigation of the following crimes: laundering of money and other crime proceeds from Article 273, illegal trade from Article 277, smuggling from Article 278 and tax evasion from Article 279, all of those from the Criminal Code, as well as other criminal offenses that involve crime proceeds of significant value.

2) The authorization that has been provided to the Judicial Police with the Law on Criminal Procedure, shall also belong to the Customs Administration in the event of detection and investigation of the following crimes: production and sale of harmful medicaments from Article 212, production and sale of harmful food and other produce from Article 213, unauthorized production and sale of narcotic drugs, psychotropic substances and precursors from Article 215, unauthorized collection and disposal of nuclear materials from Article 231, import of hazardous materials in the country from Article 232, export of goods under temporary protection or cultural heritage or natural rarities from Article 266, laundering of
money and other crime proceeds from Article 273, smuggling from Article 278, customs fraud from Article 278-a, hiding smuggled goods and customs fraud from Article 278-b, tax evasion from Article 279, illegal possession of weapons and explosives from Article 396, human trafficking from Article 481-a, all of those from the Criminal Code, criminal offenses from the Excise Tax Law and other crimes related to imports, exports and transit of goods across border lines.

Composition of the Judicial Police

The duties of the Judicial Police as referred to in the Law on Criminal Procedure shall be performed by:

1) the police officers in the organizational units at the Ministry of Interior, the Financial Police and the Customs Administration, which, according to their scope of work as defined by law, shall undertake measures and activities for detection of crimes, apprehension and reporting of the perpetrators, securing evidence for the crimes and other measures that provide for an unobstructed criminal procedure;

2) the members of the Judicial Police at the investigation centers of the Public Prosecution Office; and

3) the officials assigned to the public prosecutor for the purpose of an efficient criminal procedure.

The officers who are going to be assigned to the public prosecutor shall be at an exclusive disposal to the public prosecutor, they shall work under his or her control and supervision, they shall respect and carry out the public prosecutor’s orders, work according to his or her instructions and guidance and shall be responsible for their work before the public prosecutor. During the period when they have been assigned to work for the public prosecutor, those employees may not be assigned to another post at the state bodies where they have come from or be removed and prevented from working on the current case, without an explicit approval by the public prosecutor.

The Judicial Police shall operate under the command of the competent public prosecutors. Pursuant to the provisions of this Law, the members of the Judicial Police shall be held responsible for their actions before the competent public prosecutor. The chiefs and officers of the Judicial Police shall be obliged to carry out the tasks that have been assigned to them. The members of the Judicial Police may not be reassigned from the tasks that have been given to them as part of the investigation of the crime, unless there is such a decision by the competent public prosecutor.

Disciplinary responsibility of the judicial police

Regarding the disciplinary responsibility of the members of the Judicial Police in relation to the performance of their functions pursuant to this Law, the competent public prosecutor may raise an initiative to commence disciplinary proceedings with the competent entity wherefrom the members of the Judicial Police originate, in accordance with the law. The entity shall be obliged, without any delay, to inform the petitioner about the results of the raised initiative. If no disciplinary procedure has been initiated at the appropriate entity or if the public prosecutor is not satisfied with the results of the disciplinary procedure or with the manner in which it was conducted, the Chief Public Prosecutor of the Republic of Macedonia may directly address the Government of the Republic of Macedonia.

In accordance with respective laws (Law on Police, Law on Internal Affairs, Law on Customs Administration and Law on Financial Police and Law on Criminal Procedure), police officers, customs officers and financial police officers as investigators have status of official persons with special authorisations.

Main provisions:

**Law on Criminal Procedure**

**Article 45**

Investigative centers of the Public Prosecution Office

1) For the benefit of the criminal procedure, for the region covered by one or more public prosecution offices, investigation centers of the public prosecution shall be established.

2) The investigation centers referred to in paragraph 1 of this Article shall be established with a decision by the Chief Public Prosecutor of the Republic of Macedonia.

3) The total number of members of the judicial police in the investigative centers of the public prosecution will be determined with a decision by the Chief Public Prosecutor of the Republic of Macedonia, after an opinion has been provided by the Minister of Interior, Minister for Justice and the Minister of Finance.

4) The tasks at the investigation center shall be performed by the employees of the organizational units referred to in Article 48, paragraph 1, item 2 of this Law, who shall be selected to work for a fixed time period, through an internal job competition, as well as persons employed in the Public Prosecution Office in accordance with the Law on the Public Prosecution Office.

5) Any individuals referred to in paragraph (4) of this Article may participate in the investigative actions, that is, in their preparation, taking statements and proposals, and they can independently conduct certain actions assigned to them by the public prosecutor. The reports on such actions taken shall be approved by the public prosecutor within 48 hours from the moment when the action was taken.

6) The employees that have been selected to work in the investigation center shall be at the disposal of the public prosecutor, and they shall work under his or her control and supervision, they shall respect and carry out the public prosecutor’s orders, work according to his or her instructions and guidance and shall be responsible for their work before the public prosecutor.
(7) During the period when they have been selected to work at the investigation center, those employees may not be assigned to another post at the state bodies where they have come from or be removed and prevented from working on the current case, without an explicit approval by the public prosecutor.

Article 46
Duties of the Judicial Police
(1) The Judicial Police, ex-officio or upon order by the public prosecutor shall take measures and activities in order to detect and criminally investigate crimes, prevent any further consequences of the crimes, apprehend and report the perpetrators, secure the evidence and other measures and activities that might be useful for an unobstructed criminal procedure.

(2) The Judicial Police shall conduct investigations and activities as ordered or asked by the court and the public prosecution office.

(3) The duties referred to in paragraphs 1 and 2 of this Article shall be performed by the chiefs and officers from the Judicial Police.

Article 48
Composition of the Judicial Police
(1) The duties of the Judicial Police as referred to in this Law shall be performed by:

1) the police officers in the organizational units at the Ministry of Interior, the Financial Police and the Customs Administration, which, according to their scope of work as defined by law, shall undertake measures and activities for detection of crimes, apprehension and reporting of the perpetrators, securing evidence for the crimes and other measures that provide for an unobstructed criminal procedure;

2) the members of the Judicial Police at the investigation centers of the Public Prosecution Office; and

3) the officials assigned to the public prosecutor pursuant to Article 50 of this Law.

Article 49
Chiefs and officers of the Judicial Police
(1) Chiefs at the Judicial Police shall be the heads of the organizational units as referred to in Article 48, paragraph 1, item 1 of this Law, that have direct communication with the Public Prosecutor.

(2) Officers of the Judicial Police shall be the police officers from the Ministry of Interior, the members of the Financial Police and the authorized personnel by law from the Customs Administration of the Republic of Macedonia, from the organizational units referred to in Article 48 items 1 and 3 of this Law, as well as the members of the judicial police in the investigation centers of the public prosecutor’s office as referred to in item 2 of article 48 of this Law.

Article 50
Officials assigned to the public prosecutor on demand
(1) As necessary and for the purpose of an efficient criminal procedure, upon order from the public prosecutor, the officers as referred to in Article 48 item 1 of this Law shall be assigned to work for him or her.

(2) The officers who are going to be assigned to the public prosecutor shall be at an exclusive disposal to the public prosecutor, they shall work under his or her control and supervision, they shall respect and carry out the public prosecutor’s orders, work according to his or her instructions and guidance and shall be responsible for their work before the public prosecutor.

(3) During the period when they have been assigned to work for the public prosecutor, those employees may not be assigned to another post at the state bodies where they have come from or be removed and prevented from working on the current case, without an explicit approval by the public prosecutor.

Article 51
Functional disposal of the judicial police
(1) The Judicial Police shall operate under the command of the competent public prosecutors.

(2) Pursuant to the provisions of this Law, the members of the Judicial Police shall be held responsible for their actions before the competent public prosecutor.

(3) The chiefs and officers of the Judicial Police shall be obliged to carry out the tasks that have been assigned to them. The members of the Judicial Police may not be reassigned from the tasks that have been given to them as part of the investigation of the crime, unless there is such a decision by the competent public prosecutor.

Article 52
Disciplinary responsibility of the judicial police
(1) Regarding the disciplinary responsibility of the members of the Judicial Police in relation to the performance of their functions pursuant to this Law, the competent public prosecutor may raise an initiative to commence disciplinary proceedings with the competent entity wherefrom the members of the Judicial Police originate, in accordance with the law.

(2) The entity shall be obliged, without any delay, to inform the petitioner about the results of the raised initiative as referred to in paragraph 1 of this Article.

(3) If no disciplinary procedure has been initiated at the appropriate entity or if the public prosecutor is not satisfied with the results of the disciplinary procedure or with the manner in which it was conducted, the Chief Public Prosecutor of the Republic of Macedonia may directly address the Government of the Republic of Macedonia.

Article 269
Undercover agents and their authorizations
(1) Undercover agents as referred to in item 10, paragraph 1, of Article 252 of this Law shall be officials from the Judicial Police or in exceptional cases, other persons, who, with an approval by the public prosecutor, conduct an investigation under a hidden or changed identity.

(2) Personal and other documents and paperwork may be prepared, changed and used, if so required by the investigators with hidden identity.

(3) Any persons as referred to in paragraph 1 of this Article shall have the right to participate in legal circulation with their changed identity.

(4) Any competent state entities and other legal persons shall be obliged to enable the provision of the documents as referred to in paragraph 2 of this Article.

(5) Any employees in the state entities and legal persons as referred to in paragraph 4 of this Article shall be obliged to keep all data and information that pertain to the provision of the documents as referred to in paragraph 2 of this article as classified information.

Article 270
Protecting the secrecy of the identity of undercover investigators
The identity of the investigators with a hidden identity shall remain a secret even after the completion of the proceedings, in order to protect the lives, physical integrity or freedom of these individuals and other people that are close to them.

Law on Internal Affairs
Article 56 paragraph (3)
Proceedings related to exercise of rights; obligations and liabilities of the police officer assigned to the investigative center of the public prosecution are conducted on the basis of proposal, request or initiative of a public prosecutor.

Autonomy of investigators: Legal guarantees, organisational structure and application of international standards.
Main provisions:
Law on Prevention of Corruption
Protection of persons involved in eradication of corruption
Article 20
(1) Persons working in the bodies for detection and eradication of corruption shall be provided with full protection and independence, with a view to efficient execution of their authority and duty and no pressure whatsoever may be exerted on them in their work or in their undertaking of concrete actions.

(2) About any event of exerted pressure in work or in undertaking concrete actions, the persons referred in paragraph (1) of this article inform the State Commission.

(3). About any event of exerted pressure in their work or in undertaking concrete actions the members of the State Commission inform the Assembly of the Republic of Macedonia.

Criminal Code
Article 368 criminalizes the act of preventing the collection of evidence.
Article 144 on “threatening the safety” is broad enough to cover all cases of threat, including threats directed to law enforcement officials.
Article 375 criminalizes the use of physical force, threats or intimidation to interfere with the exercise of official duties by judiciary employees.
Article 382 and 383 criminalize the use of physical force or threats against official persons including law enforcement officials.

Law on Criminal Procedure
Article 50
Officials assigned to the public prosecutor on demand
(1) As necessary and for the purpose of an efficient criminal procedure, upon order from the public prosecutor, the officers as referred to in Article 48 item 1 of this Law shall be assigned to work for him or her.

(2) The officers who are going to be assigned to the public prosecutor shall be at an exclusive disposal to the public prosecutor, they shall work under his or her control and supervision, they shall respect and carry out the public prosecutor’s orders, work according to his or her instructions and guidance and shall be responsible for their work before the public prosecutor.

(3) During the period when they have been assigned to work for the public prosecutor, those employees may not be assigned to another post at the state bodies where they have come from or be removed and prevented from working on the current case, without an explicit approval by the public prosecutor.

Article 51
Functional disposal of the judicial police
(1) The Judicial Police shall operate under the command of the competent public prosecutors.

(2) Pursuant to the provisions of this Law, the members of the Judicial Police shall be held responsible for their actions before the competent public prosecutor.

(3) The chiefs and officers of the Judicial Police shall be obliged to carry out the tasks that have been assigned to them. The members of the Judicial Police may not be reassigned from the tasks that have been given to them as part of the investigation of the crime, unless there is such a decision by the competent public prosecutor.

Article 52
Disciplinary responsibility of the Judicial Police
(1) Regarding the disciplinary responsibility of the members of the Judicial Police in relation to the performance of their functions pursuant to this Law, the competent public prosecutor may raise an initiative to commence disciplinary proceedings with the competent entity wherefrom the members of the Judicial Police originate, in accordance with the law.
(2) The entity shall be obliged, without any delay, to inform the petitioner about the results of the raised initiative as referred to in paragraph 1 of this Article.
(3) If no disciplinary procedure has been initiated at the appropriate entity or if the public prosecutor is not satisfied with the results of the disciplinary procedure or with the manner in which it was conducted, the Chief Public Prosecutor of the Republic of Macedonia may directly address the Government of the Republic of Macedonia.

Law on Internal Affairs
Article 58 – establishes of a separate organisational unit for internal control within the Ministry of Interior tasked to conduct proceedings for assessment of legality and of the actions of employees of the Ministry
Articles 59-64 – prescribe external control over the work of the Ministry (by the Assembly of the Republic of Macedonia and Ombudsman)

Law on Police
Article 2 paragraph (2)
Police officer is authorised official person, in accordance with the provisions of the Law on Internal Affairs, uniformed and plain clothes member of the police with police authorizations, performing police duties in accordance with law.

Article 3
The main function of the police is protection and respect of the fundamental rights and freedoms of humans and citizens guaranteed by the Constitution, laws and ratified international treaties, protection of the legal order, prevention and detection of offenses, undertaking measures to prosecute the perpetrators of such offenses and maintaining public order and peace in society.
Code of Police Ethics
Article 15
The police enjoy operational independence from other state bodies or institutions, especially political independence in carrying out its powers, for which the police has overall responsibility.
Article 16
Police officers at all levels are personally liable for their actions, oversights and omissions, as well as for orders received from superiors and those given to subordinates.
Article 17
Police organization provides clear hierarchy of command within the police, and it is always possible to determine which superior has the ultimate responsibility for the actions or omissions of the police officers.

Law on Financial Police
Article 2
(1) The purpose of this law is to protect the financial interests of the Republic of Macedonia through detection and criminal investigation of money laundering and other proceeds of crime, trafficking, smuggling, tax evasion, and other crimes with illegal proceeds of considerable value.
(2) This Law provides protection of the financial interests of the European Union through the detection and criminal investigation of crimes related to the use of funds from European Union programs that Macedonia receives from the European Union budget.
Article 41 paragraph (1) items 1) and 2)
(1) The financial police officers have obligation:
1) to perform their tasks conscientiously, efficiently, orderly and in timely manner in accordance with the Constitution, law and other regulations of the Financial Police;
2) to carry out the orders of their immediate superiors and to act upon them in accordance with the Constitution, law and other regulations;

Law on Customs Administration
Article 58 paragraph (1) items 1) and 3)
(1) The customs officers have obligation:
1) to perform their tasks conscientiously, professionally, efficiently, orderly and in timely manner in accordance with the Constitution, law and other regulations of the Customs Administration;
3) to carry out the orders of their immediate superiors and to act upon them in accordance with the Constitution, law and other regulations;

Specialised anti-corruption investigative bodies
The Anti-corruption Unit within the Central Police Services - Department for Combating Organized and Serious Crime of the Public Security Bureau, performs tasks with sophisticated techniques, including expertise and technical and expert assistance at the level of all regional sectors and regional centres. The Public Security Bureau is the authority within the Ministry of Interior that is competent to perform police tasks (such as prevention of criminal acts and misdemeanours, detection and detention of perpetrators and undertaking other measures directed to prosecution of perpetrators), assistance and cooperation in prevention and detection of criminal acts and misdemeanours. The organization and competences of the
Public Security Bureau are prescribed by the Law on Police. Police officers, ex officio or upon order of a public prosecutor, court or other authority as determined by law, undertake measures and apply police authorisations related to detection criminal acts and perpetrators when reasonable grounds for suspicion (that is based on criminalistics knowledge and police experience) exist that a criminal act is in preparation, is being perpetrated or is committed. To detect criminal acts or misdemeanours, to discover and secure useful information, traces and objects that may serve as evidence, as well as to find the perpetrator and prevent the perpetrator from hiding or escaping, the Police performs criminal investigation by application of police authorisations, operative- tactical measures and preventive measures in accordance with law. Police officers are obliged to receive complaints and reports on criminal activity and misdemeanours. On the receipt of complaint or information about grounds for suspicion on committed criminal act that is prosecuted ex officio, the police officer is obliged to inform public prosecutor.

In accordance with the Law on Criminal Procedure, the Judicial Police, ex-officio or upon order by the public prosecutor, shall undertake measures and activities in order to detect and criminally investigate crimes, prevent any further consequences of the crimes, apprehend and report the perpetrators, secure the evidence and other measures and activities that might be useful for an unobstructed criminal procedure.

The Judicial Police shall conduct investigations and activities as ordered or asked by the court and the public prosecution office. The duties of the Judicial Police are performed by 1) the police officers in the organizational units at the Ministry of Interior, the Financial Police and the Customs Administration, which, according to their scope of work as defined by law, shall undertake measures and activities for detection of crimes, apprehension and reporting of the perpetrators, securing evidence for the crimes and other measures that provide for an unobstructed criminal procedure; 2) the members of the Judicial Police at the investigation centres of the Public Prosecution Office; and 3) the officials assigned to the public prosecutor in accordance with the Law on Criminal Procedure. Ministry of Finance - Financial Police – Unit for detection of corruption and organized financial crime performs tasks with sophisticated techniques, including expertise and technical and expert assistance, as undertakes activities and measures in accordance with the Law on Financial Police.

Within the Ministry of Interior, the Anti-corruption Unit, in line with the existing organization of the Ministry, is part of the Department for Combating Organized and Serious Crime of within the Public Security Bureau - Central Police Services. Central Police Services perform tasks in the areas of sophisticated techniques and expertise at the level of regional sectors, regional centres and border related tasks of specialized police units.

The Anti-corruption Unit prepares annual work program that fits the annual work program of the Department for Combating Organized and Serious Crime. Statistical analysis of data and preparation of analytical products of the work of the Anti-corruption Unit is in the responsibility of the Department for Criminal Intelligence Analysis for Organized and Serious Crime. The work, salary, selection and dismissal procedure of the inspectors in the Anti-corruption Department are regulated by law and bylaws. The Department owns records (database) in electronic and written form. The Anti-corruption Unit is fully operational and the majority of the employees have undergone trainings in the area of Anti-corruption in the past 2 years.

The funding of the Anti-corruption Unit is provided within the budget of the Ministry of Interior for which funding a special indent within the Budget of the Republic of Macedonia is devoted.

The Minister of Interior decides on structure, staff and activities with prior consent of the Government.

The Central Police Services are managed by superintendent (head).

The head of the Central Police Services, besides general requirements, must also meet the following requirements: completed university degree, minimum 8 years of working experience, including four years managerial experience. The head of the Central Police Services is appointed and dismissed by the Minister of Interior from the current personnel in a transparent procedure. The head of the Central Police Services for his/her work is directly accountable to the Director of the Public Security Bureau.

Special procedure for selection, appointment and dismissal of the head (director) of the Public Security Bureau is applicable in accordance with the Law on Police. The director is appointed and dismissed by the Government upon proposal of the Minister of Interior. Term of office: 4 years. Besides general requirements, completed university degree, fluency in English, minimum 5 years working experience and passed integrity and psychological tests are required. The Director may be dismissed at his request or due to conviction on committed felony with final judgment imposing imprisonment of up to six months or for unprincipled and incompetent work.

*Since 2015*, Unit for fight against corruption is established within Department for economy crime and corruption of the Criminal Police Division of the Public Security Bureau. This unit performs coordinative functions and does not have investigatory competencies.

The Financial Police Office is a body within the Ministry of Finance, as a legal entity established in accordance with the Law on Financial Police. The Financial Police is a body with specific powers under the Law on Criminal Procedure, which ensure the consistent application of regulations, especially in the area of financial, tax and customs operations. One of the units established in the Financial Police Office is the Unit for detection of corruption and organized financial crime, which is an organisational unit within the Department for criminal intelligence analysis.

Funds for working conditions, career promotion, modernisation and equipment of the financial police, as well as for motivation of financial police officers are allocated from the budget of the Financial Police (special indent under the National budget). Additional funds are obtained from retuned taxes and enforced confiscation measures, in the amount of up to 25 %.
The Ministry and the Police inform the general public on issues under their competencies, in accordance with law.

Internal Control Department, criminal investigations and professional standards is the control mechanism of the Interior Ministry on the work of the police and the Ministry, which is why the powers of the Department cover a wide range of measures and actions that are taken, and are aimed at determining the unprofessional, illegal and unethical actions of employees of the Ministry of Interior, as well as taking a series of measures and activities for the prevention of preventive and repressive aspect.

The Department for internal control, criminal investigations and professional standards operates under the Ministry of Interior, and in accordance with applicable standards. Annually reports are submitted to the Ministry of Interior. The annual report is incorporated in the annual report of the Ministry of Interior.

The Minister of Interior submits to the Government a written report on police performance, at least once a year. Also, the Minister submits to the Assembly of the Republic of Macedonia and its working bodies, a written report on police performance, at least once a year.

The Ministry and the Police inform the general public on issues under their competencies, in accordance with law.

The Ministry of the Interior supervising performance of the police and of the Ministry and implements measures and actions that are taken, and are aimed at determining the unprofessional, illegal and unethical actions of employees of the Ministry of Interior, as well as taking a series of measures and activities for the prevention of preventive and repressive aspect.

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Specialised anti-corruption prosecution bodies

In 2008, a Specialised Public Prosecutor's Office for Organized Crime and Corruption was established with jurisdiction over the whole territory of the Republic of Macedonia to act before the Court of First Instance Skopje I Skopje with prosecuting competences:

- against crimes committed by a structured group of three or more persons, existing for a period of time and acting in order to commit one or more criminal offenses for which a sentence of at least four years is imposed, with the intention to directly or indirectly acquire financial or other benefits
- against crimes committed by a structured group or criminal organization on the territory of the Republic of Macedonia and other countries or when a crime is planned or prepared in the country or in another country,
- against crimes of abuse of official position and authority, receiving a bribe of considerable value and in influence, all prescribed by the Criminal Code, committed by an elected or appointed official, officer or responsible person of a legal entity and
- against crimes of illegal production and distribution of narcotic drugs, psychotropic substances and precursors, money laundering and other proceeds of greater value, terrorist threatening the constitutional order and security, providing significant value of bribery, unlawful influence on witnesses, criminal association, a terrorist organization, terrorism, human trafficking, smuggling of migrants, minors trafficking and other crimes against humanity and international law in the Criminal Code, regardless of the number of offenders.

The Public Prosecutor's Office is a single and autonomous state body carrying out legal measures against persons who have committed criminal and other offenses determined by law, it also performs other duties determined by law.

The Public Prosecutor’s Office performs his/her duties on the basis of the Constitution and law and the international agreements ratified in accordance with the Constitution. The function of the Public Prosecutor's Office is performed by the Public Prosecutor of the Republic of Macedonia and by the public prosecutors.

The competences, establishment, termination, organization and functioning of the Public Prosecutor's Office is stipulated by law adopted by a two-thirds majority vote of the total number of MP's (systemic laws and amendments thereof are adopted by a two-thirds majority vote of the total number of MP's). The Public Prosecutor of the Republic of Macedonia is appointed and dismissed by the Assembly of the Republic of Macedonia for a term of six years with the right to re-election.

The public prosecutors are elected by the Council of Public Prosecutors and their term of office shall have no restrictions. In the election of public prosecutors, equitable representation of citizens belonging to all communities shall be observed. The Council decides on dismissal of public prosecutors.

The competences, composition and structure of the Council, the term of office of its members, as well as the basis and
the procedure for termination of the term of office and for the dismissal of a member of the Council is stipulated by law. The legal basis and the procedure for termination of the mandate and dismissal of the Public Prosecutor of the Republic of Macedonia and of the public prosecutors are determined by law. The function of the Public Prosecutor of the Republic of Macedonia and of a public prosecutor is incompatible with membership in a political party or with performance of any other public functions and professions stipulated by law. Political organization and activity in the public prosecution is prohibited.

Institutional placement: Public Prosecution Office of First Instance with jurisdiction over the whole territory of the Republic of Macedonia

Legal basis: Law on Public Prosecution (offices)

In accordance with the Law on Criminal Procedure, the public prosecutor is authorised to enact an order to conduct an investigation procedure; to recess the investigation procedure with an order; and to terminate the investigation procedure.

The funds for the functioning of the Prosecutor's Office for Organized Crime and Corruption are provided under the special indent of the Budget of the Republic of Macedonia for the budget beneficiary Public Prosecutor’s Office of the Republic of Macedonia. The Public Prosecutor of the Republic of Macedonia drafts the unified budget calculation on the basis of received calculations sent by public prosecutors’ offices of first and second instance, as well as from the Public Prosecutor’s Office for prosecution of organised crime and corruption and from the Office of the Public Prosecutor of the Republic of Macedonia. The unified budget calculation, together with written explanation - rationale for the amounts of requested funds, is submitted to the Ministry of Finance. The Ministry of Finance is competent to set and harmonise with the Public Prosecutor of the Republic of Macedonia the dedicated budget indent with the proposal on the National budget before submission of the proposal on the National Budget to the Government. The Ministry of Finance must inform the Government about differences arose (if any) in the process of harmonisation reflecting (failure to achieve agreement on) the amounts of dedicated funds. Prior to submission of the proposed Budget to Assembly, the Ministry of Finance is obliged to obtain from the Public Prosecutor of the Republic of Macedonia opinion on the proposed budget. The obtained opinion must be submitted to the Assembly together with the budget proposal.

The Public Prosecutor of the Republic of Macedonia with the prior consent of the Council of Public Prosecutors perform allocation of the funds that have been approved from the Budget of the Republic of Macedonia for prosecution, a year and a month, based on standards and criteria. The Public Prosecutor of the Republic of Macedonia is responsible for the general conditions relating to the organization and performance of the functions of the public prosecution, for its work and the work of the Public Prosecutor's Office. The Public Prosecutor of the Republic of Macedonia is accountable to Assembly of the Republic of Macedonia. The Assembly reviews the unified annual reports submitted by the Public Prosecutor of the Republic of Macedonia on the performance of the public prosecutors’ offices and the state of crime. The Public Prosecutor of the Republic of Macedonia is appointed and dismissed by the Assembly for 6 years duration of the term of office with right for one reappointment.

The function of the Public Prosecutor of the Republic of Macedonia ceases before completion of term of office: - upon his/her request, - upon loss of the citizenship of the Republic of Macedonia, - permanent loss of ability to perform the function, - If elected or appointed to another public office, - If with final judgment is sentenced to at least six months of imprisonment, or a shorter sentence or other criminal sanction for a crime that makes him undignified to perform the function.

Existence of any of the abovementioned conditions for cessation of the function of the Public Prosecutor of the Republic of Macedonia is determined by the Assembly.

The Government of the Republic of Macedonia, with prior opinion obtained from the Council of Public Prosecutors, to the Assembly submits a proposal for dismissal of the Public Prosecutor of the Republic of Macedonia. The Public Prosecutor of the Republic of Macedonia is dismissed from office before the expiration of the term of office: - due to unlawful, untimely or insufficient professional performance of the function - if his conduct and actions shows that it he/she is incapable to perform the function – if he/she does not submit a request for initiating criminal proceedings in cases prescribed by law and – due to discredit on the office. The Council of public prosecutors may submit initiative for dismissal of the Public Prosecutor of the Republic of Macedonia, stating the reasons and related facts to support its initiative. The Government submits the proposal for dismissal of the Public Prosecutor of the Republic of Macedonia, to the Council of public prosecutors. Upon the proposal, within 15 days from its receipt, the Council of public prosecutors provide the (prior positive or negative) opinion to the Government. The opinion must contain the reasoning and must be provided in written from. The term for providing the prior opinion will be extended for up to 15 days if the Council fail to provide the prior opinion. If the Council does not provide the prior opinion, it shall be deemed that the Council does not support the proposal of the Government. The Public prosecutor of the Republic of Macedonia and the Minister of Justice may not be present at the session of the Council of public prosecutor during which the proposal of the Government for dismissal of the Public Prosecutor of the Republic of Macedonia. However, the Public prosecutor of the Republic of Macedonia has the right to submit a written response to the proposal and to be present at the session of the Assembly of the Republic of Macedonia to orally respond to the proposal on his/her dismissal. The function of a public prosecutor (first and second instance including specialized for organized crime and corruption) ceases: - upon his/her request, - upon loss of the citizenship of the Republic of Macedonia, - permanent loss of ability to perform the function, - If elected or appointed to another public office, except when the position of a public prosecutor
rests under conditions determined by law and - If there is a final court decision imposing imprisonment of at least six months, or a shorter sentence or other criminal sanction for a crime that makes him/her undignified for the performance of the function.

Existence of any of the abovementioned conditions for cessation of the function of the public prosecutor is determined by the Council of Public Prosecutors.

The grounds from dismissal of a public prosecutor are the following: - a serious disciplinary offense which makes him/her undignified for the performance of the function public prosecutor as prescribed by law, and - due to unprofessional performance of the function under the conditions established by law. The proposal for initiating a procedure for determining the liability as per the grounds for dismissal shall be submitted within 30 days of discovery, but no longer than two years from the date when the violation was committed.

The procedure for determining the liability of public prosecutors for a disciplinary violation or unprofessional work is conducted upon proposal submitted by the Public prosecutor of the Republic of Macedonia or upon a proposal from second instance public prosecutor. The Public prosecutor of the Republic of Macedonia may submit proposal against a public prosecutor regardless of instance. Second instance public prosecutor may submit proposal against subordinated first instance public prosecutor

The Council of Public Prosecutors adopts decisions for dismissal of public prosecutors.

Public prosecutors in the Public Prosecutor of the Republic of Macedonia for their work are accountable to the public prosecutor of the Republic and the Council of Public Prosecutors. The Higher (second instance) Public Prosecutor reports to the Public Prosecutor of the Republic and the Council of Public Prosecutors and public prosecutors in the Higher Public Prosecutor's Office for their work report to the Higher Public Prosecutor and the Council of Public Prosecutors. The Public Prosecutor for prosecution of organized crime and corruption for its work is accountable to the Public Prosecutor of the Republic and the Council of Public Prosecutors and public prosecutors in the Public Prosecutor's Office for Organized Crime and Corruption for their work the basic Public prosecutor for prosecution of organized crime and corruption and the Council of Public prosecutors.

All public prosecutors’ offices in the Republic of Macedonia prepare annual reports on their performance. The lower instance offices submit their reports to the offices of higher instance and the Public Prosecutor’s Office of the Republic of Macedonia prepares unified annual reports on the performance of all public prosecutors’ offices and on the state of crime.

Thus, the report of the Specialized Public Prosecutor’s Office is part of the unified annual report of the Public Prosecutor’s Office of the Republic of Macedonia. The unified annual reports are submitted on review to the Council of Public Prosecutors. The reports are sent to the Supreme Court, the Government and the Ministry of Justice, but only for their information. The reports are published on the web-site of the Public Prosecutor’s Office of the Republic of Macedonia.

These reports include a special chapter on the performance of the Public Prosecutor's Office for Organized Crime and Corruption (titles within the chapter: 1 Competencies and workflow, 2 Criminal charges, 3 Acting upon criminal charges, 4 Preliminary collection of information, 5 Decisions upon criminal charges, 6 Dismissed criminal charges, 7 Orders for investigation, 8 Detention, 9 Proposals for plea bargaining, 10 Indictments 11 Property damage, 12 Requirements for the provision of funds and property, 13. completed cases, 14 Structure of first instance court judgments, 15 Imposed criminal penalties 16. Second instance judgements, 17. Complaints and response to complaints, 18. Seized items 19 Confiscation of property.

Specialisation of judges
Within the Criminal court in Skopje, there is specialized court unit for corruption and organized crime

Internal investigative units
- for police- The Internal Control and Professional Standards Department within the Ministry of Interior
- for Customs - Department for Professional Standards within Customs Administration
- for Tax administration – Department for Professional Standards within Public Revenue Office

For further information regarding judges and public prosecutors, please see responses related to article 11 of the Convention.

Ministry of Interior:
The conditions for establishing employment in the Ministry of Interior, the principles of employment in the Ministry, the ways of establishing a working relationship, the procedure for selection of persons who are employed in the Ministry, the signing of an employment contract and the types of employment contracts, as well as the rights and obligations arising from the employment of the employees in the Ministry, are prescribed according to the Law on Internal Affairs, the Law of Police, the Law of work Relations and the by-laws that arise from the Law on Internal Affairs on the manner of conducting selection of people who are working in the Ministry, the manner of achieving the career system of the employees in the Ministry, as well as the manner of assessment of the employees, the form and the content of the assessment form and the annual interview form, as well as the form and content of the report for the assessment of the employees in the Ministry.

When establishing a working relationship in the Ministry of Internal Affairs on the basis of a public announcement, the procedure for selecting people is carried out by a commission for selection of people, established by the Minister.

The Commission works according to the provisions of the Law of Internal Affairs, the Law of the police, the by-law of selection and selection of persons who are employed in the Ministry and the regulations in the field of work relations.
- The employee works in the workplace in the organizational unit of the ministry for which he signed an employment contract.
- The employee during his employment can be assigned to another job, other than the one he previously worked in, in a transparent procedure.
- Exceptionally, the transparency of the procedure does not apply to the deployment of jobseekers in the Ministry when deploying the employee as needed by the Ministry or when deployed at the request of the employee.
- The deployment of the worker is carried out under the conditions and in the manner defined in the Law on Internal Affairs, the Rulebook on the manner of realization of the career system in the Ministry and the provisions of this Collective Agreement.
- It is also regulated and for what reasons the employee cannot be assigned to another job.
- The promotion of the employees in the Ministry is regulated in accordance to a special procedure. The promotion procedure aims to enable the workers in the ministry career progression, a transition from lower to higher positions.
An employee in the Ministry can be promoted:
- a higher paid rank or at another job position which is a higher position than the previous job
Classification of jobs
- The promotion is done in a transparent procedure, with the publication of an internal add based on the professional qualifications and qualifications of the employee, his working abilities, completed trainings during the working relationship and the way of performing his duties, regardless of gender, race, skin colour, political and religious beliefs and nationality.
As an exception, the transparency of the procedure does not apply to the promotion of workers in certain positions in the Ministry, the Bureau and the Office.
The procedure for deployment and promotion
Deployment or promotion of the employees in the Ministry is carried according to the Classification of Jobs, considering some things:
- The type of position from which the employee is deployed or promoted, the type of workplace where the employee is deployed or promoted;
- The type of organizational unit in which the workplace is systematized from which the employee is deployed or promoted, or the type of organizational unit in which is the systematized workplace where the employee is deployed or promoted.
- The type of the level, that is, the category of the workplace on which is performed deployment or promotion of the employee.
- The procedure for deployment, as well as for the promotion of the workers in the Ministry according to the provisions of this Collective Agreement, covers more stages.
- The by-law of the manner of conducting selection during deployment, as well as in the promotion of the employees in the Ministry, shall be brought up by the Minister.
- Decision on the deployment and promotion of the employees in the Ministry are brought up by special commissioning for deployment and promotion, which are formed by the minister.
On the basis of the decision of the commission, the minister or an authorized worker from him makes a decision for deployment or promotion, in which the reasons for the deployment, is the promotion of the employee to another job, according to Commission's decision.
- Transfer of employment contract by force of law- retirement Ministry terminates employment contracts of workers after attending 40 years of pensionable service for the employee, regardless of his age.
- The pension is determined in the amount determined by law.
- The employee may, with a written statement to the Ministry, request that his employment contract be extended until he completes 45 years of service, regardless of his age. The Ministry is obliged, after the given statement, to extend the employment contract up to the age of 45 years for the employee, irrespective of his age.
The salary of the employee in the Ministry of Interior shall be provided from the funds of the Ministry in proportion to the work performed, in accordance with the conditions determined by law and the provisions of the collective agreement of the Ministry of Internal Affairs.
- The Ministry is obliged to pay to the employee a salary and compensation of a Salary.
- The contributions and taxes of the employee's salary are paid by the Ministry’s payment of the salary.
- Components of the salary of a worker in the Ministry shall consist of:
  - The basic component (basic salary, increase by 20% and 30% for authorized officials and career allowance)
  - An exceptional component (work performance allowance, working salary allowance and extraordinary work allowance (overtime).
The basic salary evaluates the education and the complexity of the work of the things of the workplace determined by the act on systematization of workplaces on which the employee is deployed, as well as his work experience.
The work experience is valued at the amount of 0.5% of the basic salary, which evaluates the education and the complexity of the workplace, for each commencing year, and up to 20%.
The education and the complexity of the workplace are valued by points.
The points, as well as the grouping of individual jobs according to education and the complexity of the work, are determined by the payroll list.
The list of salary is brought by the Minister, with prior opinion of the Syndicate. The salary list is classified information with a degree of classification "strictly confidential".

The value of the point is determined by a decision of the Minister, with a previous opinion of the Syndicate. The value of the point is adjusted if according to the State Statistical Office data, the monthly increase in the cost of living is over 5% in the last three months, provided funds are provided in the Budget of the Republic of Macedonia.

Because of the type, nature and complexity of the things that are being performed, as well as the weight of the work and the special conditions under which it is performed, the employees in the Ministry are evaluating the work by increasing the amount of the funds intended for salary, as follows:

- workers with status of authorized official persons performing professional or civil service duties also for the authorized security and counterintelligence officers who, according to the Act on Systematization of Workplaces in the Directorate, do not have police authorizations, an increase of 20% is made on the basic salary and
- the authorized officials with status of police officers in accordance with the Law of police and workers with status-authorized security officers counter intelligence that according to the act on systematization of jobs in

The administration has police power to increase of 30% on the basic salary.

With the career extension evaluates the professionalism of the employee in the Ministry, which ensures the stimulation of success and professional performance of the work, professional development of the workplace and continuity in the work. The career extension evaluates the professionalism of the employee in the Ministry, which ensures the stimulation of success and professional performance of the work, professional development of the workplace and continuity in the work. The acquisition of a career supplement depends on the individual worker who needs to fulfill the conditions laid down by law and the provisions of the collective agreement for a promotion in pay rank.

The valuation is made by a percentage of 5% which is counted as the basic salary, if the employee is promoted in the pay grade determined by law and the provisions of the collective agreement.

- Exceptional component:
  1. The worker performance allowance shall be determined proportionally to the work performed at the workplace on which he works, the entrusted works and it’s contribution to the overall operation of the organizational unit in which it operates

The Ministry in its entirety

Determination of the performance bonus is done on a case-by-case basis the work done by each worker and the organizational unit, in general.

If it is established that the employee has performed the entrusted activities his contribution to the overall work of the organizational unit and the Ministry is of particular success and quality, it can be proposed to establish a supplement for working success.

The performance allowance will be determined in particular in the following cases:
- especially engaging in the performance of tasks and tasks from the workplace or other specific tasks and performing them with a particular quality;
- demonstrated initiative in the work by providing useful suggestions and solutions that contribute to greater efficiency and achievement of greater results in the work;
- carrying out more extensive work and tasks in relation to the tasks and tasks that are usually performed;
- demonstrated special expertise and professionalism in the application of law and others regulations;
- a significant contribution in preventing the commission and detection of criminal offenses other illicit acts;
- carrying out tasks in cases when it is necessary to decide on an individual, which contributes to increasing the reputation of the Ministry;
- participation in working groups and commissions formed by the minister or from the authorized worker;
- successful performance of tasks and tasks of an absent worker over a longer period
- participation in the performance of individuals or group, local or republican actions; and achieving particular success in the same.

The bonus for working success is determined in the percentage amount up to 15% of the basic component of the salary of the employee.

The proposal for determining the bonus for working success (as well as the amount of the percentage) is submitted by the manager the organizational unit where the worker is proposed for whom the supplement is proposed working success.

2. Work supplement for salary is paid for night work, week work, work for holidays, determined by law, shift work, as well as due to special working conditions and life threats, the existence of high risk in the execution of works and tasks of workers in the organizational units defined in the collective agreement.

- Work supplement for night work, work on a Sunday, work during holidays determined by law and work in shifts, is calculated and paid to the basic component of the worker's salary.
- Work supplement for special working conditions and life threat, the existence of a high risk in the performance of the duties and tasks of the authorized officials in the organizational units determined in a separate article in the collective agreement of the Ministry, is calculated and added to the basic component of the salary of the employee.
- An extra work allowance is payable for work longer than full-time- overtime. The extra work pay is paid to the basic component of the salary of the employee. An extra work allowance is paid an hour in the amount of 40% also with the consent of the employee can be determined to use it for free days.
The worker who with special engagements and quality in the performance of works and tasks will significantly contribute to the achievement of the function of the Ministry may be awarded a reward in accordance with a separate act of award awards, gratitude and recognition, passed by the Minister. Workers' training is carried out in the Ministry of Interior in the following cases:
1. when a person establishes a working relationship (training of an apprentice);
2. when a person is selected on the basis of a selection procedure candidate for a police officer (basic training for a policeman);
3. in order to enable an employee to independently perform the duties at a certain job position;
4. for the continuous training of a worker.
The training shall be conducted for all workers in the Ministry, regardless of sex, race, skin colour, national and social origin, political and religious beliefs and property and social status. The training in the Ministry is conducted in the following ways:
- with a mentor;
- in the Training Center of the Ministry
- by engaging other persons and entities.
The manner of conducting the training, as well as the manner of planning, preparation, managing, coordinating, monitoring and evaluating the activities related to the training of employees in the Ministry is performed in accordance with the provisions of the Law on Internal Affairs, the Rulebook for training in the Ministry and the provisions of the collective agreement of the Ministry of Interior.
In the training program, there is a plan with teaching units in which has worked out all the issues depending on the problem of working on an organizational unit, in accordance with the competence of the organizational unit in which the employee is trained.

Financial Police Directorate
The Financial Police Directorate is a body within the Ministry of Finance with the capacity of a legal entity. The Financial Police conducts its competencies on the territory of the Republic of Macedonia and it may also, in accordance with the laws and ratified international agreements, performs certain activities within its competence outside the territory of the Republic of Macedonia.
The Financial Police Directorate is responsible for its work to the Ministry of Finance and the Government of the Republic of Macedonia. In the Financial Police Directorate, two categories of positions are established for authorized officials:

Senior officers and financial officers. The category of senior officers includes advisor - assistant to the director, head of department and head of unit. Within the category of financial officers, the following levels of job positions are determined:

independent inspector, senior inspector, inspector and junior inspector. The Director of the Financial Police is managed by the Director, who has his / her deputy. Besides general requirements, completed university degree, fluency in English, minimum 5 years working experience and passed integrity and psychological tests are required. The Director may be dismissed at his request or due to conviction on committed felony with final judgment imposing imprisonment of up to six months or imposing prohibition of performing duties.

In case of absence of the Director, the Director is replaced by the Deputy Director, with all the rights and duties. The director has an advisor-assistant to the director who is responsible for timely legal and qualitative performance of the tasks and tasks performed at the Directorate, upon the order of the Director of the Directorate and is responsible for his work to the director. The operations of the Sectors are managed by the heads of departments, who work for their work in front of the director, the work of the departments is managed by the heads of the departments who are responsible for their work to the heads of the sector. For the processing and execution of certain more complex tasks and tasks that cover multiple areas, the director can form working groups.

For permanent employment, a procedure is conducted in accordance with the Law on Financial Police, the LAS and the LPSE. The Minister of Finance decides on appointment, promotion of a financial officer, mobility (transfer, rotation, temporary transfer, etc.) to a financial officer and dismissal of a financial officer in accordance with the Law on Financial Police on the proposal of the Director. The procedure for the appointment, promotion and implementation of disciplinary procedures by the financial police officers is prescribed in the Law on Financial Police and the Rulebook on the manner and procedure for verification of the working ability for employment in the Financial Police Directorate. Against such decisions, an appeal may be lodged through the Financial Police Directorate to the State Commission for Decision-making in Administrative Procedure and Labour Relations Procedures of Second Instance.

The criteria for selecting financial officers are precisely defined in the Law on Financial Police and are designed to guarantee equal opportunities for employment for men and women. Pursuant to the Law on Financial Police, when applying for employment in the Financial Police, the principle of adequate and equitable representation of citizens belonging to all communities is respected, respecting the criteria of expertise and competence, as well as respecting the principle of gender equality.
The promotion of financial police officers is carried out in accordance with the analysis of the monthly and annual reports on the operation of the financial police officers by a commission established for this purpose, which gives a proposal to the director who makes decisions for improvement and submits it as a proposal to the Minister of Finance. In deciding on his proposal for promotion, the director may reject candidates proposed by the selection commissions without any explanation.
Pursuant to the Law on Financial Police and the Rulebook on the manner and procedure for verification of the employment skills in the Financial Police Directorate, as a financial officer may be employed a person who, in addition to the general conditions, fulfills the special conditions stipulated by Law and the systematization act of job posts and the act on the organization of the work in the Financial Police Directorate. As a financial officer, may be an employed a person who:

a) is a citizen of the Republic of Macedonia;

b) is psychologically sound (capable) and with the predisposition to perform the duties of a financial officer;

c) has an appropriate level of qualifications in accordance with the workplace provided for in the Systematization of Jobs.

d) has active knowledge of computer programs for office work;

e) has knowledge of English

f) has working experience in the profession

e) possesses other special working competences for the job defined in the act on systematization of jobs.

In accordance with the Law on Financial Police, the Director may request from the competent state institutions data on a person who is in the employment procedure as a financial officer, for the existence of possible obstacles that jeopardize the safety of the work of the Financial Police. - Based on the qualifications, expertise and knowledge of the candidates, the Director decides on the selection and proposes to the Minister of Finance.

The examination of the working capacity of the employment candidate is completed by the medical and specialist examinations that confirm the health condition with laboratory testing, the anthropological examination, neuropsychiatric and psychological examinations and examination of the senses.

Performance evaluation of the financial police officers is carried out in accordance with the Law on Financial Police, the Rulebook on the manner and procedure for assessing the work of the financial police officers based on the submitted monthly reports by the financial police officers and annually. The evaluation is based on data related to the results of the work, as well as the personal qualities that the financial police officer showed during the work, the achieved results from the trainings and awards received, disciplinary measures and absences from the previous year. The evaluation of the results of the work is carried out on the basis of knowledge and application of the regulations, accomplishment of the tasks, timely and categorical performance of the work tasks and organization of the work. The assessment of personal abilities is carried out on the basis of professional knowledge and ability, capability in performing tasks and tasks, ability for cooperation and teamwork and communication skills. The evaluation of the work of the financial officer is carried out by the immediate managerial financial officer. The evaluation should be objective and unbiased, the assessor continuously monitors the work of the financial police officer and collects data on initiated and completed cases, criminal charges and other actions that he/she undertakes in the work, taking into account the nature of the workplace, working conditions and attitude towards work. During the performance evaluation, the assessor of the financial officer gives instructions and advices for improvement of the work, indicates concrete details of the work, procedures that lead to successful operation and the shortcomings in his work. At the end of the year, the assessor fills in the data on the assessment of the financial officer in a prescribed form - a rating sheet that is kept in the file of the financial officer. Pursuant to the Law on Financial Police, financial police officers are evaluated at least once a year by an immediate managerial financial officer. Financial police officers who have been legally absent from work for more than six months during the year (sick leave, unpaid leave, etc.) will not be evaluated. The evaluation of financial police officers is based on data related to: professional knowledge and skills in working, advocacy, achieved results, creativity and the data are evaluated descriptively with the following descriptive grades "stand out", "satisfied", "partially satisfies" and "does not satisfy". The financial police officer who is not satisfied with the grade may, in within eight days from the date of evaluation, to submit a request for review of the evaluation to the Commission for review of the performance evaluation established by the Director. The results of the evaluation serve as a basis for the promotion or redeployment. Pursuant to the Law on Financial Police and the need for redistribution depending on the increased or reduced working obligations, with the decision of the Director, it is possible that the employees in different departments and units may be rotated occasionally.

No additional fees are provided for financial officers.

The Financial Police Code of Conduct was adopted in 2009 and it is published on the official website of the Financial Police Directorate. Pursuant to the Law on Financial Police, the Financial Police officers are obliged to respect the highest standards of their own integrity and integrity of the senior financial police officers in the Financial Police in performing all activities involving the public, as well as the state administration bodies and other state bodies. The Code of conduct describes the standard the conduct of behaviour that should be respected by all financial police officers and provides guidelines and guidelines for addressing ethical issues for those working in the Financial Police and those who co-operate and work with financial officers. Breach of Code of Conduct may be a ground for disciplinary liability, including the measure of termination of employment by dismissal. The Code of Conduct is adopted by the Minister of Finance on the proposal of the Director.

Customs Administration

The Customs Administration is a body within the Ministry of Finance, with the status of a legal entity. As a state administration body, the Customs Administration is responsible to the Government of the Republic of Macedonia and the Ministry of Finance for its work.

The Law on the Customs Administration regulates the organization, the scope of work, the manner of performing the work and the management of the Customs Administration, the customs authorities, the classification of jobs, as well as the
authorizations and responsibilities in the collection, recording, processing and protection of data related to affairs of the Customs Administration.

The Customs Administration is headed by the Director and the Deputy Director who are elected and appointed persons by the Government of the Republic of Macedonia. The Director and the Deputy Director are appointed on the proposal of the Minister of Finance after a public announcement for selection has been conducted. Besides general conditions, the candidate must prove active knowledge of English language and pass the psychological test and integrity test.

For their work and the work of the Customs Administration, the Director and the Deputy Director have personal responsibility before the Government of the Republic of Macedonia and the Minister of Finance.

The procedure for employment in the Customs Administration is conducted in accordance with the Law on Administrative Servants.

The Director of the Customs Administration shall adopt the decisions for appointment, promotion, redistribution, dismissal of a customs officer, as well as appointment of heads of departments or all management posts determined by the Rulebook on the systematisation of job posts at the Customs Administration.

For the management posts of level B1, ie assistant director of the department and manager of the Customs office, an opinion is also given by the Ministry of Finance, upon a proposal submitted by the Director of the Customs Administration. The promotion of the customs officers is conducted in accordance with the Law on Customs Administration, the Rulebook on the manner of promotion of the customs officers and the Instructions for publishing an internal announcement.

The conditions prescribed by the Rulebook on the manner of promotion of the customs officers at the Customs Administration are:
- a vacant job,
- conditions determined by the Law on Customs Administration and the act on systematization of jobs,
- the candidate is rated three times in a row with a final grade being "exceptional" or "satisfies"
- in the last year the candidate is not punished for violating the working order and discipline or failure to perform his / her duties.

The reassignment of customs officers is usually performed on the proposal of the immediate manager, for the purpose of vacating the job or due to a greater amount of work.

The Director of the Customs Administration signs the decision for reassignment. The Customs Officer has a right to appeal against this decision within eight days from the day of its delivery through the Customs Administration of the Republic of Macedonia to the Agency for Administration. The objection does not delay the enforcement of the decision.

The Law on Customs Administration regulates the deployment and promotion of customs officers. The promotion, ie the criteria for promotion, is set out in the Rulebook on the manner of promotion of the customs officers at the Customs Administration.

The Director may reject a candidate nominated by the selection committee, only if no choice is made, within 3 days after submitting the report of the commission, with an appropriate explanation.

The promotion procedure is carried out by publishing an internal advertisement for a vacant job. The applicants must meet the requirements of the Rulebook on systematization of jobs for the specific job position, as follows: possession of an appropriate internationally recognized certificate for knowledge of one of the three most commonly used languages of the European Union, active knowledge of computer programs for office work, work experience and appropriate kind of education depending on the workplace.

The Human Resources Management Department of the Commission submits a working dossier from the employee, that is, the candidate with data from the records from the LUCA system.

The first Customs Code of Conduct was adopted in 1999, which contains ten ethical principles of conduct, from which it has been amended several times. The Code of Conduct of Customs Officers is a binding and applicable document. In Article 1, paragraph 2 and Article 32, paragraph 1 of the Code of Conduct of the Customs Officers, it is stated that the customs officers are obliged to respect and behave in accordance with the provisions of this Code, and that any action contrary to these provisions is subject to determination of disciplinary responsibility. The Law on Customs Administration, pursuant to Article 58, paragraph 9, regulates the obligation for the customs officers to act in accordance with the Code of Conduct of Customs Officers and the prescribed Rules for Order and Discipline of the Customs Administration.

For all disciplinary procedures, in the procedure for their initiation with the proposal for initiation of a procedure for determining disciplinary liability, elements are listed which are of a binding nature, including the qualification of the action which is charged to the customs officer. The qualifications of the committed violations are contained in Article 73-a of the Law on the Customs Administration.

The direct managers and the Sector for Professional Responsibility at the Customs Administration continuously monitor the correct application of the provisions of the Code of Conduct for Customs Officers. In addition to the established Plan of Activities of the Sector for Professional Responsibility on the basis of which controls are carried out, every complaint is received through the open customs hotline 197, on-line module, written complaint or oral, whether delivered by physical and legal persons or from heads of organizational units and employees of the Customs Administration.

The Director of the Customs Administration issues the decision on cancellation of an employment contract based on violation of the order and discipline in the Customs Administration, after the procedure for determining the liability of the employee. The direct manager submits a proposal for initiation of a disciplinary procedure, most often on the basis of a report submitted by the Sector for Professional Accountability, which identifies irregularities in the actions of the customs
officer. The Director of the Customs Administration, with a decision, establishes a commission for determining disciplinary responsibility, which after a procedure, submits a proposal to the director. Against these decisions there is a legal remedy or complaint within eight days from the date of its delivery through the Customs Administration of the Republic of Macedonia to the Agency for Administration. The objection postpones the enforcement of the decision.

At the quarterly level, a Registry of risk points in the customs dealing with corruption is prepared, which contains clear and precisely defined risks, the explanation of which process they refer to, the source of the risk, the degree of risk, the organizational unit to which they apply, and the proposed measures for their overcoming. At the same time, on a quarterly basis, a report on the application of the Risk registry is prepared by all organizational units at the Customs Administration. Risk management is also monitored through the established internal control system in the Customs Administration as a continuous process involving all types of financial and other controls. The established internal control systems are upgraded and complemented in accordance with the amendments to the legislation and the activities of the organizational units of the Customs administration, and at least once a year.

A new tool for analysis and risk assessment and fight against fraud in the ATIS transit procedure has been introduced in cooperation with OLAF.

In carrying out their work tasks and duties, the employees are obliged to avoid any actions they deliberately bring into a conflict of interest situation. When employees find or find out about circumstances that indicate a conflict of interest, they are obliged to immediately inform the immediate manager, request them to be exempted and to stop their actions, that is, to stop the performance of the task. Customs officers may perform other activities and activities only with the prior approval of the Director of the Customs Administration. The activities and activities that are in conflict with the official duty of the customs officers shall be prescribed by the Director of the Customs Administration with a written act.

The Unit for Integrity in the Professional Standards Department assesses the corruption risks in the Customs Administration with possible consequences and identifies the degree of risk based on the analysis of:
- the sensitivity of certain jobs,
- abuse of official authorizations, arising from the reports of the Internal Investigation Department and the Internal Control Unit,
- criminal charges brought against employees of the Customs Administration,
- court rulings and
- suggestions and suggestions given by direct managers on the basis of self-assessment.

The register of risk points in customs dealing with corruption is applied in the performance of internal controls of the organizational units for which it is intended.

In the last Registry of risk points in customs, 37 corruption risks were identified, 28 of which were categorized with a high degree, 8 with medium risk and one with a low degree of risk.

The customs officer's performance evaluation is a continuous process throughout the year, which includes determining the work goals and activities, monitoring and collecting data on the operations of the customs officer and giving instructions and advices for improving the work.

In December 2016, the Customs Administration adopted a new Catalogue of Trainings for Professional Development and Improvement of the Customs Officers no. 01-011584 / 14-0003. The catalogue provides training for specialized competences, in addition to training on basic customs competences, which is mandatory, and training for specific competencies.

The topics that are part of the trainings for specialized competences are the following:
- Control of the application of laws,
- Professional standards,
- Information systems used in customs operations,
- Human Resources Management,
- Application of the basic rules of the harmonized system and the distribution of goods,
- Excises.

The content of the training that is part of professional standards is on Ethics, Integrity and Prevention of Corruption in duration of 8 hours.

The customs officers employed in the Professional Standards Department are independent and autonomous in the exercise of their competencies, that is, they cannot be called to account, be assigned to another job or to terminate their employment for the purpose of performing the duties and tasks which are given to them in jurisdiction. (prescribed by item 57 of the Guidelines on the work of the Sector for Professional Responsibility No. 01-020301 / 14-0004 of 17.03.2017).

The Professional Standards Department is subject to internal control by the Internal Audit Department of the Customs Administration of the Republic of Macedonia, which can be done on the basis of written approval by the Director of the Customs Administration.

The evaluation shall be carried out by the immediate manager or the managerial customs officer. The customs officer's assessment shall be performed on the basis of the data obtained by applying the criteria related to professional knowledge and skills in the work, advocacy, results of the work, initiative, creativity and conscientiousness in the performance of the
The Customs Administration adopted in its meeting on December 2, 2004 the decision No 02-11774/1, which prescribes the activities and procedures that are in conflict with the provisions of the Law on the Customs Administration and the Law on Budget Execution.

Customs officials are required to perform activities that are in conflict with their official duty as set out in the Law on the Customs Administration. The Law on the Customs Administration states that customs officials are required to perform activities that are in conflict with their official duty. The customs officials are also paid sick leave for more than 6 months in the amount of one average gross salary per worker in the Republic of Macedonia, as provided in the Law on Budget Execution. The customs officials are also entitled to compensation for the costs of transport from their workplace to their residence and vice versa, if the workplace is more than 50 km away from the place of residence. The customs officials are also entitled to compensation for transport costs in the amount of the costs for transport with the funds for public transport (road map) from their workplace to their residence and vice versa, if the workplace is more than 50 km away from the place of residence. The customs officials are also entitled to compensation for the costs of transport from their workplace to their residence and vice versa, if the workplace is more than 50 km away from the place of residence.

The basic gross annual salary determined according to the defined points for the systematized jobs and according to the value of the points is: 556,175.00 MKD for the post of Senior Customs officer (SSC) and 409,916.00 MKD for a duty station (SSS). We note that this data refers to the basic gross salary annually, while it is increased by the rate of past work of the customs officers as well as on the allowances that the customs officer accomplishes for shift work (4%), night work (29%), holiday work (42%) and day of weekly rest (29%), as well as for occasional overtime work. The salary of the customs officers varies depending on the workplace, that is, in the Collective Agreement of the Customs Administration, the jobs are grouped into three categories, nine groups, ie twenty-two subgroups of the workplaces, with an appropriate coefficient of complexity at the workplace. Pursuant to Article 64 of the Collective Agreement, in addition to the regular salary, the managers of the organizational units have the opportunity to determine their average or over average results on the basis of the analysis performed by each employee and propose that the basic salary for the current month be increased in the amount of 5% to 15%. In addition, in the year 2016, the Rulebook on the system of remuneration of customs officials, which contains criteria for awarding a prize, and a different amount of prizes ranging from 10,000 and more, has been amended. In the Customs Administration, the customs officers who, in accordance with the decision for rotation, are assigned a new workplace, are entitled to compensation for the costs of transport from their workplace to their residence and vice versa, if the workplace is more than 50 km away from the place of residence. The customs officers are entitled to compensation for the costs of transport from their workplace to their residence and vice versa, if the workplace is more than 50 km away from the place of residence.

The Customs Administration, in accordance with the Guidelines for rotation, has prepared a Plan for rotation for the customs officers, which contains criteria for awarding a prize, and a different amount of prizes ranging from 10,000 and more. In the Customs Administration, the customs officers who, in accordance with the decision for rotation, are assigned a new workplace, are entitled to compensation for the costs of transport from their workplace to their residence and vice versa, if the workplace is more than 50 km away from the place of residence. The customs officers are entitled to compensation for the costs of transport from their workplace to their residence and vice versa, if the workplace is more than 50 km away from the place of residence.

The primary purpose of the rotation plan is to improve the efficiency and effectiveness of the Customs Administration, as well as to ensure a stable and professional environment for the customs officers.

The rotation plan is prepared by the Director of the Customs Administration, who takes into account the criteria for awarding a prize, and a different amount of prizes ranging from 10,000 and more. In the Customs Administration, the customs officers who, in accordance with the decision for rotation, are assigned a new workplace, are entitled to compensation for the costs of transport from their workplace to their residence and vice versa, if the workplace is more than 50 km away from the place of residence. The customs officers are entitled to compensation for the costs of transport from their workplace to their residence and vice versa, if the workplace is more than 50 km away from the place of residence.

The customs officers are paid sick leave for more than 6 months in the amount of one average gross salary per worker in the Republic of Macedonia, as provided in the Law on Budget Execution. The customs officials are also entitled to compensation for the costs of transport from their workplace to their residence and vice versa, if the workplace is more than 50 km away from the place of residence. The customs officers are entitled to compensation for the costs of transport from their workplace to their residence and vice versa, if the workplace is more than 50 km away from the place of residence.

With the provision of Article 60 of the Law on the Customs Administration, a prohibition was imposed on the customs officers to perform activities that are in conflict with their official duty. In addition to this legal provision, the Customs Administration adopted internal acts related to the conflict of interest, such as:

- Guidance in case of conflict of interest and establishment of a supervision system for prevention of conflict of interests number. 01-035283 / 14-0001 from 09.06.2014
- Direction for handling and determining the activities and activities that are in conflict with the official duty of the Customs officers number 01-040794 / 16-0001 of 13.06.2016 (the first direction in the form of operational instructions was adopted on December 2, 2004 with no 02-11774 / 1) which prescribes the activities and activities that are in conflict with the official duties of the Customs officers.
the official duties of the customs officers, as well as in which cases and under what conditions the customs officials can perform other activities and activities.

The content of the basic training for customs officers covers the following topics:
- Concept of ethical behaviour, integrity and corruption
- Legal regulations (legal framework),
- Causes of corruption and its effects in relation to itself, the Customs Administration and the society as a whole,
- Organizational aspect (system of integrity) for prevention of corruption and conflict of interests,
- Relevant documents regarding integrity and prevention of corruption and conflict of interest.

In addition to basic training, advanced training has been designed. Advanced training aims to upgrade the knowledge that customs officers have in the area of integrity and the prevention of corruption. This training covers the following topics:
- Presence of the cognitive element when making the decision to participate in a corruptive act,
- The passive and active bribery and the existence of the legal framework,
- Duties of the Customs officer in a situation where he is offered, promising or giving a bribe to abuse his official position,
- Tools used by the Customs Administration in the fight against corruption in accordance with the State Program for Prevention of Corruption.

As part of the basic training for newly recruited customs officials, the Customs Administration provides training on Ethics, Integrity and Prevention of Corruption. The training lasts 8 hours and is carried out at the beginning of the basic post-employment training. The training is assigned to the premises of the Customs Administration or in the premises of the Customs Houses, depending on which territory a larger number of employees is located.

The advanced training is intended for already employed customs officers who have undergone basic training and it is in duration of 8 hours.

The training is obligatory for every newly employed person in the Customs Administration.

The basic training is held annually, according to the employment in the Customs Administration. Advanced training is also held at least once a year for groups of 10-20 participants. The number of trainings on Ethics, Integrity and Prevention of Corruption is determined through the submitted requests from the heads of organizational units, which are included in the Annual Training Plan and Professional Development and Improvement of the Customs Officers. In the latest annual plan for 2018, in addition to the basic training for newly recruited customs officials, it is planned to hold trainings on Ethics, Integrity and Prevention of Corruption for 9 organizational units at the Customs Administration.

The public is informed about the management of corruption risks and conflicts of interest, the ethical principles and the rules of conduct that apply to the customs officers and for further reforms through the publication of information on the Customs Administration's website www.customs.gov.mk, where in the folder / section titled "Fight against corruption" is a text that explains the environment in which the corruption and the consequences from it and the following internal documents are presented:
- Strategy on integrity and fight against corruption in the Customs Administration of the Republic of Macedonia 2015-2018,
- Ratified United Nations Convention against Corruption,
- Revised Arusha Declaration,
- Code of Conduct of Customs Officers,
- Rules of Order and Discipline at the Customs Administration,
- Protocol on Cooperation for Prevention and Repression of Corruption and Conflict of Interest.

Applying the principle of transparent operation, the Customs Administration regularly publishes annual and quarterly reports on its activities on the web portal.

In order to timely inform the representatives of the business community with all the new customs duties, the introduction of new projects and their involvement in the drafting of new laws and by-laws in January 2009, an Advisory body was established, in which, besides the Customs Administration, representatives from several companies Chambers, Group of Freight Forwarders and Logistic Operators, Transport Associates Makantrans, SIZ Macedonia Traffic Amerit, Textile Trade Association, Association of Leather Processing Industry. In 2012, the adopted Rules of Procedure of the Advisory Body are adopted, and the number of members is constantly increasing from year to year.

 Guidance: Information sought may include:

- Description of the distinction between national public officials and officials of local government.

In relation to subparagraph 1 (a), information sought may include:

- The legal framework for recruitment and hiring, retention and promotion of civil servants and, where appropriate, other non-elected public officials, including any public examinations that may be administered as part of the process, and any specific criteria applied that aim at assessing their merit,
equity and aptitude as well as their integrity;

☐ Description of the specific procedures for the recruitment and hiring of senior managers, if they are different from other civil servants;

☐ Description of the methods used to ensure that principles of efficiency, transparency and objectivity of criteria for human resource management are applied;

☐ Description of any safeguards aimed at guaranteeing the transparency and fairness of the recruitment process (e.g. the procedures and practices to publish and disseminate vacancy announcements, documentation or recording of interviews and rating of candidates, administration of written tests, use of interview panels);

☐ Description of the mechanism(s) to file a complaint or appeal against a human
resource decision, including in relation to a recruitment process or decision.

**In relation to subparagraph 1 (b), information sought may include:**

- Which procedures are used to determine public positions considered especially vulnerable to corruption;
- Description of specific recruitment requirements and procedures for the selection of individuals to fill certain categories of positions considered especially vulnerable to corruption, including possible early identification of potential conflicts of interest;
- Rules and procedures for rotation of these categories of civil servants;
- Training requirements and curricula for individuals in public positions considered especially vulnerable to corruption.

**In relation to subparagraph 1 (c), information sought may include:**

- The authority that establishes the pay scales (basic salary, allowances, performance bonuses, etc.) applicable to public officials and set forth how the pay scales are determined;
- The criteria governing the increase or adjustment of the remuneration or part of the remuneration of civil servants;
- Description of how such remuneration and pay scales take into account the level of economic development of the State party;
- Description of the mechanism for administering the remuneration system for public officials.

**In relation to subparagraph 1 (d), information sought may include:**

- Institutions or systems for the education and training of public officials both in relation to integrity and corruption issues and more broadly in relation to their functions and necessary skills as a public official;
- Description of how integrity and corruption prevention are integrated into the training of civil servants and, where appropriate, other non-elected public officials;
- Description of any initial and ongoing training requirements and curricula for civil servants, as well as any reference to applicable codes or standards of conduct;
- Description of the criteria and process used to evaluate performance, as well as the consequences in cases of a failure to perform.

3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

**Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

**In relation to subparagraph 1 (a), information sought may include:**

- Examples in which measures (administrative practices) regarding the management and recruitment of civil servants and other non-elected public officials have been successfully introduced in practice;
Examples in which an individual or a group of individuals has successfully used procedures to appeal against a decision made in relation to their employment status or conditions or recruitment decisions.

**In relation to subparagraph 1 (b), information sought may include:**

- Reports or studies produced regarding the existence and impact of specialized training for public officials in positions considered to be especially vulnerable to corruption;
- Assessment reports of civil servant positions or public sectors considered to be especially vulnerable to corruption;
- Case studies demonstrating the effectiveness of the measures taken in relation to such positions or sectors;
- Statistics regarding rotation of positions identified to be especially vulnerable to corruption.

**In relation to subparagraph 1 (c), information sought may include:**

Information may, in particular, include the following:

- Internal or external studies conducted to assess the adequacy of remuneration for public officials;
- Examples where the remuneration system or pay scales were adjusted and implemented;
- Publications of pay scales and the mechanism for automatic increases.

**In relation to subparagraph 1 (d), information sought may include:**

- Statistics regarding the number of public officials that have participated in general competency-building training and/or integrity and anti-corruption training;
- Internal or external studies demonstrating the impact of anti-corruption training in the public sector, for example, with reference to the willingness of public servants to report acts of corruption and to seek guidance on ethics related matters;
- Statistics regarding violations of applicable codes or standards of conduct by public officials, or failure to perform;
- Statistics on the number of integrity and anti-corruption trainings carried out per year;
- Training curricula and the methods or tools used to evaluate and improve training programmes.

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**Article 7, paragraph 2**

2. Each State Party shall also consider adopting appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to prescribe criteria concerning candidature for and election to public office.

1. **Is your country in compliance with this provision?**

Yes
2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Relevant provisions are prescribed in the Election Code, as follows:

**Article 3**

(1) The President of the Republic, the Members of the Assembly of the Republic, the members of the Councils and the Mayor of the municipality is elected in general, direct and free elections, by secret ballot.

**Article 7**

(1) A candidate for President of the Republic may be a person who fulfils the conditions for election of President of the Republic determined by the Constitution.

(2) A candidate for a Member of the Assembly of the Republic, a member of a council and a mayor may be a citizen of the Republic Macedonia who:
- Has turned 18 years of age and
- has business ability.

(3) A candidate for a Member of the Assembly of the Republic, a member of the council and mayor shall not be a person who:
- has been sentenced with a final court decision to an unconditional prison sentence of over six months, whose subsistence has not yet begun and
- is serving a prison sentence for committed crime.

(4) In addition to the conditions laid down in paragraph (2) of this Article, a candidate for council member and mayor may be a citizen with permanent residence in the municipality and the City of Skopje where the election is performed.

6. Incompatibility of the office of President of the Republic, Member of the Assembly of the Republic, Mayor and Member of the Council

**Article 8**

(1) The function of Member of the Assembly of the Republic, a member of the council and a mayor is incompatible with the function of President of the Republic, President of the Government of the Republic of Macedonia, Minister, Judge, Public prosecutor, public attorney, ombudsman and other holders of functions elected or appointed by the Assembly of the Republic of Macedonia (hereinafter: the Assembly) and the Government of the Republic of Macedonia (hereinafter: the Government).

(2) The function of a Member of the Assembly is incompatible with the function of a mayor and a council member in the municipality and the city of Skopje.

(3) The function of Member of the Assembly and mayor is incompatible with:
- performing professional and administrative work in the bodies of the state administration,
- carrying out commercial or other profitable activities;
- membership in management boards of public enterprises, public institutions, funds, agencies, offices and in other legal entities, as well as with the election of a representative of state and social capital in the trade companies.

(4) The function mayor of the City of Skopje and the function of a member of the Council of the City of Skopje is incompatible with the function of mayor of the municipality and function as member of the council of the municipality on the territory of the City of Skopje.

(5) On the day of verification of the mandate of a Member of the Assembly, member of the Council and Mayor of the holders of the functions referred to in paragraphs (1) and (2) of this Article shall terminate their function.

(6) On the day of verification of the mandate of a Member of the Assembly and mayor of the persons referred to in paragraph (3) line 1 of this Article, the employment relation is suspended.

(7) On the day of verification of the mandate of a Member of the Assembly and mayor of the persons referred to in paragraph (3) line 2 and 3 of this Article, the employment relation in the commercial or other profit activity is suspended, and membership in management boards of public enterprises, public institutions, funds, agencies, institutions in other legal entities, as well as representatives of state and social capital in trade companies it ceases.

(8) On the day of verification of the mandate of a member of the council of persons employed in the municipality administration of the municipality and the administration of the City of Skopje, their labour relationship is suspended in accordance with the law.

**Article 8-c**

(1) From the day of issuing the decision for announcing elections, the political parties participants in the election process, sign a Code of Fair and Democratic Elections.

(2) With the Code from paragraph (1), participants in the election process unambiguously commit themselves that they will not exert any pressure or attempt to pressure public and state employees administration, in other institutions or institutions financed by the Budget of the Republic Macedonia, the budgets of the municipalities and the City of Skopje, as well as in trade companies and enterprises with state capital.

(3) With the Code from paragraph (1), the participants in the election process also unambiguously commit that no employed person or citizen will be subject to any a threat in terms of their employment and social security as a result of
their own support or non-support of any political party or candidate.

Professionalism and irrevocability of the function

Article 10

(1) The members of the Assembly cannot be revoked.
(2) The function of member of the Assembly and mayor shall be carried out professionally.

Article 67

(1) The State or the Municipal Election Commission, or the Election Commission of the city Skopje referred to in Article 66 of this Code after receiving the list of candidate or candidates it shall determine whether it has been submitted within the time limit set and drawn up in accordance with the provisions of this Code.
(2) If the State or Municipal Election Commission or Election Commission of the city Skopje found that there are certain irregularities in the list, it will be called by the authorized person representative of the submitter of the list, that is, the first signed member of the Assembly on the list of candidates, to eliminate the irregularities within 48 hours of the receipt of the lists.
(3) If the State or Municipal Election Commission or Election Commission of the city Skopje determined that the list was submitted within the determined deadline and was compiled in accordance with the provisions of this Code, that is, the established irregularities or omissions are removed within the deadline specified in paragraph (2) of this Article, shall confirm the submitted list with a decision.
(4) If the State or Municipal Election Commission or Election Commission of the city Skopje found that the lists were submitted untimely, that is, the established irregularities or omissions are not removed within the deadline specified in paragraph (2) of this Article, shall reject the submitted list by a decision within 24 hours of the receipt of the lists.
(5) Against the decision of the Municipal Election Commission or the Election Commission of the city Skopje referred to in paragraph (4) of this Article an appeal may be filed to the Administrative Court, within 24 hours from the receipt of the decision.
(6) Against the decision of the State Election Commission referred to in paragraph (4) of this Article may be filed a complaint to the Administrative Court of the Republic of Macedonia through the State Election Commission in within 24 hours of receipt of the decision.
(7) The Administrative Court is obliged to make a decision within 24 hours from the receipt of the appeal.
(8) Submitting an objection and a lawsuit by mail is not permitted.
(9) The submission of an objection and a lawsuit for voting abroad shall be carried out exclusively by electronic means, personally or through an authorized representative. As the time of filing the appeal is considered the time when the citizen sent the e-mail to the State Election commission.

XIV. PENALTIES AND MISDEMEANOR PROVISIONS

Article 177-a

(1) Notwithstanding the misdemeanour liability, for non-compliance with the provisions of this Code that are referring to the limitation of election campaign costs and the delivery of the financial statements for financing the election campaign, to a participant in the election campaign is determined:
- partial loss of compensation for election campaign expenses,
- full loss of compensation for election campaign expenses; or
- ban the payment of the election campaign expenses.
(2) A participant in the election campaign shall be assigned a partial loss of compensation to election campaign costs in case they exceed the allowable amount of costs for the election campaign, in accordance with Article 84 of this Code;
(3) The partial loss of the compensation for the costs of the election campaign in the cases referred to in paragraph (2) of this Article, consists in reducing the amount of compensation for campaign costs for as much as the permissible limit for spending in the election campaign has been exceeded. If the amount of funds that exceeds the allowed spending limit in election campaign is greater than the amount for the compensation of expenses in the election campaign, will a total loss of compensation for the costs of the election campaign was determined.
(4) A participant in the election campaign shall be appointed a prohibition on the payment of the fee to election campaign costs in cases when they do not submit within the prescribed deadline and content the financial statements in accordance with Article 84-b paragraphs (1) and (2) and Article 85 of this Code.
(5) The ban on the payment of the election campaign expenses in the cases from paragraph (4) of this Article shall last until the proper fulfilment of the obligation in accordance with Article 84-b paragraphs (1) and (2) and Article 85 of this Code.
(6) The decision for partial or complete loss of the compensation of the election expenses campaign referred to in paragraphs (2) and (3) of this Article, as well as the decision to suspend the payment referred to in paragraph (4) of this Article shall be taken by the State Election Commission upon proposal of the State Audit Office.
(7) An administrative dispute may be initiated against the decision referred to in paragraph (6) of this Article that is final.
(8) The decision referred to in paragraph (7) of this Article shall be published in the "Official Gazette of the Republic of Macedonia".

Article 178
For prevention of elections and voting; for violation and abuse of the right to vote; for violation of the freedom of voters' determination; for bribery in elections and voting; for the destruction of the electoral documents, for actions contrary to Article 8-a of this Code and for an election fraud, the perpetrator shall be punished according to the provisions of the Criminal Code.

2. The attempt of the criminal offenses referred to in paragraph (1) of this Article shall be punishable.

3. The procedure is urgent for the crimes referred to in paragraph (1) of this Article.

Article 188-a

1. A fine in the amount of 9,000 euros in MKD counter-value shall be imposed for a misdemeanour a political party, a coalition or an independent candidate if they do not return to the donors unspent donations within the foreseen deadline, in proportion to the donated amount, at case of not submitting or not confirming the list of candidates (Article 71, paragraph 7).

2. Fine in the amount of 30% of the measured fine for the political party, the coalition respectively the independent candidate will be pronounced to the authorized person of the political party, the coalition or the independent candidate for the misdemeanour referred to in paragraph (1) of this Article.

3. A fine in the amount of 900 to 1,350 euros in MKD counter-value shall also be imposed to a person who intended to become a candidate for the misdemeanour referred to in paragraph (1) of this Article.

Article 189

1. A fine in the amount of EUR 9,000 in MKD counter value shall be imposed for a misdemeanour to a political party, a coalition or an independent candidate if they do not submit a report on financing of the election campaign referred to in Article 85 of this Code, or when financing of the election campaign funds have been used in accordance with Article 83 of this Code.

2. A fine in the amount of 9,000 euros in MKD counter value shall be imposed to a political party or a coalition or an independent candidate for spent more funds in the election campaign than is stipulated in Article 84 of this Code.

3. Fine in the amount of 30% of the measured fine for the political party, the coalition respectively the independent candidate will be pronounced to the authorized person of the political party, the coalition or the independent candidate for the misdemeanour referred to in paragraph (1) of this Article.

Related provisions of the Constitution of the Republic of Macedonia:

“Article 80

The President of the Republic is elected in general and direct elections, by secret ballot, for a term of five years. A person may be elected President of the Republic two times at most. The President of the Republic shall be a citizen of the Republic of Macedonia. A person may be elected President of the Republic if over the age of at least 40 on the day of election. A person may not be elected President of the Republic if, on the day of election, he/she has not been a resident of the Republic of Macedonia for at least ten years within the last fifteen years.

Article 81

A candidate for President of the Republic can be nominated by a minimum of 10,000 voters or at least 30 Representatives. A candidate for President of the Republic is elected if voted by a majority of the total number of voters. If in the first round of voting no candidate wins the majority required, voting in the second round is restricted to the two candidates who have won most votes in the first round. The second round takes place within 14 days of the termination of voting in the first round. A candidate is elected President if he/she wins a majority of the votes of those who voted, provided more than 40% of the registered voters voted. If in the second round of voting no candidate wins the required majority of votes, the whole electoral procedure is repeated. If only one candidate is nominated for the post of President of the Republic and he/she does not obtain the required majority of votes in the first round, the whole electoral procedure is repeated. The election of the President of the Republic takes place within the last 60 days of the term of the previous President. Should the term of office of the President of the Republic be terminated for any reason, the election of a new President takes place within 40 days from the day of termination. Before taking up office, the President of the Republic makes a solemn declaration before the Assembly of his/her commitment to respect the Constitution and the laws.

Article 83

The duty of the President of the Republic is incompatible with the performance of any other public office, profession or appointment in a political party. The President of the Republic is granted immunity. The Constitutional Court decides by a two-thirds majority vote of the total number of judges on any case for withholding immunity and approving of detention for the President of the Republic.”

Law on prevention of corruption – regulates who (which categories) are obliged to submit an Asset declaration form:
Obligation to declare assets
Article 33
(1) An elected or appointed official, responsible person in a public enterprise, public institution or other legal entity disposing of state capital, upon election or appointment and within a period of 30 days from the day of election or appointment the latest, shall fill in an asset declaration containing detailed description of the immovable property, movable property of higher value, securities, and claims and debts, as well as other property in his/her ownership or in ownership of members of his/her family, stating the grounds the reported assets have been acquired on, and shall deposit a statement, certified by a notary, renouncing the protection of banking secrecy with regard to all domestic and foreign bank accounts.
(2) The person referred to in paragraph (1) of this Article shall be obliged to fill in an asset declaration in a period of 30 days from the day of termination of the office.
(3) The person referred to in paragraph (1) of this Article shall submit the asset declaration referred to in paragraphs (1) and (2) of this Article and the statement referred to in paragraph (1) of this Article to the State Commission and the Public Revenue Office.

Reporting changes in assets
Article 34
(1) An elected or appointed person, official or responsible person in a public enterprise or other legal entity disposing of state capital shall be obliged, within a period of 30 days, to report any increase of his/her assets, that is the assets of a member of his/her family, such as construction of a house or other facilities, purchase of immovable property, securities, a car or other movable property having value in excess of twenty average salaries paid in the economy in the previous three-month period.
(2) An agreement or other document on the basis of which the assets are put at disposal, as well as a document on the manner of effectuated payment shall be attached to the report submitted to the State Commission and the Public Revenue Office.

Law on prevention or conflict of interest – regulates who (which categories) are obliged to submit a Statement of interest form:

“IX-a. STATEMENT OF INTERESTS
Article 20-a
The President of the Republic of Macedonia, the members of the Assembly of the Republic of Macedonia, the mayors, the ambassadors and the other persons appointed by the Republic of Macedonia abroad, the persons elected or appointed to or by the Assembly of the Republic of Macedonia and the Government of the Republic of Macedonia, the state administration authorities and other state authorities, the judicial authorities, the public enterprises, institutions and other authorities of the central government and the local authorities specified by law, when assuming the performance of public authorizations and duties, shall be obligated, within 30 days, to submit a statement referring to the existence or non-existence of a conflict of interest to the State Commission.

Article 20-c
If, while performing public authorizations and duties, an official person finds himself/herself in a state of conflicting interests, then he/she shall be obligated, within 30 days from the time when the change occurred to inform the State Commission.

If an official person finds employment in a company or another legal entity in the private sector within a time period of three years, then he/she shall be obligated, within 30 days, to inform the State Commission thereof.

Guidance: Information sought may include:
- Minimum requirements – such as age, education, professional background, citizenship and integrity – to present a candidacy for election to hold elected public office;
- Criteria for disqualifying a person from presenting a candidacy for election to hold elected public office, such as a previous criminal conviction or other offence;
- Requirements of candidates for elected public office to:
  (i) demonstrate the absence of a potential conflict of interest with the position sought or disclose certain information about relevant interests as a condition of their candidacy;
  (ii) file asset declarations prior or upon entry into office;
  (iii) demonstrate compliance with tax obligations, past and present;
- Description of sanctions, including disqualification, for presenting false or incomplete information in any of the above-mentioned disclosure requirements or for conduct during the campaign that would disqualify a candidate from presenting a candidacy for election;
Description of focal points or units within the executive and legislative branch responsible for setting out standards on ethical behaviour and giving guidance to parliamentarians, ministers, etc. on ethical behaviour and corruption risks.

If your country has considered, but not adopted, any measures to implement this provision, please describe the process in which they were considered.

3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision. Information may, in particular, include the following:

- Examples of disclosures made by candidates for public office demonstrating their eligibility, including examples where a candidacy was rejected for failing to meet one or more of the applicable requirements. Statistics regarding disciplinary/criminal procedures against public officials or candidates for public office who have been sanctioned for presenting false or inaccurate information in making disclosures required by their candidacies, including any sanctions imposed;
- Statistics on compliance with assets disclosure requirements;
- Examples where a candidacy was initially accepted and subsequently disqualified based on additional information or an election overturned based on an invalid candidacy or conduct while a candidate;
- Reports or other information on the process in which the adoption of any measure to implement the provision was considered.
Article 7, paragraph 3

3. Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.

1. Is your country in compliance with this provision?

Yes

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Relevant provisions are stipulated by the Election Code and Law on Financing Political Parties.

Relevant provisions of the Election Code:

8. Financing the elections

Article 83

(1) The election campaign shall not be financed by:

☐ funds from the Budget of the Republic of Macedonia, except the funds determined in Article 86 paragraph (2) of this Code,

☐ funds from the budgets of the municipalities and the City of Skopje, except the funds determined in Article 86 paragraph (2) of this Code,

☐ funds from public enterprises and public institutions,

☐ funds from citizens' associations, religious communities, religious groups and foundations,

☐ funds from foreign governments, international institutions, bodies and organizations of foreign countries and other foreign entities,

☐ funds from enterprises with mixed capital where the foreign capital prevails; and

☐ funds from unidentified sources.

(2) The election campaign may be financed by:

☐ the membership fee of the political party,

☐ individuals in the amount of 3,000 Euros in MKD equivalent and

☐ legal entities in the amount of 30,000 euros in MKD counter value.

(3) The election campaign can be financed by donations from individuals and legal entities in the form of money, goods and services the value of which must not exceed the amount determined in paragraph 2, indents 2 and 3 of this Article.

(4) If the amount of the donation that exceeds the amount determined in paragraph (2) lines 2 and 3 of this Article, the participant in the election campaign is obliged, within a period of five days from the day of receiving the donation, to transfer the difference between the allowable and the donated value to the Budget of the Republic of Macedonia.

(5) If the origin of the donation cannot be determined, the participant in the election campaign is obliged, within five days from the day of receiving the donation, to transfer the donated value to the Budget of the Republic of Macedonia.

Article 83-a

(1) As a donation referred to in Article 83 of this Law shall also be considered the following:

☐ provision of free services to the participant in the election campaign,

☐ sale of goods or provision of services to the participant in the election campaign at prices lower than the market prices.

(2) The seller of the goods, ie the service provider is obliged to notify the participant in the election campaign for the market price of the goods sold or the service provided and shall submit an invoice thereof.

(3) The difference between the market value and the invoiced value shall be considered a donation.

(4) Public enterprises are obliged to offer equal prices for their services to all participants of the campaign through official price lists.

Article 83-b

(1) The participant in the election campaign during the election campaign shall keep a register of donations with the following data:

☐ the name, ie the name of each donor individually,

- the type and value of the donation and

☐ the date of receiving the donation.

(2) The donation register shall contain data for paid donations of entities that are directly or indirectly connected with or under the control of a political party.
The register of donations shall be kept on a form prescribed by a rulebook adopted by the Minister of Finance, which shall determine the form, the content and the manner of keeping the register of donations.

Article 84
In the financing of the election campaign, the participant in the election campaign can spend up to 110 MKD per registered voter in the electoral unit, that is, the municipality for which he has submitted a list of candidates, ie candidate list in the first and second round of voting.

Article 84-a
From the day of announcing the elections, until the election day, the state bodies and the bodies of the municipalities and the City of Skopje may not publish advertisements financed from the Budget of the Republic of Macedonia, that is, from the budgets of the municipalities and the City of Skopje.

Article 84-b
(1) The participant in the election campaign shall be obliged on the 11th day after the election campaign day to submit the financial report with the specification of the revenues and expenses on the transaction account dedicated to the election campaign from the day of its opening until the end of the tenth day of the election campaign.
(2) A participant in the election campaign shall be obliged, one day before the second round of voting, to submit a financial report specifying the revenues and expenditures on the transaction account for the election campaign for the second round of voting.
(3) The participant in the election campaign shall be obliged, one day after the completion of the election campaign, to submit a financial report specifying the expenses for the election campaign expenses for the second half of the election campaign.
(4) The reports referred to in paragraphs (1) and (2) of this Article shall be submitted on a template prescribed by the Minister of Finance containing the data on the name of the donor, type and value of donations, date of receiving donations and expenditures for each donation and revenue and expenditure during the election campaign, as well as data on donations received by a third party.
(5) An integral part of the template referred to in paragraph (4) of this Article shall be the Instructions on the manner of filling in the template of the report.
(6) The reports shall be submitted to the State Election Commission, the State Audit Office and the State Commission for the Prevention of Corruption, which are obliged to publish them on their web sites.
(7) The political entities shall be obliged to publish the reports submitted by under paragraph (6) on their web pages.

Article 85
(1) The participant in the election campaign shall be obliged to submit a total financial report for the election campaign immediately or at the latest within 30 days from the day of closing the transaction account referred to in Article 71 paragraph (10).
(2) The financial report for the election campaign shall be submitted on the form referred to in Article 84-b paragraph (3) of this Code.
(3) The financial report shall be submitted to the State Election Commission, the State Audit Office, the State Commission for the Prevention of Corruption and the Assembly of the Republic of Macedonia, and for the local elections also to the council of the municipality and the council of the City of Skopje.
(4) The State Election Commission, the State Audit Office and the State Commission for Prevention of Corruption shall publish the financial report referred to in paragraph (3) of this Article on their web pages.
(5) The participant in the election campaign of a group of voters shall give as a gift the surplus of collected funds for charity.
(6) The State Audit Office shall, within 60 days from the day of submitting the report from the paragraph (1) of this Article is obliged to conduct an audit. The audit is conducted from the date of the opening of the transaction account for the election campaign until the completion of the transactions on that account.
(7) If the State Audit Office finds irregularities in the financial report of the participant in the election campaign that contravene the provisions of this Code, the State Audit Office shall request for initiation of a misdemeanor procedure or shall submit a report to the competent public prosecutor within 30 days from the day of determining the irregularities.
(8) The State Audit Office is entitled to request additional explanations and data when conducting the audit of the financial report of the participant in the election campaign in order to fully determine any irregularities in it.
(9) The State Election Commission, the State Audit Office and the State Commission for Corruption shall conclude a Memorandum of Cooperation concerning the implementation of the provisions for the financing of the election campaign for the exchange of information on identified irregularities in relation to the submitted financial statements and the measures taken by their side towards the subject under supervision
Article 85-a
(1) Broadcasters and print media in the Republic of Macedonia shall be obliged to submit a report on the advertising space used by each of the participants in the election campaign and the funds that are paid or are demanded on that basis.
(2) The report referred to in paragraph (1) of this Article shall be submitted no later than 15 days after the day of completion of the election campaign.
(3) The report referred to in paragraph (1) of this Article shall be submitted to the State Election Commission, the State Audit Office and the State Commission for the Prevention of Corruption, which shall be obliged to publish it on its web sites.

(4) The report referred to in paragraph (1) of this Article shall be submitted in a template prescribed by the Minister for Finance.

Article 85-b
Audit reports from the audited financial statements of the participants in the election campaign shall be published by the State Audit Office on its website within the deadline determined by law.

10. Reimbursement of election expenses

Article 86
(1) Right to reimbursement of election expenses in the amount of 15 MKD per vote received shall have the participants in the election campaign from whose lists of candidates are elected a candidate for president of the Republic, candidates for members of the Assembly of the Republic of Macedonia, members of the council, or candidate for mayor.

(2) The participants in the election campaign from whose lists of candidates are not elected a candidate for President of the Republic, a candidate for a Member of the Assembly, a candidate for Council member or a mayoral candidate in the amount of 15 MKD per received vote, shall have the right to reimbursement of expenses for elections vote if they have won at least 1.5% of the total number of votes of the citizens that went to vote at the level of the Republic, the electoral unit ie the municipality.

(3) The compensation for election expenses shall be paid from the Budget of the Republic of Macedonia, ie from the budget of the municipality and the City of Skopje at the latest within three months after the filing of the financial report for the election campaign on the basis of the report
State Election Commission for the conducted elections.

(4) The reimbursement of election expenses shall be determined by a decision of the Assembly of the Republic of Macedonia, the council of the municipality and the City of Skopje.

XIV. PENALTIES AND MISDEMEANOR PROVISIONS

Article 177-a
(1) Notwithstanding the misdemeanour liability, for non-compliance with the provisions of this Code that are referring to the limitation of election campaign costs and the delivery of the financial statements for financing the election campaign, to a participant in the election campaign is determined:
- partial loss of compensation for election campaign expenses,
- full loss of compensation for election campaign expenses; or
- ban the payment of the election campaign expenses.

(2) A participant in the election campaign shall be assigned a partial loss of compensation to election campaign costs in case they exceed the allowable amount of costs for the election campaign, in accordance with Article 84 of this Code;

(3) The partial loss of the compensation for the costs of the election campaign in the cases referred to in paragraph (2) of this Article, consists in reducing the amount of compensation for campaign costs for as much as the permissible limit for spending in the election campaign has been exceeded. If the amount of funds that exceeds the allowed spending limit in election campaign is greater than the amount for the compensation of expenses in the election campaign, will a total loss of compensation for the costs of the election campaign was determined.

(4) A participant in the election campaign shall be appointed a prohibition on the payment of the fee to election campaign costs in cases when they do not submit within the prescribed deadline and content the financial statements in accordance with Article 84-b paragraphs (1) and (2) and Article 85 of this Code.

(5) The ban on the payment of the election campaign expenses in the cases from paragraph (4) of this Article shall last until the proper fulfilment of the obligation in accordance with Article 84-b paragraphs (1) and (2) and Article 85 of this Code.

(6) The decision for partial or complete loss of the compensation of the election expenses campaign referred to in paragraphs (2) and (3) of this Article, as well as the decision to suspend the payment referred to in paragraph (4) of this Article shall be taken by the State Election Commission upon proposal of the State Audit Office.

(7) An administrative dispute may be initiated against the decision referred to in paragraph (6) of this Article that is final.

(8) The decision referred to in paragraph (7) of this Article shall be published in the "Official Gazette of the Republic of Macedonia".

Article 178
(1) For prevention of elections and voting; for violation and abuse of the right to vote; for violation of the freedom of voters' determination; for bribery in elections and voting; for the destruction of the electoral documents, for actions contrary to Article 8-a of this Code and for an election fraud, the perpetrator shall be punished according to the provisions of the Criminal Code.

(2) The attempt of the criminal offenses referred to in paragraph (1) of this Article shall be punishable.

(3) The procedure is urgent for the crimes referred to in paragraph (1) of this Article.
Article 188-a

(1) A fine in the amount of 9,000 euros in MKD counter-value shall be imposed for a misdemeanour a political party, a coalition or an independent candidate if they do not return to the donors unspent donations within the foreseen deadline, in proportion to the donated amount, at case of not submitting or not confirming the list of candidates (Article 71, paragraph 7).

(2) Fine in the amount of 30% of the measured fine for the political party, the coalition respectively the independent candidate will be pronounced to the authorized person of the political party, the coalition or the independent candidate for the misdemeanour referred to in paragraph (1) of this Article.

(3) A fine in the amount of 900 to 1,350 euros in MKD counter-value shall also be imposed to a person who intended to become a candidate for the misdemeanour referred to in paragraph (1) of this Article.

Article 189

(1) A fine in the amount of EUR 9,000 in MKD counter value shall be imposed for a misdemeanour to a political party, a coalition or an independent candidate if they do not submit a report on financing of the election campaign referred to in Article 85 of this Code, or when financing of the election campaign funds have been used in accordance with Article 83 of this Code.

(2) A fine in the amount of 9,000 euros in MKD counter value shall be imposed to a political party or a coalition or an independent candidate for spent more funds in the election campaign than is stipulated in Article 84 of this Code.

(3) Fine in the amount of 30% of the measured fine for the political party, the coalition respectively the independent candidate will be pronounced to the authorized person of the political party, the coalition or the independent candidate for the misdemeanour referred to in paragraph (1) of this Article.

The Law on financing of Political Parties regulates the manner and procedure for providing funds, disposal of the funds for the ongoing operation and activities of the political party, as well as the manner of controlling the financing and financial and material operations of the political parties.

Relevant provisions stipulated by the Law are the following:

“Article 4

The financing of the political parties shall be public and transparent. The financing of the political parties shall be performed transparently, the citizens and the competent body for control of the financial and material operations having a complete insight thereof. The sources of financing the political parties, as well as their expenditures, shall be public and transparent and shall be subject to control of the state bodies competent for financial and material operation.

Any citizen or member of the political party shall be entitled to equal access to the insight into the financing of the political party. Any citizen or member of the political party shall be entitled to prevent or report a procedure that constitutes an abuse or infringement of this Law:

“II. PROPERTY AND SOURCES OF FINANCING POLITICAL PARTIES

Article 6

The political parties shall have the right of ownership on business premises, equipment, stationery, means of transportation and other movable property necessary for fulfilling the aims and carrying out the activities set out by the statute of the party and by law.

Article 8

The public sources for financing the political parties shall be the funds envisaged in the Budget of the Republic of Macedonia.

Article 9

The total funds for annual financing of the political parties shall amount to 0,06% of the total source incomes of the Budget of the Republic of Macedonia.

The funds referred to in paragraph 1 of this Article shall be planned in their determined amount in the Budget of the Ministry of Justice for every fiscal year. The political parties may use the funds referred to in paragraph 1 of this Article solely for achieving their aims defined by law, statute and other acts of the party.

Article 10

The funds for financing the political parties, in the amount of 30% provided by the Budget of the Republic of Macedonia shall be allocated equally to all political parties that have won at least 1% of the votes of the turnout at the last elections for representatives in the Assembly of the Republic of Macedonia, at national level, or at the last held local elections in the self-government unit.

The funds for financing the political parties, in the amount of 70% provided by the Budget of the Republic of Macedonia shall be allocated to political parties whose candidates are elected as representatives in the Assembly of the Republic of Macedonia, proportionally to the number of elected representatives, and to political parties whose candidates are elected counsellors at the last held local elections, proportionally to the number of counsellors elected.
The funds referred to in paragraphs 1 and 2 of this Article shall be allocated to the political parties with a decision from the Minister of Justice.

The State Election Commission shall submit to the Ministry of Justice a list of the political parties that have won at least 1% of the votes of the turnout at the last held elections for representatives in the Assembly of the Republic of Macedonia, on national level, or at the last held local elections in every municipality and in the City of Skopje, on municipal level, i.e. on level of the City of Skopje.

The State Election Commission shall submit to the Ministry of Justice a list ordered by number of elected representatives in the Assembly of the Republic of Macedonia per political party, on national level, and ordered by the number of elected counsellors at the last local elections on national level.

**Article 10-a**

In addition to the funds referred to in Article 9 of this Law, funds in the amount of EUR 280,000.00 in MKD equivalent shall be provided in the Budget of the Republic of Macedonia, for annual financing of the Party research and analytical centers established in accordance with the law as part of the internal organization of the political party.

The funds referred to in paragraph 1 of this Article shall be planned in the Budget of the Ministry of Justice for each fiscal year.

The allocation of the funds referred to in paragraph 1 of this Article shall be performed in accordance with the law.

2. Private sources of financing political parties

**Article 13**

Private sources of financing the political parties shall be:

- membership fee,
- donations, gifts, contributions, grants, sponsorships (hereinafter: donations),
- legates,
- sale of promotional and advertising material and
- own incomes in accordance with this Law.

**Article 14**

Membership fee, in terms of this Law, shall be considered the regular amount of funds that the member of the political party pays annually in accordance with the acts of the party.

The amount of the membership fee, for one year period, for each member individually, must not be higher than the average net salary paid in the Republic in the previous year, published by the State Statistical Office.

**Article 15**

The political parties may receive donations in the form of money, tangible assets or services.

The political parties may receive non-monetary donations if they, in accordance with their statute, may be used for their activities.

The provision of free of charge services for a political party, as well as provision of services for political parties paid by a third party, in terms of this Law, shall be considered as donation.

The service provider shall be obliged to notify the political party of the value of the provided service.

In terms of this Law, the sale of goods and provision of services to political parties for prices lower than the market prices shall be considered donation. The seller of goods, i.e. the service provider shall be obliged to notify the political party of the market value of the sold goods, i.e. provided service. The difference between the market value and the paid price shall be considered as donation.

The conditions and limitations referred to in this Law shall apply to all types of donations (monetary assets, equipment and services).

If the donation is received by the entities listed in Article 20 of this Law, the political parties shall be obliged, within ten days from the day of receiving the donation, to notify the donator of rejecting the donation and to return it within 30 days.

**Article 16**

The total amount of the individual donation must not exceed the amount of 150 average net salaries of legal entities and 75 average salaries of natural persons in the Republic, paid in the previous month and published by the State Statistical Office. This amount must not be cumulated more than once in a year.

If the amount of the donation exceeds the amount determined in paragraph 1 of this Article, the political party cannot use it and shall be obliged to immediately, and at latest within 15 days from the day of receiving the donation, return the difference between the allowed and donated value to the donor.

If the origin of the donation cannot be confirmed, the political party shall be obliged to immediately, and within 15 days from the receiving of the donation at latest, to transfer the donated amount to the Budget of the Republic of Macedonia.

The register referred to in paragraph 1 of this Article shall contain data on the paid donations of entities that are directly or indirectly connected with or under the control of the political party.

The political parties are obliged to publish on their website a register of donations every six months for the past six-month period, within 15 days from the date of the expiration of the six-month period or make it available to the public in another appropriate manner.

**Article 18**

The political parties by a legate may acquire the funds envisaged in Article 6 of this Law only.

If the political party is given assets not defined in Article 6 of this Law, they shall be sold at court auction and the monetary value realized by the auction shall be transferred to the transactions-account of the political party.
The limitations of the amount of the donations referred to in Article 16 of this Law shall also apply to the amount of the legate.

Article 19

The political parties are prohibited from not perform an economic activity.
The political parties cannot acquire other types of income, except the following:

- interest on bank deposit,
- rent, i.e. leasing premises of the party,
- incomes from sale of printed, audio and visual and digital publications and advertising materials and other publications where the name or some of the marks of the political parties are affixed, as well as incomes from copyrights and
- incomes from tickets sale for attending manifestations organized for party purposes, where the name or some of the marks of the political party must be affixed to the tickets.

The political parties shall use the incomes referred to in paragraph 2 of this Article solely for performing activities in accordance with law and the acts of the party.
The political parties must not use the incomes referred to in paragraph 2 of this Article for making profit.

Article 20

The political parties cannot be financed by:

- governments, international institutions, bodies and organizations of foreign states and other foreign persons,
- state and local bodies with funds other than the ones envisaged in the Budget of the Republic of Macedonia, except the funds envisaged in this Law and the laws on elections,
- public institutions, public enterprises, public funds or other legal entities that manage state capital,
- public enterprises, public institutions and public funds established by the municipalities,
- enterprises that have at least 20% participation of state-owned capital, public institutions and institutions including those that have initiated the process of privatization,
- private enterprises that provide public services for state bodies or public institutions, enterprises and funds by an agreement at the moment of giving the contribution for the political party,
- citizens’ associations (non-governmental organizations), religious communities or religious groups,
- funds of enterprises with mixed capital where a dominant owner is a foreign investor and
- anonymous or unidentified sources.

If the political parties do not act in accordance with Article 15 paragraph 6 of this Law regarding the funds received by the entities referred to in paragraph 1 of this Article, then these funds shall be transferred from the transactions account of the political parties to the Budget of the Republic of Macedonia and shall be used for financing humanitarian activities.

The political parties, which acquire and illegally use funds from the sources referred to in paragraph 1 of this Article, as well as the funds that they do not record in the register of donations, shall lose the right to financing from the Budget of the Republic of Macedonia for the following year.

Article 21

The political parties are prohibited from having funds in foreign banks or other financial institutions outside the Republic of Macedonia.

Article 22

Any kind of pressure to legal entities and natural persons for the purpose of raising financial funds for the political party shall be forbidden.

Promising privileges and personal benefit or benefit to a legal entity of any kind to the donator of the political party shall be forbidden.

Any person that finds out about issues referred to in paragraphs 1 and 2 of this Article shall be obliged to notify the State Commission for Prevention of Corruption which shall carry on the procedure by submitting a motion to the competent bodies, provided it assesses that there is a criminal or misdemeanour liability.

III. CONTROL OF FINANCING OF POLITICAL PARTIES

Article 23

The political parties are obliged to keep accounting for the financial and material work of the party.

Revenues and expenditures of the political party are public.

Political parties maintain accounting under the provisions of the Accounting Law for non-profit organizations.

Article 24

The statute or other act of the political parties regulates the manner of performing the internal control of the financing of the political party.

The political party is obliged by statute or other act to determine the right to inform each party member of the party's income and expenditures.

The political party is obliged by a statute or other act to determine a body competent for the financial performance of the party.

The statute of the political party shall determine the person and the manner of appointment, ie the determination of the body competent for the financial performance of the party.

Article 25

The political party shall prepare a report on the received donations.
The report on the received donations shall contain the data from the register of donations.

The political party shall submit the report referred to in paragraph 2 of this Article at the latest by 31 March for the previous year, together with the annual financial statement referred to in Article 27 of this Law, to the State Audit Office.

The political party shall submit the report referred to in paragraph 2 of this Article at the latest by 31 March for the previous year, to the State Audit Office.

The State Audit Office and the Public Revenue Office shall be obliged to publish the obtained reports on their websites.

Article 26

The supervision over the financial and material operations of the political parties shall be carried out annually for the previous year by the State Audit Office, under law.

The political parties may have only one transactions-account and their local branches and research-analytical centers may have sub-accounts as well, but in such cases, they shall be obliged to submit consolidated financial statements.

The political parties, in accordance with the legal regulations, shall submit the annual balance sheet for the financial operation to: the Public Revenue Office, the Central Register and the State Audit Office, and shall be obliged to announce them on their web sites.

Article 27

The political parties, until 31 March at the latest, shall prepare the annual financial statement for the previous year in accordance with law. The statement shall contain the financial operation of the account of the political party, as well as the sub-accounts of the local branches and the sub-account of the research-analytical centres.

The annual financial statement shall as well contain data for:

- the total income including the data for the total amount of donations, gifts, contributions, dotations, money,

- material assets, equipment, services, personal incomes, membership fee, legates and other and

- the total expenditures.

The annual financial statement shall be submitted to the State Audit Office within the time period determined in paragraph 1 of this Article.

If the State Audit Office establishes irregularities in the annual financial statement of the political party which are contrary to the provisions of this Law, it shall file a motion for initiation of a misdemeanour procedure or shall file a report to the competent public prosecutor in a period of 30 days as of the establishment of the irregularities.

The template, form, content and manner of keeping the financial statement shall be prescribed by the Minister of Finance. An integral part of the template referred to in paragraph 5 of this Article is the Guidelines on the manner of filling in the annual financial report.

The Ministry of Finance conducts at least annually the training of political parties on the material and financial operations and the manner of completing the financial report.

Article 27-a

The political party is obliged to publicly publish the annual financial report on the political party's website no later than April 30 of the current year for the previous year.

Article 27-b

Regardless of the misdemeanour liability, suspension of funds for regular annual financing from the Budget of the Republic of Macedonia shall be imposed to the political party that will not submit an annual report to the State Audit Office within the prescribed deadline in accordance with Article 27 of this Law and if it acts contrary of Articles 16, 25 and 26 paragraph 3 of this Law.

The payment of the funds for regular annual financing from the Budget of the Republic of Macedonia shall be suspended and suspended for the political party that will not publish the data on the donations received during the year in accordance with Article 17 of this Law.

The suspension (suspension) of the payment referred to in paragraph 1 of this Article shall last until the due fulfilment of the obligations pursuant to Articles 16, 25, 26, 3 and 27 of this Law, and the termination of the payment referred to in paragraph 2 of this Article lasts until the proper fulfilment of the obligations in accordance with Article 17 of this Law.

The decision to stop (suspension) the payment of funds for regular annual financing from the Budget of the Republic of Macedonia on a proposal of the State Audit Office shall be adopted by the Minister of Justice.

An administrative dispute may be initiated against the decision referred to in paragraph 4 of this Article, which is final.

The decision referred to in paragraph 5 of this Article shall be published in the "Official Gazette of the Republic of Macedonia".

Article 27-c

Regardless of the misdemeanour liability, the political party which within the prescribed deadline will not publish the annual financial report in accordance with Article 27-a of this Law, loses the right to regular annual financing from the Budget of the Republic of Macedonia for a period of three months.

A decision for losing the right to regular annual financing from the Budget of the Republic of Macedonia for a period of three months, in accordance with paragraph 1 of this Article, shall be adopted by the Minister of Justice on a proposal of the State Audit Office.

An administrative dispute may be initiated against the decision referred to in paragraph 2 of this Article, which is final.

The decision referred to in paragraph 3 of this Article shall be published in the "Official Gazette of the Republic of Macedonia".

Article 28
Fine in the amount of Euro 1.000 to 2.000 in MKD counter-value shall be imposed to a natural person for a misdemeanour, while fine in the amount of Euro 5.000 to 10.000 in MKD counter-value shall be imposed for misdemeanour to the legal entity, should they act against the provisions referred to in Article 16 paragraph 1 of this Law.
Fine in five to ten times the amount of the difference between the allowed and donated value shall be imposed to the political party for misdemeanour, should it act against Article 16 paragraph 2 of this Law.
Fine in ten to twenty times the amount of the donated value shall be imposed for misdemeanour to the political party, should it act against Article 16 paragraph 3 of this Law.

Article 29 paragraph 2
Fine in the amount of Euro 5.000 to 10.000 in MKD counter-value shall be imposed for misdemeanour to the political party that acts against Articles 25, 26 paragraph 3, 27 and 27-a of this Law.

Article 31
Competent body for acting upon the misdemeanours determined by this Law, shall be the basic court according to the head office of the political party.

Article 32
In case if the political parties more often than twice a year commit a misdemeanour, as stipulated by this Law, the same shall not be awarded budget funds in accordance with this Law in duration of one year.”

Guidance: Information sought may include:
- The legal definition of what constitutes a donation or contribution to a political party;
- The laws, rules and regulations applicable to the funding of candidatures for elected public office;
- Sanctions for the violation of any relevant laws, rules and regulations applicable to political candidates or political parties;
- The laws, rules and regulations relevant to the funding of political parties;
- Description of any specific requirements aimed at enhancing transparency in the funding of candidatures for elected public office and political parties, such as:
  - Requirements to prevent conflicts of interest in political donations;
  - Public disclosure of donations and donors, both private and public;
  - Requirement for candidates and political parties to maintain a separate account for financing of campaigns, including receipt of donations and allocations of expenditures;
  - Transparency of donations by foreign donors or legal entities including those wholly or partially owned by the State;
  - Regular financial reporting obligations of donations and expenditures, including pre- and post-election, for candidates and political parties;
  - Recording requirements for information relevant to donations and expenditures, including the identification of individual and corporate donors, special interest or advocacy groups;
  - The mandate and responsibilities of administrators or treasurers for political candidates and political parties with regard to transparency;
  - Description of the mechanisms in place to independently monitor the financing of political candidates or political parties;
  - Description of any specialized bodies in place in charge of controlling the financing of elections and political activity, as well as the prerogatives of such bodies.

If your country has considered, but not adopted, any measures to implement this provision, please describe the process in which they were considered.
3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

**Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:

- Disclosure reports by candidates for public office and/or political parties and other relevant entities and whether such information is publicly available;
- Audit reports;
- Cases and/or statistics involving violations of the political funding provisions concerning transparency, including any sanctions applied or resulting criminal prosecutions;
- Public reports by Government institutions of public funding provided to candidates and parties.

Article 7, paragraph 4

4. Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The procedure for determining the existence of a conflict of interest, in accordance with the Law on Prevention of Conflict of Interest, is initiated and implemented by the SCPC ex officio, at the request of an official, based on a report/complaint of another person or at the request of the head of the authority/body where the official is employed or on the basis of an anonymous report. The aim is to ensure the prevention of misuse of public authorisations and duties of the official for the exercise of private benefit for themselves or close relatives and to ensure the prevention of the possibility that the private interest of the official endangers the public interest.

According to Article 23 of the Law on Prevention of Conflict of Interests, if SCPC detects a conflict of interest, it is obliged to inform the official and request from him/her to remove the conflict of interests within a period of 15 days from the submission of the SCPC decision containing the recommendations. If the official acts upon the recommendation, the State Commission shall stop the procedure and inform the official and the applicant. In case the official did not act pursuant to SCPC recommendations, the State Commission shall decide on imposing the measure of public reprimand, which shall be delivered to the official.

If an official against whom the measure of public reprimand has been imposed did not take actions to remove the conflict of interest and to inform the State Commission thereof within a period of 15 days from the receipt of the decision, the State Commission shall submit initiative for termination of the public authorisations or duties of the official or an initiative for instigating a disciplinary procedure for determining a disciplinary liability before the competent authority. The measures public reprimand are published on the website of the SCPC.45

According to Article 20 of the Law on Prevention of Conflict of Interest, "the President of the Republic of Macedonia, the members of the Assembly of the Republic of Macedonia, the mayors, the ambassadors and other persons appointed by the Republic of Macedonia abroad; elected and appointed persons in the Assembly and the Government, state administration and other state bodies, judiciary, public enterprises, institutions and other authorities of central and local self-government

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45https://www.dksk.mk/index.php?id=82
established by law, in the exercise of their public authorisations and duties are required to submit a statement on the (non)existence of conflicts of interest to the State Commission within a period of 30 days from the appointment.

Civil servants and employees in state administration and other state bodies, judiciary, public enterprises, institutions and other legal entities of the central and local government established by law, and persons employed by temporary employment agencies with the authority, are required to submit a statement on the existence or non-existence of conflict of interests in the authorities/bodies where they perform their duties, that is, where they are employed within a period of 30 days. (Article 20 b)

Pursuant to the Law amending the Law on Prevention of Conflict of Interests from 2012 (“Official Gazette” No. 6/2012 from 13.01.2012 year) the State Committee has the authority to check the statements of interest.

In March 2012 the Government adopted a Decree on checking the contents of the Statements of Interest (“Official Gazette” no.42 / 2012 from 28.03.2012)

The SCPC checks the content of the statements of interests that are submitted to the SCPC in accordance with Article 20 of the Law on Prevention of Conflict of Interests, and thus has concluded that the conflicts of interest among officials usually occur as accumulation of functions, i.e. simultaneous exercise of two or more functions and violation of Article 9 of the Law on Prevention of Conflict of Interest. 46

Information about actions of the SCPC in the field of preventing conflicts of interests are regularly published within the annual reports of the SCPC.47

In 2016 the SCPC developed a unique form of declaration of non-existence of a conflict of interest for the needs of the contracting authorities in the implementation of public procurement.48

The Statement of interest form requires the following data:

1. Personal engagements – “do you execute another public authorization or duty (elected, appointed, employed) beside the one you report in the point 2 of this form?”
2. Companies – Are you owner, founder, co-owner, member of assembly, supervisory board, management board or management in a company or are you an authorized person in a company?
   If the answer is “yes” than state the name of the company as well as the percentage of the state capital in the trade company
3. Are you a member of an association of citizens or foundation?
   If the answer is yes than state the name of the association of citizens or foundation as well as your function and the wage you receive?
4. Do your close persons execute public authorization or duty/ (as elected, appointed, employed officials). If the answer is yes, than state the name of the person, the name of the institution or body as well as the working position and the date of the election/appointment.
5. Are your close persons owners, founders, co-owners, members of association, of supervisory board or are authorized persons in trade companies?
   If the answer is yes than state the name of the person, the name of the company, the status of the person as well as the percentage of his/her capital in the company.
6. Are you close to persons members of associations of citizens or foundations?
   If the answer is yes than state the name of the person, the name of the association or foundation, and your relation with the person named and his/her status in the association or foundation.

Public access to submitted statements of interest is provided upon a request submitted in accordance with the Law on Free Access to Public Information.

Relevant provisions regarding limitations after leaving office and membership in management and supervisory bodies are stipulated by the Law on Prevention of Conflict of Interest, as follows:

“VII. LIMITATIONS AFTER LEAVING OFFICE

Article 17

(1) An official person, within a time period of three years after the termination of public authorizations or duties, or after the termination of the employment shall not get employment in a company where he/she performed supervision or had established a contractual relationship whilst performing the public authorizations or duties.

(2) An official person, within a time period of three years after the termination of public authorizations or duties, or after the termination of the employment shall not acquire in any way shares or parts in the legal entity where he/she worked or performed supervision.

(3) If an official person, within the time period stipulated in paragraph (2) of this article, does acquire shares or parts

46 https://www.dksk.mk/fileadmin/PDF/izvestaj.pdf p.32


by way of inheritance, then he/she shall be obligated to report this to the State Commission.

(4) An official person, within a time period of three years after the termination of public authorizations or duties, or after the termination of the employment shall not be able to represent natural persons or legal entities from the authority where he had previously worked, if he/she participates in the making of a decision on a specific case.

VIII. MEMBERSHIP IN MANAGEMENT AND SUPERVISORY AUTHORITIES

Article 18

(1) An official person may not be a member in a management or a supervisory board of a company, public enterprise, agency, fund as well as all other organizational forms with dominant state capital, unless otherwise specified by law.

(2) Notwithstanding paragraph (1) of this article, a civil servant or a person with special duties and authorizations specified by law can be a member of the management board or the supervisory authority of a company.”

Laws prescribing public functions of officials to be performed professionally, also prescribe contain legal prescribing incompatibilities of performing other functions. Many laws contain provisions prohibiting performance of functions or activities in line with the provisions of the Law on Prevention of Corruption, as well as specific criteria for selection of officials in order to prevent (even potential) conflict of interest.

Within the activities of the IPA 2010 Twinning Project "Support to efficient prevention and fight against corruption", funded by the European Union and implemented by the State Commission for Prevention and the Federal Office of Administration Germany, a publication - Guide to managing conflict of interest was produced in September 2016.49

In 2013, SCPC, within the activities of building integrity systems, implemented in collaboration with the Program for Development of the United Nations (UNDP), prepared a Handbook on Integrity and Conflict of Interest.50

SCPC conducted generic trainings, organized by the Ministry of Information Society and Administration, on the topic "Anti-corruption measures and ethics in the Public Service", that included lectures on Conflict of Interest. As part of its cooperation with the Academy of Judges and Public Prosecutors, SCPC conducted trainings for representatives of the judiciary - judges and public prosecutors, lay judges and court administration. SCPC also implemented a series of trainings in collaboration with several ministries and state bodies (Ministry of Defence, Ministry of Education and Science, Ministry of Labour and Social Policy, Public Revenue Office, etc.). The training topics are in the field of prevention of corruption, conflict of interest and whistleblower protection.

In the first half of 2017, under the Memorandum of cooperation between SCPC and the Directorate for Execution of sanctions51, 4 trainings organized by the Directorate for Execution of Sanctions for the employees of penitentiary institutions were held on topics in the field prevention of corruption, conflict of interest and whistleblower protection.

Within the EU-funded project "Strengthening National Capacities for Combating Organized Crime and Corruption," in which the SCPC is one of the beneficiary institutions, activities of technical and content finalization of the platform for e-learning were carried out during May-June 2017, initiated within the Twinning project IPA 2010 "Support for effective prevention and combating corruption”.

Transparency

SCPC has held 15 public meetings attended by journalists and representatives of media and which form the press conference were allowed to ask questions which were immediately answered by the President of SCPC and SCPC members.

The decisions of the public sessions SCPC published on its website and are publicly available.

SCPC regularly publishes press releases available on the website www.dksk.mk section Information for the public>Announcements.

During 2016, 62 information are published on the website of the SCPC about the operation of SCPC in cases of corruption and conflict of interest. In addition, one press conference was held, 3 interviews of the President of the SCPC were held, 3 statements were given to the media by the spokesman of the SCPC, 25 answers were given to the posed journalist questions


51 [https://www.dksk.mk/index.php?id=19&L=0&id=19&tx_news_pi1%5Baction%5D=detail&tx_news_pi1%5Bcontroller%5D=News & tx_news_pi1%5Bcontroller%5D=News & tx_news_pi1%5Bnews%5D = 91 & cHash = 901424ce09ed86ab8dc4d715893a4429]
via e-mail in relation to corruption, conflict of interests, as well as monitoring of the assets of the officials. SCPC in 2016 held three conferences and 3 workshops that were covered by the media and at which, in addition to his speeches, the President of SCPC likewise gave statements to the media.

During 2017, 57 information announcements were published on the website of the SCPC about the operation of the SCPC. In the same year, the SCPC attended 3 workshops, 3 conferences, 1 round table, 1 forum and 1 debate show.

In order to enhance transparency, the SCPC seeks to immediately respond to all posed the questions posed by the journalists and to inform the public.

The SCPC is a publicly accessible institution for every citizen. Citizens can file a complaint to SCPC in three manners: in written via post or electronic mail or personal delivery of written complain to the office of the SCPC or verbally – complain written by SCPC official in the presence of the person filing the complaint. Contact information, including phone numbers of offices of the employees in the SCPC Secretariat, are published on the web-site and are contact information is regularly maintained.

The SCPC in accordance with its legal competencies, submits an annual report on its work and the undertaken measures and actions to the Assembly of the Republic of Macedonia, and also informatively to the President of the Republic, the Government and the media. All reports of the SCPC are published on the website of the SCPC.

All state programmes for prevention and repression of corruption and reduction of conflict of interests, adopted by SCPC, are published on the website of the SCPC. The reports on the assessment of the implementation of the activities set out in these strategic anti-corruption documents are likewise published.

The decisions imposing measures for public reprimand are published on the website of the SCPC.

On the website of the SCPC the Register of elected and appointed officials and information on the assets of elected and appointed officials (submitted asset declarations to the SCPC) are published and regularly maintained.

The methodology for anti-corruption assessment of the legislation and reports drafted in accordance with the Methodology are published on the website of the SCPC.

With the Law on Free Access to Public Information, which provides transparency in the work of holders of information and enables natural and legal persons to exercise their right to free access to public information, this guaranteed right of the citizens is operationalized. Free access to public information is considered as one of the most effective anti-corruption tools in modern societies. All steps towards greater transparency of the work of public institutions, narrow the space and opportunities for corrupt behaviour by themselves. The activity for amending the Law on Free Access to Public Information, in terms of proactive transparency of the holders of information, constant monitoring of the application and implementation of the Law by the Commission for protection of the right to free access to public information, the competence of the Commission to enhance the implementation of the Law through the initiation of procedures and imposing of sanctions, as well as providing protection for the holders of information against any kind of abuse, is predicted within the framework of the State program 2016-2019.

To improve transparency and standards in the publication of information by the ministries, the Government obliged all ministries and agencies reporting to the Government to publish and regularity update information under listed specific categories.

The Law on Public Sector Data Use enables use of innovation and creation of new information, content and applications through combination and data mashing; Creation of new services, creation of jobs and social inclusion; Improved accountability and transparency in the public sector; Improvement of the data quality in the public sector; Economic growth, competitiveness and development of the information society in Macedonia.


Macedonia participates in the Open Government Partnership and makes continuous efforts to improve transparency of its institutions. Relevant measures are envisaged with the State programmes adopted by SCPC, OGP Action Plan, draft Strategy on public administration reform and Strategic plan on implementation of zero tolerance to improper treatment policy with standard operative procedure on records and reporting - adopted by the Directorate for Execution of sanctions.

Guidance: You may wish to refer to any relevant information provided on article 8, paragraphs 2 and 5, and articles 10 and 13 of the Convention in the present self-assessment report.


53 https://www.dksk.mk/index.php?id=70

54 https://www.dksk.mk/index.php?id=82

55 https://www.dksk.mk/index.php?id=home


https://www.dksk.mk/index.php?id=71
Information sought may include:

- Description of conflict of interest standard(s), indicating if these standards
  (i) are publicized widely;
  (ii) regulate the outside activities of public officials;
  (iii) prohibit the holding by public officials of certain types of assets or positions in legal entities that are incompatible with their primary functions, such as an individual sitting on the board of a company;
  (iv) limit the official actions a public official may take because of a conflict of interest;
  (v) apply criminal, administrative or other sanctions where public officials do not comply with applicable conflicts of interest regulations;

- Description of training or advisory services to public officials regarding relevant
3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

In the period 01. 01. 2016 - 31. 12. 2016, the State Commission has established a total of 78 new cases in the area of conflict of interest, of which a total of 57 cases were resolved. The newly-opened cases in the State Committee are formed upon requests for opinion submitted by officials, their superiors or officials of state bodies, by anonymous applicants, as well as by applications submitted by other interested persons. Cases are likewise formed ex officio, based on the findings of the SCPC. In addition, in the same year, the SCPC further acted upon a total of 81 cases, received and opened in previous years, out of which 53 cases were resolved, and 28 cases are ongoing.

Imposed measures:
In accordance with Article 25 paragraph 1 sentence 1 in conjunction with Article 23, paragraph 3 of the Law on Conflict of Interests, SCPC imposed a total of 20 public warnings to officials who were in conflict of interest due to violation of provisions of the Law on Prevention of Conflict of interest and did not act upon the implications of the SCPC, that is they did not renounce the execution of the cumulative functions that they simultaneously performed.

Initiatives:
The State Commission submitted 12 initiatives for the initiation of a procedure for dismissal of public authorisations and duties of officials who acted contrary to the provisions of the Law on Prevention of Conflict of Interest and the Law on Prevention of Corruption, i.e. who violated the limits of their authorisations and duties and who placed their personal interest before the public interest or used the performance of activities of public interest to achieve personal benefit. Six of the abovementioned initiatives are submitted against officials who perform two or more functions and who did not remedy the situation of conflict of interest filling the issued public reprimand. On the other hand, other initiatives for initiating a procedure for dismissal are submitted against elected/appointed officials who acted contrary to the provisions of the Law on Prevention of Conflict of Interest Act and the Prevention of Corruption by signing acts for employment of their close relatives. Namely, these initiatives are submitted against two directors of elementary schools, one director of public high school, a director of a public health institution, a director of an Institute and a Dean of Faculty.

Statements of Interest
In 2016 a total of 627 statements of interests have been received, out of which 193 statements of interest are from local-self-government officials, 58 statements are submitted by Justice officials and 376 statements of interests are submitted by officials of the state administrative authorities.

Out of the total number of submitted statements of interests in this period, the SCPC concluded that 39 officials acted against the provisions of the Law on Conflict of Interest and these persons were required to eliminate the violation on their own initiative, and in 16 cases the procedure is completed because the officials have acted in accordance with the SCPC request i.e they have overcome the situation of a conflict of interests.

The total number of statements of interest submitted to the SCPC, starting from the moment of establishing the obligation for their submission, in accordance with the amendments to the Law on Conflict of Interest as of 2009, and by the end of 2016, amounted to 7803 statements of interest. In 2016, the SCPC, in accordance with its legal competencies, submitted requests for misdemeanour proceedings for failure to submit statements of interest against 3 elected officials to the competent court. Based on the abovementioned data (newly formed cases, cases formed in previous years, cases of declarations of interest, requests for initiation of procedures), in the same period, SCPC acted upon a total of 201 cases from the area of conflict of interest and resolved 126 out of them.\(^57\)
Guidance: You may wish to refer to any relevant information provided on article 8, paragraphs 2 and 5 and articles 10 and 13 of the Convention in the present self-assessment report. Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:

- Examples in which conflicts of interest have been discovered and the specific measures taken in relation to the relevant public officials;
- Statistics regarding the number of cases taken forward regarding alleged breaches of conflicts of interest regulations;
- Statistics and studies on training officials on the conflicts of interest standards;
- Procedures on managing conflicts of interest in the public service and examples of their implementation;
- Statistics on resignations, recusals, divestitures or other steps required/taken in order to avoid conflicts of interest;
- Published declarations of interest.

Technical assistance

1. Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

   Guidance: Required actions could include the passing of a law and a time frame to do this. Related challenges could include inter-agency coordination, specificities in the legal system, competing priorities, limited capacity (e.g. technological, institutional, other), limited resources for implementation (e.g. human, financial, other), lack of a policy framework, and limited expertise and skills. In describing these issues, please be as specific as possible.
2. Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

No assistance would be required

**Guidance:** Please tick this box if you do not require any technical assistance in the implementation of the article under review.

Legislative assistance: Please describe the type of assistance

**Guidance:** The forms of legislative assistance should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of legislative assistance might include e.g. model arrangements and agreements, legal drafting and/or advisory support.

Institution-building: Please describe the type of assistance

**Guidance:** The forms of institution-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article, including domestic coordination issues. Specific forms of assistance in the area of institution-building might include e.g. summary of good practices and lessons learned, model arrangements and agreements, on-site assistance by a relevant expert and/or mentoring, as well as the development of an action plan for implementation.

Policymaking: Please describe the type of assistance

**Guidance:** The forms of policymaking should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of policymaking might include e.g. summary of good practices and lessons learned, sensitization of decision-making bodies, on-site assistance by a relevant expert and/or mentoring.

Capacity-building: Please describe the type of assistance

**Guidance:** The forms of capacity-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of capacity-building might include e.g. case-related assistance, on-site assistance by a relevant expert and/or mentoring, strengthening the operational and/or institutional capacities of relevant authorities through training and online learning, development of an action plan for implementation.

Research/data-gathering and analysis: Please describe the type of assistance

**Guidance:** The forms of research, data-gathering and analysis should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of research, data-gathering and analysis might include e.g. expert advice on data-gathering and storage systems, statistical advice or sample studies.
Facilitation of international cooperation with other countries: Please describe the type of assistance

**Guidance:** The forms of facilitation of international cooperation with other countries should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of facilitation of international cooperation might include e.g. case-related assistance, model legislation or model treaties.

Others: Please specify

3. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

**Guidance:** If you are receiving or have received such assistance, please provide details, including on the assistance provider, description of core objectives, duration, budget, results and impact. Please include information on technical assistance being provided in the most generic way so as to also capture projects that do not directly fit into the anti-corruption category but that address aspects relevant for the implementation of the Convention against Corruption. Please also indicate whether the extension and/or expansion of such assistance would help your country to adopt the measure(s) described in the article under review.

Article 8 – Codes of conduct for public officials

Article 8, paragraph 1

1. In order to fight corruption, each State Party shall promote, inter alia, integrity, honesty and responsibility among its public officials, in accordance with the fundamental principles of its legal system.

1. Is your country in compliance with this provision?

Yes

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Republic of Macedonia promotes and includes integrity, honesty, responsibility as well as other ethical values and principles in its laws as well as ethical codes and codes of conduct for all categories of public officials. The practise of prescribing and promoting integrity, honesty, responsibility, reliability, transparency, professionalism, accountability and ethical behaviour, in general, is highly developed so there are ethical codes for all categories of public officials, for many branches and even institutions and enterprises – in the public and in the private sector. These acts, in general, are prepared by taking into consideration the international standards and documents prescribing ethical values as well as comparative experiences in this area.

The state has also adopted Law on Whistleblower Protection, thus establishing relevant mechanisms for reporting acts of anti-corruption as well as other illegal and impermissible behaviour as well as system for protection of the persons who report, in the public and in the private sector.

Also, in direction of promotion of integrity, honesty and responsibility, the state has long and very well established practise for declaration of assets and declaration of conflict of interests as well as declaration of outside activities, employments, investments and prohibition for acceptation of gifts and other benefits and influences. This is all regulated in the frames of the Law on prevention of corruption, adopted and applied even since 2002, and the Law on prevention of conflict of interest, adopted and applied in 2007.

As well, the current state anti-corruption strategically document, the State Programme for Prevention and Repression of Corruption and Prevention and reduction of the Conflict of Interests with Action Plan 2016 – 2019, introduces and promotes policy of integrity.

**Guidance:** You may wish to refer to any relevant information provided on article 7 of the
Convention in the present self-assessment report. Information sought may include:

- Laws, policies, administrative regulations or instructions or other practices aimed at promoting integrity, honesty and responsibility among public officials;
- Description of the oath of office or other forms of assurances by public officials upon induction that address the values above (i.e. upon entering service or periodically);
- Any positive incentives offered to public officials for the promotion of integrity, honesty and responsibility, such as annual integrity awards;
- Description of responsibility of specialized staff or bodies in the public administration to promote integrity, honesty and responsibility among public officials;
- Training programmes for public officials regarding the promotion of integrity, honesty
and responsibility in public service, including whether this training is mandatory or optional, online or in-person.

3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

**Guidance:** You may wish to refer to any relevant information provided on article 7 of the Convention in the present self-assessment report. Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:

- Internal or external studies on the measures taken to promote integrity, honesty and responsibility among public officials;
- Statistics regarding the number of public officials who have been trained, if applicable, and any assessments of the effectiveness of such trainings.

**Article 8, paragraphs 2 and 3**

2. *In particular, each State Party shall endeavour to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honourable and proper performance of public functions.*

3. *For the purposes of implementing the provisions of this article, each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, take note of the relevant initiatives of regional, interregional and multilateral organizations, such as the International Code of Conduct for Public Officials contained in the annex to General Assembly resolution 51/59 of 12 December 1996.*

1. *Is your country in compliance with these provisions?*

Yes.

2. *Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.*

The Republic of Macedonia promotes and includes integrity, honesty, responsibility as well as other ethical values and principles in ethical codes and codes of conduct for all categories of public officials:

- Ethical Code of the members of the Government of the Republic of Macedonia and the holders of public functions appointed by the Government (Official Gazette of Republic of Macedonia No 60/2010 of 30.04.2010);
- Code for administrative servants (Official Gazette of Republic of Macedonia No 183/2014 of 12.12.2014);
- Ethical code for the members of the Judicial council of Republic of Macedonia (Official Gazette of Republic of Macedonia No 62/2010 of 15.12.2010);
- Ethical Code of the public prosecutors of the Republic of Macedonia (Official Gazette of Republic of Macedonia No 183/2014 of 12.12.2014);
- Ethical code of the lawyers – adopted by the Chamber of lawyers;
- Code of Police Ethics - Macedonia (Official Gazette of Republic of Macedonia No 72/2007 of 11.06.2007);
- Code of conduct – for the Financial police (Official Gazette of Republic of Macedonia No 127/2014 of 27.08.2014);
- Code of Conduct of the Customs Officers – adopted in 2016 by the Customs Administration;
- Strategy for integrity and fight against corruption of the Customs administration 2015-2018 adopted by the Customs administration;
- Ethical code of the inspectors (Official Gazette of Republic of Macedonia No 108/2014 of 17.07.2014);
- Rulebook for the Ethical Code of the internal auditors (Official Gazette of Republic of Macedonia No 136/2010 of 12.10.2010);
- Ethical Code of bankruptcy trustees (Official Gazette of Republic of Macedonia No 34/2006 of 10.11.2006);
- Code of the medical deontology – adopted by the Doctor’s chamber;
- Policy of integrity – of the Ministry of local self-government – adopted on 15.06.2016;
- Other ethical codes/codes of conduct for many branches even institutions and enterprises – in the public and in
the private sector.

The International Code of Conduct for Public Officials, contained in the annex to General Assembly resolution 51/59
of 12 December 1996, is mainly used as a tool in preparation of the codes of ethics of the different categories of public
officials in Republic of Macedonia. The general principles established with this code, such as: acting in public interest,
loyalty, efficiency, effectiveness, integrity, responsible management of the public resources, attentiveness, fairness,
impartiality – are all generally included in the codes of ethics of the public officials in Republic of Macedonia.

Also, disclosure of assets, acceptance of gifts, conflict of interest as well as political activities and dealing with
confidential information are generally included in the codes of ethics of the public officials in Republic of Macedonia.

Specifically for the administrative servants, there are relevant provisions in the Law on administrative servants
(Official Gazette of the Republic of Macedonia No. 27/14, 199/14, 48/15, 154/15 и 5/16, 142/2016) that regulate the
above mentioned principles established within the UN International Code of Conduct for Public Officials.

Guidance: Information sought may include:

- Description of correct, honourable and proper performance of public functions in any laws,
policies, guidelines or similar;
- List of existing codes or standards of conduct for the performance of public functions. You
may wish to explain if:
  - there is one code or set of standards of conduct for all public officials;
  - such code or codes is/are designed to be enforceable or aspirational;
  - there are different codes or standards of conduct for ministries,
departments or other public sector offices;
there are codes or standards of conduct that govern designated levels of officials, such as managers/leaders or particular professions;

there are codes or standards of conduct by profession; or –
there is a combination of the above;

such codes or standards are reviewed and updated regularly;

Description of how relevant initiatives of regional, interregional and multilateral organizations have been incorporated into codes or standards of conduct for public officials. Examples may include:

- International Code of Conduct for Public Officials (annex to General Assembly resolution 51/59);
- Standards of Conduct for the International Civil Service (General Assembly resolution 56/244);
- Charter for the Public Service in Africa (annex to the letter dated 11 April 2001 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary-General; A/56/63–E/2001/21); and
- Ibero-American Charter for the Public Service (annex to the letter dated 28 July 2003 from the Permanent Mission of Bolivia to the United Nations addressed to the Secretary-General; A/58/193);

Description of responsibility to specialized staff or bodies to ensure that the codes or standards of conduct are applied, including induction and/or ongoing training, monitoring of compliance, the provision of advisory service on resolving ethical challenges as well as the review of alleged violations of the codes of conduct;

Description of any initiatives aimed at raising awareness of the codes or standards of conduct among public officials as well as among the public at large.

3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

All the codes introduce standards of ethical behaviour, including correct, honourable and proper performance of the public functions.

For example:
1. The Ethical Code of the members of the Government of the Republic of Macedonia and the holders of public functions appointed by the Government – in Article 3 – as basic principles in the execution of function determines the following:
   - Realization of the public interest, according to the Constitution and the laws;
   - Expertise, conscientiousness, honesty and responsibility in execution of functions, in the interest of the citizens of the Republic of Macedonia and the other subjects in realization of their rights, obligations and interests;
   - Devotion to the function, as their only duty;
   - Providing equal treatment to the citizens and the legal entities in realization of their rights and interests and impartiality in creation of the decisions;
   - Avoiding conflict of the public and private interests;
   - Avoiding situations and actions that may cause damage to the interest and the reputation of the Government and other state bodies and institutions established by the Government or the Republic of Macedonia;
   - Avoiding use of the status or influence for private financial or personal interests, or interests of the members of their families or their political party;
   - Avoiding all kinds of unethical and incorrect behaviour, performance or speech, including requesting and accepting of personal gifts or services by citizens or legal entities who need to gain or keep certain right, service or assistance;
- Establishing relations of mutual trust and cooperation with the citizens and other legal entities, thus showing understanding, decency and will to help and not to obstruct realization of their rights and interests;
- Respecting of the principle of fairness due to realization of the discretionary rights.

2. The Code for administrative servants prescribes the following ethical standards and rules of behaviour of the administrative servants:
- Legality;
- Professionalism;
- Impartiality;
- Democratic values and social rights;
- Non-discrimination;
- Political neutrality;
- Personal integrity;
- Advocacy of the public interest.

This Code also has provisions for: -Misuse of the status administrative servant; -handling with information; - Behaviour on the working place, private life and in the public; -Handling with objects and documents; - Treatment of parties; - Treatment of colleagues and superiors; - Descent clothing. - Use of resources; - Signing of statement (Statement for accepting of Declaration for the common mission of the employees in the public sector – as an addition at the end of the Code). The Code also prescribes (in Article 2) that for disrespect (braking) of its provisions the administrative servants will be responsible in a disciplinary procedure, according to the Law on administrative servants.

3. The Code of Judicial Ethics also determines principles intended to establish standards for ethical conduct of judges:
- Independence;
- Impartiality;
- Integrity;
- Property;
- Equality;
- Competence and diligence;
- Conflict of interests and corruption (each judge shall recognize and protect himself or herself from such cases that represent conflict of interests and corruption).

For consistent application of the principles of the Code of Ethics, the Code prescribes advisory committee consisted of 6 members to be established within the frames of the Macedonian Judges Association, which upon request by the judges shall issue opinions concerning questions regarding ethical conduct, or appropriate performance of judicial duties and avoidance of conflict of interest. The opinion of the Advisory Committee shall be of preventive nature i.e. it may indicate to the judges for example, that certain behaviour presents breach of the Ethical code and may present a base for initiating disciplinary procedure or procedure for determining of unprofessional and unethical behaviour. Supporting activities for the establishment of the Advisory Committee are ongoing.

Examples of the implementation of article 8 paragraph 3 of the Convention:

Disclosure of assets
The disclosure of assets is regulated by the Law on prevention of corruption:

Obligation to declare assets
Article 33

(1) An elected or appointed official, responsible person in a public enterprise, public institution or other legal entity disposing of state capital, upon election or appointment and within a period of 30 days from the day of election or appointment the latest, shall fill in an asset declaration containing detailed description of the immovable property, movable property of higher value, securities, and claims and debts, as well as other property in his/her ownership or in ownership of members of his/her family, stating the grounds the reported assets have been acquired on, and shall deposit a statement, certified by a notary, renouncing the protection of banking secrecy with regard to all domestic and foreign bank accounts.
(2) The person referred to in paragraph (1) of this Article shall be obliged to fill in an asset declaration in a period of 30 days from the day of termination of the office.
(3) The person referred to in paragraph (1) of this Article who, within a period of 30 days upon termination of the office, is elected to, or appointed at the same or other office shall be obliged to notify the State Commission for the new election or appointment, and the asset declaration referred to in paragraph (2) of this Article shall be considered an asset declaration submitted within a period referred to in paragraph (1) of this Article.
(4) The person referred to in paragraph (1) of this Article shall submit the asset declaration referred to in paragraphs (1) and (2) of this Article and the statement referred to in paragraph (1) of this Article to the State Commission and the Public Revenue Office.

Article 33-a
(1) An official shall fill in the asset declaration at employment in state bodies, municipality administration and administration of the City of Skopje within a period of 30 days from the day of employment giving a detailed description of the immovable property, movable property of higher value, securities, claims and debts, as well as other property in his/her ownership or in ownership of a member of his/her family, stating the grounds the reported assets have been acquired on.
(2) The person referred to in paragraph (1) of this Article shall be obliged to fill in an asset declaration within a period of 30 days from the day of termination of the employment in the bodies referred to in paragraph (1) of this Article.
(3) The filled in asset declaration referred to in paragraph (2) of this Article of the official referred to in paragraph (1) of this Article being employed in another body without publishing a public announcement shall be considered as an asset declaration submitted within a period referred to in paragraph (1) of this Article.
(4) The official referred to in paragraph (1) of this Article shall submit the asset declaration referred to in paragraphs (1) and (2) of this Article to the body he/she is employed at.
(5) The body where the official is employed at shall be obliged to submit the asset declaration to the State Commission upon its request.
(6) The Minister of Justice shall adopt a decision on the manner of treatment of the asset declaration referred to in this Article.

Article 33-b
The content and the form of the asset declaration shall be prescribed by the State Commission.

Reporting changes in assets
Article 34
(1) An elected or appointed official, official or responsible person in a public enterprise or other legal entity disposing of state capital shall be obliged, within a period of 30 days, to report any increase of his/her assets, that is the assets of a member of his/her family, such as construction of a house or other facilities, purchase of immovable property, securities, a car or other movable property having value in excess of twenty average salaries paid in the economy in the previous three-month period.
(2) An agreement or other document on the basis of which the assets are put at disposal, as well as a document on the manner of effectuated payment shall be attached to the report submitted to the State Commission and the Public Revenue Office.

Publicity of the asset declaration
Article 35
(1) The data contained in the asset declaration shall be information of public character, except the data protected by law.
(2) The data contained in the asset declaration, except the data protected by law with regard to the persons referred to in Articles 33 paragraph (1) of this Law shall be published at the web page of the State Commission.

Acceptance of gifts
The acceptance of gifts is regulated by the Law on prevention of corruption:
Prohibition against receiving gifts
Article 30
An elected or appointed official, official and responsible person in a public enterprise or other legal entity disposing of state capital must not receive personal gifts or promises of gifts, except occasional gifts such as books, souvenirs and alike having value determined by law.
The Law on administrative servants (Article 73 – Disciplinary breach -paragraph 11) also determines the acceptance of gifts as one of the reasons/bases for disciplinary procedure against the administrative servant. The Law on prevention of conflict of interests (Article 5 paragraph 2 point 1 and 5) determines that the official person must not: - receive or request advantage for execution of his/her official duties; and -receive reward or other advantage for execution of tasks in the frames of his/her public authorizations or duties:
VI. PROHIBITION ON ACCEPTING GIFTS
Article 15
(1) The Official Person shall not be allowed to accept gifts whose value exceeds 100 euros in MKD counter value.
(2) An Official shall not be allowed to accept money, securities, regardless of the amount, as well as gold and other precious items.

Article 16
An Official Person who, in transgression of the provisions of this Law, has been offered a gift or any other benefit related to the discharge of official duty, is obligated to reject such an offer, to determine the identity of the offering party, and if it is a gift that cannot be returned, the Official Person is obligated without delay to report it to the competent authority, to indicate the witnesses and other evidence, and within 48 hours at the latest, to submit a written report of the event to the competent authority that had elected or appointed him/her.

The Ethical Code of the members of the Government of the Republic of Macedonia and the holders of public functions appointed by the Government – also introduces provision for acceptance of gifts:

Part 6
Acceptance of gifts
The members of the Government, deputy ministers and other holders of public functions appointed by the Government, must not request, receive or allow another person, in their name or benefit, to request or receive a gift, service or other kind of value, assistance or other benefit in relation with execution of function, which could influence their decisions.

The members of the Government and other holders of public functions appointed by the Government must not request or accept, for themselves or for other person, gifts or other benefits.

Code of judicial ethics
3. Integrity
3.4. A judge and the members of his/her family, must not accept, nor request for any gifts, loans or other services in regard to something that the judge might do or omit to do relating to the performance of the judicial duties, except for suitable presents whose value is under the value prescribed by law.

Many other codes also include this ethical principle.

Conflict of interest
The Law on prevention of conflict of interests (in Article 1) defines the conflict of interests, the actions taken in case of conflict of interests, the measures for preventing conflict of interests in exercising of power and in the entrusted public authorizations by the officials exercising public authorizations.
The objective of this Law (defined in Article 2) is to ensure prevention of abuse of power and confided public authorizations by officials in accomplishing personal or covetous goals and to ensure prevention of the possibility for the private interests of the official person to come into conflict with the public interests.
The competent authority for the implementation of this Law is the State Commission for Prevention of Corruption.
The Ethical Code of the members of the Government of the Republic of Macedonia and the holders of public functions appointed by the Government
Article 3
Basic principles
Paragraph 5
Avoiding of any kind of conflict between the general and the private interest
Article 10
Abuse of authorizations in the execution of the function
Their responsibility is to prevent any kind of conflict of interest as well as situation which could lead to suspicion for conflict of interests.
Code for administrative servants
Article 12
The administrative servant does not bring himself/herself in a position of conflict of private and public interest and opposes to all dishonest, unconsciousness and indecent behaviour in the service.
Code of Judicial Ethics
7. Conflict of interests, corruption and braking of principles
Every judge has an obligation to recognise and to protect from the cases of conflict of interests and corruption.

Political activities
Law on administrative servants
Article 73 – paragraph 3
Disciplinary breach
3) Expressing and advocating political beliefs in the execution of the working tasks, participation in the election activities or other public performance of such a character during the working hours, bringing into question the status of administrative servant by execution of party activities, wearing or exposing party symbols in the working premises.
Ethical Code of the members of the Government of the Republic of Macedonia and the holders of public functions appointed by the Government

The members of the Government of the Republic of Macedonia, the deputy ministers and the holders of public functions appointed by the Government cannot request or expect presence or participation of administrative servant in a political party.

Constitution of the Republic of Macedonia

Article 100 paragraph 4

Political organization and acting in the judiciary is forbidden.

Code of Judicial Ethics

1. Independence

1.3 A Judge shall not only be free from inappropriate connections with, and influence by, the executive and legislative branches of government, but should in every occasion defend the independence of the court from political pressure and influences.

Confidential information

Law on prevention of corruption

Limitation of state or other secret

Article 18

A person who is obliged to keep a state, military or official secret may, upon the State Commission’s request, be relieved from that obligation owing to the conduct of a penal or other procedure for a corruption offence.

Misuse of official data

Article 31

(1) An elected or appointed civil servant, official or responsible person in a public enterprise may not use the information at his disposal in order to accomplish advantage for himself or for somebody else.

(2) The obligation of Paragraph 1 of this Article remains valid within three years from the date of termination of the office, that is, duty, unless otherwise stipulated by law.

(3) The person of Paragraph 1 of this Article may not keep secret data which under this or other law must be announced, or ask for access to data for which he knows is not authorised to obtain, or act unethically in terms of keeping the data that are secret.

Law on administrative servants

Article 73

Disciplinary breach

Disciplinary breach presents higher level of breach of the official duty, working discipline, the reputation of the institution or the reputation of the administrative servant, and that is:

Paragraph 17

Revealing classified information with level of secrecy determined by law.

Ethical Code of the members of the Government of the Republic of Macedonia and the holders of public functions appointed by the Government

Article 5

The members of the Government, the deputy ministers and the holders of public functions appointed by the Government, with aim of protection of the state interest, need to act in compliance with the regulations for classified information regarding all the government documents which present classified information.

The members of the Government can not reveal the content of the discussions in the frames of the government sessions nor the personal opinions stated by the members of the Government.

Code for administrative servants

Article 14

Managing with information

Paragraph 3

The administrative servant treats the information that come into his/her work by respecting the system of grading of classified information.

Acting in public interest

Law on prevention of corruption

Chapter Six

PREVENTION OF CORRUPTION IN PERFORMANCE OF PUBLIC INTEREST ACTIVITIES AND OTHER ACTIVITIES OF LEGAL ENTITIES

Abuse of performance of public interest activities

Article 55
(1) A person performing public interest activities must not abuse his/her position in order to obtain personal benefit.

(2) If there is grounded suspicion that the property of the person referred to in paragraph 1 of this Article or of a member of his/her family has been increased in disproportion to his/her regular revenues or the revenues of the members of his/her family during the period of performance of the public interest activities, the Public Revenue Office, upon its own initiative and on request of the State Commission, shall initiate a procedure for examination of such property. The procedure shall be conducted in accordance with Article 36 and Article 36-a of this Law.

Law on prevention of conflict of interest
Article 8
(1) In case of conflicts of interest between private and public interests, the Official is obliged to act in accordance with the public interest.

(2) During the time when the official person discharges the public authorisations and duties, he/she must not perform any activity that may influence the impartial discharge of the position and protection of the public interest.

Code of administrative servants
Article 12
Advocacy of the public interest
Paragraph 2
The administrative servant in his/her work represents the public interest, the rights and the interests of all the citizens and other subjects in the community, thus having in mind the development goals of the society.

Efficiency, effectiveness and administering the public resources in the most effective and efficient manner

Law on prevention of the corruption
Economical use of state assets
Article 25
An elected or appointed official, official or responsible person in a public enterprise, public institution and other legal entity disposing of state capital shall be obliged to take care of the state assets entrusted to him/her and to dispose of them in the most economical manner and for predefined purposes. It shall be forbidden to use the assets for private purposes or to give them to others for use.

Law on prevention of conflict of interests
III. PRINCIPLES OF OPERATION
Article 4
(1) While discharging the public authorisations and duties, the Official is obligated to act in accordance with the Constitution, the Laws and ratified international agreements.

(2) In discharging the public authorisations and obligations, the Official Person shall abide by the principles of lawfulness, equality, efficiency, trust, independence, public transparency, impartiality, sincerity and professionalism and shall act conscientiously, expertly, without discriminating or providing privilege to anybody by fully respecting the human rights and freedoms and human dignity, without any private interest.

Ethical Code of the members of the Government of the Republic of Macedonia and the holders of public functions appointed by the Government
PART 9
Protection and economic use of the public funds
The members of the Government, the deputy ministers and the holders of public functions appointed by the Government provide maximal effective and economic management and use of material means, equipment and other objects entrusted to them and prevent their illegal use, undertake measures with aim to provide safety of the objects entrusted to them and measures to prevent the possibilities for any kind of material damage in the state body they manage with.

The members of the Government, the deputy ministers and the holders of public functions appointed by the Government need to provide conditions where the government and other state premises, inventory and other financial and technical means available to their disposal during execution of their function to be used conscientiously, responsible and not to be used in party or private goals.

Code of administrative servants
Article 18
The administrative servant, through open and sincere cooperation, builds mutual trust and promotes the organizational culture with aim to provide efficiency and effectiveness in the work and high quality services for the parties.

Code of Judicial Ethics
6. Competence and diligence
6.5 A Judge shall perform all judicial duties efficiently, fairly and with reasonable promptness.
Attentiveness, fairness, impartiality

Law on prevention of corruption
Article 3
(1) Everyone shall be obliged to act conscientiously, professionally, responsibly, efficiently and impartially in the exercise of the office, public authorization, official duty and position.

Law on prevention of conflict of interest
III. Principles of operation
Article 4
(1) While discharging the public authorisations and duties, the Official is obligated to act in accordance with the Constitution, the Laws and ratified international agreements.
(2) In discharging the public authorisations and obligations, the Official Person shall abide by the principles of lawfulness, equality, efficiency, trust, independence, public transparency, impartiality, sincerity and professionalism and shall act conscientiously, expertly, without discriminating or providing privilege to anybody by fully respecting the human rights and freedoms and human dignity, without any private interest.

Ethical Code of the members of the Government of the Republic of Macedonia and the holders of public functions appointed by the Government
Article 3
Basic principles

Basic principles in the execution of function according to this Code are:
Point 4
- Provision of equal treatment to the citizens and the legal entities in realization of their rights and interests and impartiality in bringing the decisions.

Code of administrative servants
Article 7
Impartiality
The administrative servant, in his/her work and behavior acts impartially, with no prejudices and with no intention to provide personal benefit or ambition.

Code of Judicial Ethics
Preface
Paragraph 1
The holders of judicial office, the Judges in the Republic of Macedonia, guarantee with their personal integrity and dignity that they will perform their judicial duties with the utmost professionalism, honesty, independence and impartiality.

Principle:
IMPARTIALITY
Impartiality is essential to the proper discharge of the judicial office. It applies not only to the decision itself but also to the process by which the decision is made.
Application:
2.1 A Judge shall perform his or her judicial duties without favour, bias or prejudice.
2.2 A Judge shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the Judge and of the judiciary.
2.3 A Judge shall, so far as is reasonable, conduct himself or herself as to minimize the occasions on which it will be necessary for the Judge to be disqualified from hearing or deciding cases.
2.4 A Judge shall exempt himself or herself from participating in any proceedings in which the Judge is unable to decide the matter impartially. Such proceedings include, but are not limited to, instances where:
2.4.1 The Judge has actual bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceedings;
2.4.2 The Judge previously served as an investigative judge, lawyer, licensor, co-obligor or regress obligor or was a material witness in the matter in controversy; or
2.4.3 The judge is obliged to at all times to identify the cases set by law and judicial practice and to request disqualification from a case which has been assigned to him or her;
2.5 A Judge, during a court procedure, must not give public or other comments that could affect to the outcome of the procedure or could endanger the fairness of the procedure.
**Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:

- Codes or standards of conduct and/or ethics;
- Statistics regarding the number of training programmes on codes or standards of conduct held, the number of public officials trained, the frequency of training events and the curricula used;
- Internal or external studies that have evaluated the effectiveness of applicable codes or standards of conduct.
Article 8, paragraph 4

4. Each State Party shall also consider, in accordance with the fundamental principles of its domestic law, establishing measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

According to article 25 of the Constitution of the Republic of Macedonia, every citizen has a right to petition state and other public bodies, as well as to receive an answer. A citizen cannot be called to account or suffer adverse consequences for attitudes expressed in petitions, unless they entail the committing of a criminal offence.

The Republic of Macedonia has a comprehensive legal framework and a wide range of protections can be provided for persons who give a statement or witness in a procedure for corruption offence.

The relevant legislation in Republic of Macedonia referring to this area is the Law on Whistleblower Protection, which is adopted by the Assembly of the Republic of Macedonia in November 2015. Previously, different laws included fragmented provisions on the protection of reporting persons (Law on Prevention of Corruption; Criminal Code; Law on Labour Relations; Law on Protection from Harassment on Workplace).

The Law on employees in the public sector, enacted in 2014, introduced relevant provisions, however it referred only to the employees in the public sector and not to the ones in the private sector (Article 30 – Right of protection of employees who report suspicion or knowledge for criminal act or for illegal or impermissible behaviour).

The Law on Whistleblower Protection introduces protected reporting and it determines the rights of the whistle-blowers, the procedures and the duties of the institutions i.e. legal persons related to protected disclosure as well as the protection of the whistle-blowers.

Within the meaning of this Law, protected disclosure is any disclosure under which reasonable suspicion or knowledge is reported about punishable activity already performed, about punishable activity being performed or about punishable activity for which there is a probability that will be performed or about any other unlawful or un-allowed activity that violates or threatens the public interest.

According to this Law, the whistleblowers are not obliged to prove their good faith and the veracity (truth) of the information disclosed.

Also, they are guaranteed anonymity and confidentiality, up to the degree and a period which is requested by them. The right to anonymity to the whistle-blowers may be limited only by a court order and then the whistleblowers are immediately and accordingly informed.

Categories of person that may be whistleblowers are defined under this Law are:

- Persons who are full-time or part-time employees at the institution, i.e. legal person about which they are making the disclosure;
- Job applicants, applicants for volunteering or for internship at the institution, i.e. the legal person about which they are making the disclosure;
- Persons who have been volunteers or interns at the institution, i.e. the legal person about which they are making the disclosure;
- Persons who have been engaged on any grounds to perform activities at the institution, i.e. the legal person about which they are making the disclosure;
- Persons who on any grounds have or have had any business relations or who have or have had any other types of cooperation with the institution, i.e. the legal person about which they are making the disclosure;
- Persons who use or have used services of the institution, i.e. the legal person about which they are making the disclosure.

Out of these legal provisions it can be clearly seen that this Law refers equally to the public and the private sector.

Another important fact for this legislation is that it introduces three types of reporting:

1. Protected internal disclosure,
2. Protected external disclosure and
3. Protected public disclosure.

Protected internal disclosure is when a disclosure is made within the institution, i.e. legal person.
Protected external disclosure is when a disclosure is made within another institution: Ministry of interior, Public prosecution, State commission for prevention of corruption, Ombudsman or other competent institutions. It is applied in the cases when:

- the disclosure goes directly or indirectly against the managing officer of the institution, i.e. legal person about which the disclosure is made;
- the whistleblower has not received any information about measures undertaken within the time limit set forth under this Law or in case if
- the whistleblower is not satisfied with the measures undertaken or has suspicions that no measures will be undertaken
- or that the disclosure shall cause negative consequences for whistleblower himself/herself or for persons close to him/her.

Protected public disclosure is made by making available to the public information indicating that punishable activity has already been performed/is being performed/ or there is a probability to be performed. This punishable activity is an activity which violates or threatens the life of whistleblowers or of persons close to them, the health of people, the security or the environment. This kind of disclosure is also made in case of imminent danger that evidence thereof shall be destroyed.

Whistleblowers who shall make disclosures by making available to the public information in a manner which contravenes this provision and without previously making a disclosure with an officer authorized to receive disclosures from whistleblowers, shall not have the right to protection provided under relevant articles of this Law.

The Law also contains provisions for protection of the whistleblowers and their related persons as well as for their court protection. The right to protection, according to this Law, also covers the persons for whom there is a suspicion that they are the possible whistle-blowers.

Protection of the whistleblowers and the other above mentioned persons, according to this Law, shall be provided by the institution, i.e. the legal person within which the disclosure has been made, which shall undertake activities for the prevention of violations of labour rights or of any other rights of whistleblowers in retaliation for their disclosure.

In case whistleblowers have not been provided with protection than they shall accordingly report this to the State Commission for the Prevention of Corruption, the Ombudsman, the Inspection Council, the Ministry of Interior and the Public Prosecutor's Office of the Republic of Macedonia, which shall immediately undertake activities within their respective competencies.

If it is established that the institution or legal entity against which the disclosure was made violated a right of the whistleblower, a member of his or her family or a person close to him or her, then the above mentioned institutions shall, without delay, submit a written request to the competent institutions and bodies for taking urgent measures for protection of the whistleblower by terminating the activities or eliminating the shortcomings by which the rights of the whistleblower are violated.

If, despite the activity undertaken by these institutions, the violation of the right of the whistleblower, a member of his or her family or a person close to him or her continues, the institutions shall, without delay and not later than eight days, launch an initiative for instituting a procedure for criminal prosecution, i.e. an initiative for instituting a procedure before the competent bodies for dismissal, reassignment, replacement or undertaking other measures of liability of elected or appointed officials, officers or persons in charge at public enterprises and other legal entities that have state capital.

Shortly after adoption of this law, there were three (3) by-law acts adopted:

1. Regulation on protected internal whistleblowing within the public sector institutions,
2. Regulation on protected external whistleblowing and
3. Regulation on directions for adopting internal acts managing the protected internal whistleblowing within the legal entities in the private sector.

Also, in the frames of the IPA 2010 Twinning project “Support for efficient prevention and fight against corruption”, a Handbook for protection of the whistle-blowers was prepared and it is published on the website of the SCPC58. It is intended for the employees in the public sector but it can be also used by the citizens who are in every-day contact with the public administration.

Application of the Law on Whistleblower Protection and its bylaws started on 18.03.2016.

With aim of full functioning and implementation of the system for protection of the whistle-blowers, this topic is already integrated as a part of all relevant strategic documents, such as the State programme for prevention and repression of

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corruption and prevention and reduction of conflict of interest, the Strategy for reform of the public administration and similar.
Within EU funded project: "Strengthening the national capacities for fight against organized crime and corruption", Activity 1.2, public awareness strategy for development of whistleblowing culture in Macedonia will be developed.
In December 2017, the Ministry of Justice, following a broad public consultations process, proposed to the Government amendments to the Law on Whistleblower Protection. The purpose of the proposal is to further align the Law with the international standards and good practices, especially regarding protected public disclosure, considering Council of Europe – Venice Commission opinion No. 829 / 2015, 15 March 2016. See annex: Draft-amendments to the Law on Whistleblower Protection.

Specialized hot-lines for reporting irregularities and corruption have been opened:
- 1 special national hot-line
- Special phone lines for reporting corruption have been set up in 4 major municipalities
- Special phone lines for reporting irregularities have been opened in the following institutions/authorities
  - Ministry of Interior
  - Ministry of Defence and the Army of Republic of Macedonia
  - Ministry of Justice - Department for Execution of Sanctions
  - Ministry of Justice - Department for Keeping Registries
  - Ministry of Labour and Social Policy
  - Ministry of Finance - Customs Administration - The customs’ hotline 197 is put into operation in November 2003.
  - Ministry of Finance - Public Revenue Office
  - Food and Veterinary Agency

Suspiscions of corruption or conflict of interests may be reported to the SCPC by any natural or legal person, either by disclosing of their identity or anonymously, in written or in oral form. In order to encourage the persons to report incidents of corruption, SCPC guarantees their anonymity, discretion and non-selectivity when taking actions.
Irregularities and suspicions for frauds or corruption may be reported to specially authorized persons in public sector entities pursuant to article 50 of the Law on Public Internal Financial Control. Heads of public sector entities are obliged to appoint a person reporting on irregularities and suspicions for frauds or corruption and to independently undertake the following activities. After the received report on existence of irregularities or suspicions of frauds or corruption, the persons in charge of irregularities are obliged to undertake the necessary measures and to inform the Public Prosecutor’s Office of the Republic of Macedonia and the Ministry of Finance – Financial Police Office and Financial Inspection of the Public Sector thereon and within 15 days he/she to inform in writing the person pointing out to the irregularities or frauds on the undertaken measures, except in case of an anonymous report.

Other simple easily accessible means for reporting irregularities:
- Completion and submission of specialized form for evaluation of services “Gragjanski dnevnik” (Citizens’ log) – simple questionnaire. The citizens submit completed forms to special case-boxes easily accessible and visibly placed in the premises of all institutions. The submitted forms are directly referred to the Government of the Republic of Macedonia.
- Completion and submission of specialized form for evaluation of services online “Semafor”.
http://semafor.mioa.gov.mk/semafor/frontPage

“Semafor” is operated by the Ministry of Information Society and Administration (MISA). MISA processes the entered data and informs the Government and the institutions concerned about the feedback of the citizens.

Special persons are appointed within the aforementioned institutions/units of local self-government for receiving phone-calls reporting corruption and other irregularities.
All calls/reports (anonymous or not) written or oral are being received and separately noted in a special register. Reports about reasonable suspicion are referred to relevant law enforcement and/or prosecution authority in a secured manner.

Banners where the special hot-lines are promoted to encourage reporting irregularities are published on the web-sites of the respective institutions and units of local self-government.

Guidance: Information sought may include:
- Description of the systems established to facilitate the reporting by public officials of acts of corruption to appropriate authorities, such as hotlines or dedicated offices;
- Guidelines issued to public officials on the reporting of acts of corruption;
- Measures taken to ensure the protection of reporting persons in the public sector.
3. Please provide examples of implementation, including related court or other cases, available statistics etc.

Within the Annual Programmes of the Ministry of Information Society and Administration on Generic Trainings for Administration (civil and public servants), trainings, conducted in cooperation with the SCPC, on the topic “Anti-corruption measures and ethics in state service” include the subject of Whistleblower Protection. 29 administrative servants were trained in 2016 and 31 administrative servants were trained in 2017.

Within the IPA 2010 “Support to efficient prevention and fight against corruption”, following relevant activities were conducted:
- workshop, 2 days, “Investigative Reporting on Corruption – Improved Cooperation between the Press and Public Information Officers and the Investigative Journalists, participants: 10 spokespersons and 10 journalists, September 2015
- Conference on Compliance Management Systems in the Private Corporate Sector was held 10 March 2016. This visibility event was visited by more than 80 representatives from the private corporate sector and state institutions. The aim of the conference was to increase the awareness in the private sector on the importance of introduction of risk and compliance management systems in the corporate sector in order to prevent corruption. Moreover the corporate sector representatives got acquainted with the obligation to install internal mechanisms in their companies for whistle-blower protection and protected reporting of possible corrupt behaviour.

Guidance: Information may, in particular include the following:
- Statistics regarding the number of reports made by public officials;
- Number of trainings on the reporting of acts of corruption.

Article 8, paragraph 5

5. Each State Party shall endeavour, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Law on prevention of conflict of interest as well as the Law on prevention of corruption regulate the requirements of this provision. Some of the elements named above are required to be declared by the public officials with the Statement of interest.

Law on prevention or conflict of interest – regulates who (which categories) are obliged to submit a Statement of interest form:

“IX-a. STATEMENT OF INTERESTS

Article 20-a

The President of the Republic of Macedonia, the members of the Assembly of the Republic of Macedonia, the mayors, the ambassadors and the other persons appointed by the Republic of Macedonia abroad, the persons elected or appointed to or by the Assembly of the Republic of Macedonia and the Government of the Republic of Macedonia, the state administration authorities and other state authorities, the judicial authorities, the public enterprises, institutions and other authorities of the central government and the local authorities specified by law, when assuming the performance of public authorizations and duties, shall be obligated, within 30 days, to submit a statement referring to the existence or non-existence of a conflict of interest to the State Commission.
Article 20-b
The civil servants and employees in the state administration authorities and other state authorities, the judicial authorities, the public enterprises, institution, other legal entities of the central and local governments specified by law, as well as persons employed through agencies for temporary employment with authorization, shall be obligated, within 30 days, to submit a statement referring to the existence or non-existence of conflicts of interest, to the authorities where they perform their duties, i.e. where they are employed. “

The Statement of interest form requires the following data:
1. Personal engagements – “do you execute another public authorization or duty (elected, appointed, employed) beside the one you report in the point 2 of this form?”
2. Companies – Are you owner, founder, co-owner, member of assembly, supervisory board, management board or management in a company or are you an authorized person in a company? If the answer is “yes” than state the name of the company as well as the percentage of the state capital in the trade company
3. Are you a member of an association of citizens or foundation? If the answer is yes than state the name of the association of citizens or foundation as well as your function and the wage you receive?
4. Do your close persons execute public authorization or duty/ (as elected, appointed, employed officials). If the answer is yes, than state the name of the person, the name of the institution or body as well as the working position and the date of the election/appointment.
5. Are your close persons owners, founders, co-owners, members of association, of supervisory board or are authorized persons in trade companies? If the answer is yes than state the name of the person, the name of the company, the status of the person as well as the percentage of his/her capital in the company.
6. Are you close to persons members of associations of citizens or foundations? If the answer is yes than state the name of the person, the name of the association or foundation, and your relation with the person named and his/her status in the association or foundation.

Some of the elements named above are required to be declared by the public officials with the Law on prevention of corruption.

Law on prevention of corruption – regulates who (which categories) are obliged to submit an Asset declaration form:

“Obligation to declare assets
Article 33
(1) An elected or appointed official, responsible person in a public enterprise, public institution or other legal entity disposing of state capital, upon election or appointment and within a period of 30 days from the day of election or appointment the latest, shall fill in an asset declaration containing detailed description of the immovable property, movable property of higher value, securities, and claims and debts, as well as other property in his/her ownership or in ownership of members of his/her family, stating the grounds the reported assets have been acquired on, and shall deposit a statement, certified by a notary, renouncing the protection of banking secrecy with regard to all domestic and foreign bank accounts.
(2) The person referred to in paragraph (1) of this Article shall be obliged to fill in an asset declaration in a period of 30 days from the day of termination of the office.
(3) The person referred to in paragraph (1) of this Article shall submit the asset declaration referred to in paragraphs (1) and (2) of this Article and the statement referred to in paragraph (1) of this Article to the State Commission and the Public Revenue Office.

Article 33-a
(1) An official shall fill in the asset declaration at employment in state bodies, municipality administration and administration of the City of Skopje within a period of 30 days from the day of employment giving a detailed description of the immovable property, movable property of higher value, securities, claims and debts, as well as other property in his/her ownership or in ownership of a member of his/her family, stating the grounds the reported assets have been acquired on.
(2) The person referred to in paragraph (1) of this Article shall be obliged to fill in an asset declaration within a period of 30 days from the day of termination of the employment in the bodies referred to in paragraph (1) of this Article.
(3) The official referred to in paragraph (1) of this Article shall submit the asset declaration referred to in paragraphs (1) and (2) of this Article to the body he/she is employed at.
(4) The body where the official is employed at shall be obliged to submit the asset declaration to the State Commission upon its request.
(5) The Minister of Justice shall adopt a decision on the manner of treatment of the asset declaration referred to in this Article.

Reporting changes in assets
Article 34
(1) An elected or appointed person, official or responsible person in a public enterprise or other legal entity disposing of state capital shall be obliged, within a period of 30 days, to report any increase of his/her assets, that is the assets of a member of his/her family, such as construction of a house or other facilities, purchase of immovable property, securities, a car or other movable property having value in excess of twenty average salaries paid in the economy in the previous three-month period.

(2) An agreement or other document on the basis of which the assets are put at disposal, as well as a document on the manner of effectuated payment shall be attached to the report submitted to the State Commission and the Public Revenue Office.”

The Asset declaration form requires the following data:
I. THIS FORM IS FILLED:
   In the moment of appointment on the position/ employment
   In the moment of termination of the function/employment
II. PERSONAL INFORMATION
III. FAMILY MEMBERS THAT OWN PROPERTY
IV. PROPERTY/REAL ESTATE
V. MOVABLE PROPERTY
VI. SECURITIES AND EQUITY
VII. RECEIVABLES
VIII. OTHER REVENUES
IX. BANK DEPOSITS
X. PAYABLES
XI. OTHER PROPERTY

Elected and appointed person, official person or responsible person in public enterprise, public institution or other legal entity disposing with state capital is prohibited from receiving personal gifts or promise for giving a gift, with the exception of promotional gifts such as books, souvenirs or similar items of value determined by a law. (Article 30 of the Law on Prevention of Corruption, article 15 of the Law on Prevention of Conflict of Interest)

Relevant prohibitions are prescribed in the Law on Prevention of Conflict of Interest:

“Article 5

(1) An official person in the exercise of public authorizations and duties is prohibited from guiding him/her-self by personal, family, religious, political and ethnic interests, pressures and promises made by superiors.

(2) An official person must not:
   - Accept or solicit benefits to perform his/her duties,
   - Exercise or gain rights in violation of the principle of equality before the law,
   - Abuse the rights arising from the exercise of the competencies,
   - Receive a reward or other benefit for the activities pertaining to public authorizations and duties
   - Seek or accept awards or service to vote or not to vote or influence the adoption of a decision of a body or person to achieve benefits for themselves or for the benefit of his friends and acquaintances,
   - Promise employment or exercising any other right to receive a gift or a promise of a gift and
   - Influence making decisions on public procurement or in any way use the position to influence the decision in order to achieve private interest or advantage for himself or his close people.”

Based on the Law on Employees in the Public Sector ("Official Gazette of the Republic of Macedonia" No. 27/2014), in 2014 the Government adopted the Decree on the manner of disposal with the received gifts and the manner of management with the records of received gifts and other questions related to receiving gifts.

Based on the Law on the use and disposal of state-owned goods and municipal property, in 2015 the Government adopted a new Decree on the criteria, the manner of giving and receiving gifts, declaring gifts, the method of assessing gifts, manner of payment for a personal gift, as well the use, keeping and recording of items that became state-owned property by a gift.

Codes of conduct cover the following issues: personal liability; acting in accordance to the Law; impartiality; public relations; actions when offer gifts and other benefits are offered; avoiding conflicts of interest; political neutrality in performing work activities; behaviour with money related matters; confidentiality and use of official information; use of operational tools and means of identification; behaviour in private life. Any action contrary to the Codes of conduct is subject to disciplinary procedure.

Guidance: You may wish to refer to any relevant information provided on article 7, paragraph 4 of the Convention in the present self-assessment report.

Information may, in particular, include the following:
- Description of the objectives of the declaration system applicable to public officials (prevention of conflict of interest, illicit enrichment, or both [dual system]).
Where such a declaration system is in place, you may wish to provide information on the following:

- Types (categories) of public officials required to make declarations and approximate total number of persons submitting declarations;
- Information that must be declared (assets, outside activities and employments, positions in companies, other associations, gifts and other benefits, liabilities, etc);
- Frequency of declarations required;
- How declarations are submitted (in paper format, electronically, in person) and the entities to which they are submitted;
- Availability of tools and advisory services that officials can use in order to comply with their disclosure-related obligations (guidelines for filling out forms, resources for learning about conflict of interest issues, resources for receiving tailored advice on specific conflict of interest situations, etc.);
- Whether information is declared on assets of public officials’ family members or members of public officials’ households and under which circumstances such information is provided;
- What mechanisms are in place for ensuring compliance with the obligation to disclose;
- Any mechanism in place to carry out the verification/monitoring of the content of declarations;
- Information on the verification mechanism, such as:
  - How many disclosures are verified (all, a certain percentage, etc.);
  - What triggers verification (complaints, routine verification/ex-officio, notifications from other institutions, random selection, etc.);
  - What processes are involved in the verification/review process (checks for internal consistency, cross-checks with external databases, comparisons across years, identification of potential conflicts of interest, etc.);
  - What information can be accessed during the verification/review process (from public officials or public and private sector entities);
  - What happens once irregularities are identified (potential conflicts of interest, unjustified variations of wealth, inaccurate information, etc.);
- Whether and to what extent the content of disclosures (in summary form or all information disclosed) or names of persons submitting declarations are made available to the public and other public sector entities and, moreover, how the information is made available (upon individual request, on-line, etc.);
- Number of trained staff dedicated to collection, compliance, providing advisory services to officials, making disclosures publicly available, verification, sending referrals to other entities; what types of sanctions are available in the declaration system (for non-submission, actual conflict of interest, false statement, illicit enrichment, etc.).
3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Asset declarations
According to the 2016 Annual report of the State Commission for Prevention of the Corruption, in 2016 the SCPC has received 676 asset declarations upon election and appointment and 315 asset declarations upon termination of function (on bases of the Article 33 of the Law on prevention of the corruption). It has also received 362 asset declarations for change of the property situation (on bases of the Article 34 of the Law on prevention of the corruption).
The SCPC continuously processes the new asset declarations and updates the changes in the property situation, so that on its web-page (www.dksk.org.mk) in 2016 it published 4820 asset declarations of public officials executing public functions (according to the Article 35 of the Law). As well, the data base of asset declarations contains all the asset declarations submitted since 2003 up to the end of 2016.

Conflict of interests
According to the 2016 Annual report of the State Commission for Prevention of the Corruption, out of an analyse of the Statements for conflict of interests, the most frequent form of conflict of interest that arises in Republic of Macedonia is the cumulation of functions, i.e. execution of two or more functions by one person in the same time. In 2016, 627 Statements of interests in total were received, out of which 193 are statements of official persons working in the local self-government, 58 statements are statements of official persons working in the judiciary and 376 statements are statements of official persons working in the central state bodies. Out of these 627 statements of conflict of interests received, in 39 of them the SCPC had determined a situation of conflict of interests and thus it called the officials in question to remove the conflict of interests. Out of these 39 officials, 16 of them have managed to remove the situation of conflict of interests, generally by withdrawal from one of the functions.
The total number of Statements of interests submitted to the SCPC since the adoption of the amendments of the Law on conflict of interests in 2009 up to the end of 2016, according to the Article 33 of the Law, is 7.803.

Guidance: You may wish to refer to any relevant information provided on article 7, paragraph 4 of the Convention in the present self-assessment report. Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement.
Information may, in particular, include the following:
- Statistics regarding the level of compliance with obligation to submit declarations;
- Number of cases in which potential conflicts of interest were identified and officials were advised on how to manage them;
- Number of cases in which incompatibilities were identified, and examples of measures that were taken accordingly;
- Number of officials who sought advice on conflict of interest related-issues;
- Statistics on the number/percentage of declarations that raised red flags during verification/review, required follow-up and those that did not require follow-up;
- Referrals made to other institutions when indications of incomplete or inaccurate information, potential corruption offences (for example illicit enrichment), actual conflict of interest situations, incompatibilities, potential tax evasion, etc. were identified;
- Sanctions imposed for failure to comply with obligation to disclose, for disclosing incomplete or inaccurate information, for actual conflict of interest situations or other sanctions imposed as a result of referrals to other institutions for further action.

Article 8, paragraph 6
6. Each State Party shall consider taking, in accordance with the fundamental principles of its domestic law, disciplinary or other measures against public officials who violate the codes or standards established in accordance with this article.
1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Relevant provisions are stipulated by the Law on courts (Official Gazette of Republic of Macedonia No 58/2006, 35/2008, 150/2010), as follows:

“Dismissal of judges

Article 74

(1) A judge shall be dismissed from office
- due to a severe disciplinary infringement rendering them undignified to perform the judicial office stipulated by law;
- due to unprofessional and unconscionable exercising of the judicial office under the conditions stipulated by law,
(2) The decision for dismissing a judge shall be adopted by the Judicial Council of the Republic of Macedonia.
(3) With the day of the dismissal from the judicial office, to be specified by the Judicial Council of the Republic of Macedonia upon the grounds of paragraph (1) of this Article, the judge shall have their right to payment (apanage) terminated.

3. Unprofessional and unconscionable exercising of the judicial office

Article 75

(1) Unprofessional and unconscionable exercising of the judicial office shall imply unsatisfactory expertise of the judge having an effect on the quality and diligence of the work if:
- for two successive years the Judicial Council of the Republic of Macedonia has appraised that the judge provides unsatisfactory results, especially in the light of the untimely taking of court decisions, inefficient and slow acting upon court proceedings, number of confirmed, amended or abolished court decisions;
- Unprofessional, untimely and inattentive exercising of the judicial office in running the court proceedings on specific cases;
- Partial running of the court proceedings, especially in view of the equal treatment of the parties;
- Acting upon cases in contrast to the principle of trial within reasonable time, or respectively delay of the court proceedings without justified grounds;
- Unauthorised issuance of classified information
- Public presentation of information and data on court cases on which no effective court decisions has been taken;
- Deliberate violation of the rules of equitable trial;
- Misuse of office or exceeding one's authority;
- Violation of rules or in other way violation of the comity of judges during trial;
- Severe violation of rules of the Judicial Code of Ethics, damaging the reputation of the judicial office.

4. Serious disciplinary injury

Article 76

Serious disciplinary injury requiring the institution of a procedure for the disciplinary accountability of a judge for dismissal shall be the following:
1) Serious disruption of the public law and order that harms their reputation and the reputation of the court;
2) Severe violation of the rights of the parties and of other participants in the procedure, damaging the reputation of the court and the judicial office;
3) Violation of the rule of non-discrimination on any grounds.

Article 77

The disciplinary injury, which shall entail disciplinary action in order to determine the disciplinary accountability of a judge against whom a disciplinary measure may be pronounced is as follows:
1) Exceeding the specified schedule for acting upon cases;
2) Disabling the exercise of supervision over the judicial proceedings by a higher instance court;
3) Indecent and undignified behaviour in public;
4) Failure to wear the judicial toga;
5) Reception of gifts and other benefits related to the judicial office
6) Partisan and political activities (Article 52, paragraph (6) of this Law);
7) Exercising another public office or function that is mutually exclusive with exercising the judicial office (Article 52, paragraphs (1), (2) and (3) of this Law);
8) Causing severe disruption in the court relations, which shall significantly influence the performance of the judicial office;
9) Failure to fulfil the mentor obligations and the vocational adjustment of collaborators;
10) Severe violation of the right to absence from work;
11) Failure to fulfil the obligation for vocational education;
12) Lack of achievement of the expected results at work for more than eight successive months without justified reasons.”

The Code of Judicial Ethics, prescribes the following:

“ADVISORY COMMITTEE ON JUDICIAL ETHICS

9.1 The opinions of the Advisory Committee determining breach of the principles of the Code of Ethics have a preventive significance, which indicates that a disciplinary procedure or a procedure for unethical and unprofessional performance of judicial duties can be initiated, in cases in which the conditions are met to consider certain conduct as a parallel breach of the provisions of this Code of Ethics, as well as basis for disciplinary breaches and unethical and unprofessional performance of judicial duties prescribed by Law.”

Relevant legal provisions are prescribed in the Law on Public prosecution office (Official Gazette of the Republic of Macedonia No 150/2007):

“2. Termination of office and dismissal of public prosecutors

Article 68

(1) Public prosecutors shall be dismissed from their duties:
− because of a serious disciplinary infringement that makes them unworthy of the public prosecutorial office prescribed by the law; and
− because of unconscious and unprofessional performance of the public prosecutorial function under conditions stipulated by the law.

(2) The proposal for initiation of the procedure for establishment of liability as referred to in paragraph (1) of this Article shall be submitted with 30 days of ascertaining the facts, but not later than two years from the day of the actual violation.

Disciplinary infringements

Article 69

The following shall be considered as a serious disciplinary infringement that entails a procedure for disciplinary liability of a public prosecutor:
− serious violation of the public order and piece, thus undermining the repute of the public prosecutors and Public Prosecution Offices;
− serious violation of the rights and lack of respect for the honour and dignity of the parties and other participants in the proceedings, thus undermining the repute of the public prosecutorial function;
− unworthy behaviour towards individuals, state institutions or other legal entities in relation to the execution of their duties or apart;
− violation of the non-discrimination principle on any grounds; and
− precluding the Higher Public Prosecution Office from exercising an oversight of the work of public prosecutors.

Article 70

The following shall be considered as a disciplinary infringement that entails a procedure for disciplinary liability of a public prosecutor:
− unworthy and behaviour unbecoming at public places;
− not wearing togs;
− receiving gifts and other conveniences in relation to the public prosecutorial function;
− involvement in party and political activities or another public function, work or activity that is incompatible with the public prosecutorial office (Article 62);
− provoking a serious disruption of the relations at the Public Prosecution Office that has a significant influence on the exertion of the public prosecutorial functions;
− unjustifiable rejection or non-fulfilment of educational and mentor-like obligations;
− serious violation of rights related to absence from work; and
− non-fulfilment of the duty for professional education and development.

Article 71

(1) The following shall be considered as non-professional exertion of the public prosecutorial office:
− insufficient professionalism and speciality that influences the quality of work;
− ignorance for the laws, ratified international agreements and other regulations; and
− low quality in the preparation of prosecutorial decisions and other written documents.

(2) The following shall be considered as unconscious exertion of the public prosecutorial office:
— severe violation of the norms from the Code of Ethics of the public prosecutors, thus undermining the reputation of the Public Prosecution Office;
— unlawful, untimely or negligent exertion of the public prosecutorial functions;
— partiality in proceeding in individual cases;
— unauthorised disclosure of classified information;
— unauthorized presentation of information and data related to prosecution cases; and
— unjustifiable refusal or failing to act upon instructions issued pursuant to the provisions of this Law.

The Law on administrative servants (Official Gazette of the Republic of Macedonia No. 27/14, 199/14, 48/15, 154/15 and 5/16, 142/2016), also contains relevant provisions, as follows:

"Article 73
Disciplinary procedure

Disciplinary breach presents higher level of breach of the official duty, working discipline, the reputation of the institution or the reputation of the administrative servant, and that is:
Paragraph 22
Behaviour which is in contrary to the provisions of the Code"

<table>
<thead>
<tr>
<th>Guidance: Information sought may include:</th>
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<tr>
<td>□ Description of the channels for reporting violations of codes or standards by public officials, including available measures for whistle-blower protection;</td>
</tr>
<tr>
<td>□ Description of disciplinary or other measures that may be taken against public officials who violate the codes or standards of conduct and how such disciplinary measures are being recorded;</td>
</tr>
<tr>
<td>□ Outline of the process, including steps that need to be taken, before a public official can be sanctioned, as well as the availability of any appeal processes;</td>
</tr>
</tbody>
</table>
3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Declaring assets and declaring interests are part of most of the codes of ethics of the different categories of public officials in the Republic of Macedonia.

There are available statistics (source: 2016 Annual Report of the State Commission for Prevention of Corruption):

- Asset declarations

In 2016, the State Commission for Prevention of Corruption, on bases of its legal competences, submitted requests for initiation of misdemeanour procedure for the reason of failure to submit asset declarations and failure to report changes of property situation. In this period, the court has rendered 18 decisions upon these and other initiated cases. During 2016, on bases on Article 36 of the Law on prevention of corruption, the SCPC has submitted 8 requests to the Public Revenue Office for initiation of procedure for investigation of property and property status of elected and appointed officials.

- Statement of interests

In 2016, 78 new cases of the area of conflict of interests are initiated by the SCPC. Out of them, 57 are completed. The newly opened cases in the SCPC are initiated upon reports for opinion submitted by official persons and their superiors, by public officials chairing with some state bodies or by anonymous reports, or upon requests by other interested parties and some cases are initiated upon findings of the SCPC. Additionally, in the current year, the SCPC decided 81 cases which are received and opened in the previous years out of which 53 cases are completed and 28 cases are ongoing.

Also, in 2016, the SCPC has submitted requests for initiation of misdemeanour procedure against 3 elected and appointed persons to the competent court for the reason of failure to submit Statement of interests.

Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:

- Examples in which public officials have been sanctioned for violating the codes or standards of conduct, as well as the specific measures taken;
- Statistics regarding the number of public officials who have been sanctioned, the type of violations that have occurred and which sanctions were imposed;
- Internal or external reports regarding the effectiveness of investigation and disciplinary procedures.

Technical assistance

1. Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Guidance: Required actions could include the passing of a law and a time frame to do this. Related challenges could include inter-agency coordination, specificities in the legal system, competing priorities, limited capacity (e.g. technological, institutional, other), limited resources for implementation (e.g. human, financial, other), lack of a policy framework, and limited expertise and skills. In describing these issues, please be as specific as possible.

2. Do you require technical assistance for the implementation of this article? If so, please specify the forms of
technical assistance that would be required. For example:

No assistance would be required

| Guidance: Please tick this box if you do not require any technical assistance in the implementation of the article under review. |
**Legislative assistance: Please describe the type of assistance**

**Guidance:** The forms of legislative assistance should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of legislative assistance might include e.g. model arrangements and agreements, legal drafting and/or advisory support.

**Institution-building: Please describe the type of assistance**

**Guidance:** The forms of institution-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article, including domestic coordination issues. Specific forms of assistance in the area of institution-building might include e.g. summary of good practices and lessons learned, model arrangements and agreements, on-site assistance by a relevant expert and/or mentoring, as well as the development of an action plan for implementation.

**Policymaking: Please describe the type of assistance**

**Guidance:** The forms of policymaking should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of policymaking might include e.g. summary of good practices and lessons learned, sensitization of decision-making bodies, on-site assistance by a relevant expert and/or mentoring.

**Capacity-building: Please describe the type of assistance**

**Guidance:** The forms of capacity-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of capacity-building might include e.g. case-related assistance, on-site assistance by a relevant expert and/or mentoring, strengthening the operational and/or institutional capacities of relevant authorities through training and online learning, development of an action plan for implementation.

**Research/data-gathering and analysis: Please describe the type of assistance**

**Guidance:** The forms of research, data-gathering and analysis should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of research, data-gathering and analysis might include e.g. expert advice on data-gathering and storage systems, statistical advice or sample studies.

**Facilitation of international cooperation with other countries: Please describe the type of assistance**

**Guidance:** The forms of facilitation of international cooperation with other countries should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of facilitation of international cooperation might include e.g. case-related assistance, model legislation or model treaties.
Others: Please specify

3. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

**Guidance:** If you are receiving or have received such assistance, please provide details, including on the assistance provider, description of core objectives, duration, budget, results and impact. Please include information on technical assistance being provided in the most generic way so as to also capture projects that do not directly fit into the anti-corruption category but that address aspects relevant for the implementation of the Convention against Corruption. Please also indicate whether the extension and/or expansion of such assistance would help your country to adopt the measure(s) described in the article under review.

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**Article 9 – Public procurement and management of public finances**

**Article 9, paragraph 1**

1. Each State Party shall, in accordance with the fundamental principles of its legal system, take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, which may take into account appropriate threshold values in their application shall address, inter alia:

   (a) The public distribution of information relating to procurement procedures and contracts, including information on invitations to tender and relevant or pertinent information on the award of contracts, allowing potential tenderers sufficient time to prepare and submit their tenders;

   (b) The establishment, in advance, of conditions for participation, including selection and award criteria and tendering rules, and their publication;

   (c) The use of objective and predetermined criteria for public procurement decisions, in order to facilitate the subsequent verification of the correct application of the rules or procedures;

   (d) An effective system of domestic review, including an effective system of appeal, to ensure legal recourse and remedies in the event that the rules or procedures established pursuant to this paragraph are not followed;

   (e) Where appropriate, measures to regulate matters regarding personnel responsible for procurement, such as declaration of interest in particular public procurements, screening procedures and training requirements.

1. Is your country in compliance with this provision?

   Yes

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

**Guidance:** Information sought may include:

- Description of the system of public procurement, including how the system is based on transparency, competition and objective criteria in decision-making.
In providing this information, please indicate whether and to what extent the system of public procurement adheres to the standards of the UNCITRAL Model Law on Procurement of Goods, Construction and Services (2011); the procedures and content required regarding the public distribution of invitations to tender, including, for example:

- Means by which such invitations are published;
- Inclusion of all relevant and pertinent information on the award of contracts;
- Manner of application (including the use of electronic procurement platforms); and
- Criteria to be used for selection and award;

The procedures, rules and regulations for review of the procurement process, including the system of appeal and available legal recourse or remedies;

Description of the selection of personnel responsible for procurement, including declarations of interest and potential conflicts in particular cases (manner and required disclosures), screening procedures and training requirements (at induction and ongoing) and curricula, rotation of personnel;

Description of any other administrative practices promoting integrity in procurement (such as debarment procedures etc.).

The basic principles for public procurement transparency and competition are fully assumed in Article 2 of the Law on Public Procurement and they must be observed by the contracting authority at all stages of the carrying out of the public procurement contract award procedure.

- (Article 40) Any economic operator and/or manufacturer shall have the right to participate, individually or as a member in a group of economic operators, in a contract award procedure.

- (Article 143, 145-158) Selection criteria for the economic operators:
- personal situation;
- suitability to pursue the professional activity;
- economic and financial standing;
- technical or professional ability;
- quality assurance standards; and
- environmental management standards.

(Article 160) The lowest price shall be the contract award criterion.

The most economically advantageous tender may be a contract award criterion in the procurement of consultancy services and other intellectual services in the procedures for awarding public private partnership contracts, as well as in the cases where due to the particularity of the subject-matter of the contract it is impossible to precisely determine the quality or other elements as minimum requirements of the technical specifications. The most economically advantageous tender criterion shall be mandatorily used in the competitive dialogue procedure and in case of variants.

– Provisions for establishing a sufficient time for potential tenders to prepare and submit their tenders:

Open procedure

Article 65
(1) The closing date for submission of tenders shall not be less than 45 days as of the date of publication on the ESPP if the estimated value of the public contract, excluding VAT, exceeds:
- 130,000 euro in MKD equivalent for supplies and services and 4,000,000 euro in MKD equivalent for works with the contracting authorities referred to in Article 4 paragraph (1) points a), b) and c) of this Law; or
- 200,000 euro in MKD equivalent for supplies and services and 4,000,000 euro in MKD equivalent for works with the contracting authorities referred to in Article 4 paragraph (1) points d) and e) of this Law.

Article 66
If the estimated value of the public contract is below the amount referred to in Article 65 paragraph (1) of this Law, the time limit for the receipt of tenders shall not be less than 20 days as of the date of publication on the ESPP.

Restricted procedure

Article 69
(1) The time limit for the receipt of requests to participate shall not be less than 30 days as of the date of publication on the ESPP, if the estimated value of the public contract, excluding VAT, exceeds:
- 130,000 euro in MKD equivalent for supplies and services and 4,000,000 euro in MKD equivalent for works with the contracting authorities referred to in Article 4 paragraph (1) points a), b) and c) of this Law; or
- 200,000 euro in MKD equivalent for supplies and services and 4,000,000 euro in MKD equivalent for works with the contracting authorities referred to in Article 4 paragraph (1) points d) and e) of this Law.

Article 70
If the estimated value of the public contract is below the amount referred to in Article 69 paragraph (1) of this Law, the time limit for the receipt of requests to participate shall not be less than 15 days as of the date of publication on the ESPP.

Competitive dialogue

Article 80
The time limit for the receipt of requests to participate shall not be less than 30 days as of the date of publication on the ESPP if the estimated value of the contract, excluding VAT, exceeds 130,000 euro in MKD equivalent for supplies and services and 4,000,000 euro in MKD equivalent for works with the contracting authorities referred to in Article 4 paragraph (1) points a), b) and c) of this Law.

Article 81
If the estimated value of the public contract is below the amount referred to in Article 80 of this Law, the time limit for the receipt of requests to participate shall not be less than 15 days as of the date of publication on the ESPP.

Negotiated procedure with prior publication of a contract notice

(1) The time limit for the receipt of requests to participate shall not be less than 30 days as of the date of publication on the ESPP if the estimated value of the public contract, excluding VAT, exceeds:
- 130,000 euro in MKD equivalent for supplies and services and 4,000,000 euro in MKD equivalent for works with the contracting authorities referred to in Article 4 paragraph (1) points a), b) and c) of this Law; or
- 200,000 euro in MKD equivalent for supplies and services and 4,000,000 euro in MKD equivalent for works with the contracting authorities referred to in Article 4 paragraph (1) points d) and e) of this Law.

(2) Notwithstanding paragraph (1) of this Article, due to reasons of urgency requiring execution of the contract within time limits less than the ones determined in paragraph (1) of this Article, the contracting authority may accelerate the procedure by reducing the time limit for 15 days, at the most.

Article 91
If the estimated value of the public contract is below the amount referred to in Article 90 paragraph (1) of this Law, the time limit for the receipt of requests to participate shall not be less than 12 days as of the date of publishing the contract notice on the ESPP.

Simplified competitive procedure

Article 100
(1) The contracting authority may conduct a simplified competitive procedure with publication of a contract notice on the ESPP when the estimated value of the public supply and service contract is up to 20,000 euro in MKD equivalent, and for public works contracts up to 50,000 euro in MKD equivalent, VAT excluded.

(2) The provisions of this Law shall accordingly apply when conducting simplified competitive procedures, unless otherwise regulated by this Section.

(3) The time limit for the receipt of tenders in case of a simplified competitive procedure shall not be less than:
   - five days as of the date of publication of the contract notice on the ESPP, when the estimated value of the public contract is up to 5,000 euro in MKD equivalent, VAT excluded; and
   - ten days as of the date of publication of the contract notice on the ESPP, when the estimated value of the public supply and service contract is up to 20,000 euro in MKD equivalent, and for public works contracts up to 50,000 euro in MKD equivalent, VAT excluded.

**Design contest**  
**Article 108**

(1) The time limit for the submission of plans or projects shall not be less than 35 days as of the date of dispatch of the contract notice for publication in the “Official Gazette of the Republic of Macedonia” and on the web page of the Bureau.

(2) The content of the plans and projects submitted shall remain confidential until the expiry of the time limit for their submission.

**Article 109**

Articles 60 and 61 of this Law shall appropriately apply if the contracting authority requires from the economic operators to send the plans or projects by using electronic means.

- **Notifying candidates or tenderers (Article 167)** The contracting authority, depending on the type of contract award procedure used, shall notify the candidates, or the tenderers, in writing, about the decisions made in connection with the conducted pre-qualification, the award of the public contract, the conclusion of the framework agreement or the cancellation of the contract award procedure. The notification shall be sent within three days as of the date of adoption of the respective decision.

A copy of the respective decision shall be enclosed to the notification.

The notification referred to in paragraph (1) of this Article shall be sent in writing.

- **Permissible grounds for the rejections of tenders:**
  
  (Article 136) No tender shall be rejected in the course of the public opening of tenders, except the ones submitted after the time limit for the receipt of tenders.

  (Article 140) The unacceptable tenders shall not be evaluate by the commission.

- **Rules that allow for the use of procurement methods other than open tender procedures and information relating to procurement procedures and contracts are publicly distributed and available:**

  (Article 37) The contracting authority shall make the tender documentation available to any interested economic operator by using electronic means for the purpose of providing direct and full access through the ESPP simultaneously with the publication of the contract notice. The forms of the tender documentation shall be attached in a format that could be directly used by the economic operators.

The contracting authority shall make the tender documentation available in hard copy or by using magnetic medium only when:

- the ESPP does not support the format type in which the tender documentation or a part thereof is prepared, and it shall fill in an explanation on the ESPP; or
- publishing a contract notice for a public private partnership.

No fee shall be charged for obtaining the tender documentation.

- (Article 38) The contracting authority, within six days before the expiry of the time limit for submission of the tenders or requests to participate, on its own initiative or on the basis of questions for clarification submitted by the economic operators, may amend or supplement the tender documentation, and that shall be mandatorily done upon a decision by the State Appeals Commission on Public Procurement.

The contracting authority, according to the amendments and supplements to the tender documentation, shall mandatorily extend the time limit for submitting tenders or requests to participate for at least six days.

The contracting authority, no later than six days before the expiry of the time limit for submission of the tenders or requests to participate, or three days in case of a simplified competitive procedure, shall send free of charge the amendments and supplements to the tender documentation to all economic operators that have obtained the tender documentation; or, if it is published by using electronic means for the purpose of direct and full access, it shall publish the amendments and supplements in the same manner as it has published the tender documentation.

- When conducting the contract award procedure, if the contractor fail to follow the applicable laws, regulations and procedures including those regarding publication, the public contract shall be considered null and void.

- **In accordance with Article 14 of the Law on Public Procurement, the Public Procurement Bureau is responsible for the determined irregularities of the received notices, it immediately informs the contracting authorities and if necessary, the competent authorities**

  *Other institutions are also responsible for supervision under special material regulations:*
• According to the Law on Public Internal Financial Control (Official Gazette of the Republic of Macedonia, 90/09 and 188/13), the internal audit units also conduct the supervision of public procurement procedures as an independent activity in order to improve the effectiveness of the risk management processes, control and management in the public sector entities.

• Pursuant to the Law on Financial Inspection in the Public Sector (Official Gazette of the Republic of Macedonia, No. 82/2013 and 43/14) the Financial Police Office, as an ex post activity, controls the regularity of the transactions and the other activities in the field of financial management within the entities which are subject to inspection.

• The State Audit Office also performs control of the use of procurement funds as an ex post activity in accordance with the Law on State Audit (Official Gazette of the Republic of Macedonia, No. 66/10,145/10.12/14 and 43/14), and is in charge of auditing the public revenue and public expenditure in the public sector entities.

It should be noted that the State Audit Office (SAO), in accordance with its competencies, performs an ex post audit of state institutions and users of public funds in order to determine and disclose irregularities, cases of unlawful conduct and possible cases of corruption and abuse of official duties. Within that framework, there is an insight into the manner of planning, implementation and realisation of public procurement procedures with recommendations for elimination of the identified irregularities.

The Law on Public Procurement was not subject of alignment with UNCITRAL Model Law on Procurement of Goods, Construction and Services (2011).

It should be emphasised that the Law on Public Procurement (Official Gazette of the Republic of Macedonia, 136/07) is mostly aligned with Directives 2004/18/EC and 2004/17/EC, although its compliance with the recent amendments in some parts is reduced (for example, regarding the application of the most economically advantageous tender criterion).

Currently new law is being drafted in which new Directives on classical and utilities procurement EU/2014/24 and EU/2014/25 will be transposed. Experience of some of the EU Member States to transpose the Directives on classical and utilities procurement EU/2014/24 and EU/2014/25 in their national legislation will be considered.

- The procedures and content required regarding the public distribution of invitations to tender, according to Article 37 are available to any interested economic operator by using electronic means for the purpose of providing direct and full access through the ESPP and Official Gazette of the Republic of Macedonia.

- The procedures, rules and regulations for review of the procurement process, including the system of appeal and available legal recourse or remedies;

The Law on Public Procurement establishes the institutional structure and the mechanism for acting upon appeals in accordance with Directive 89/665/EEC and 92/13/EEC and certain parts comply with Directive 2007/66/EC which amends the two previous directives, such as "stand still period". The procedures, rules and regulations are defined in the Law on Public Procurement, Articles 200-231.

State Appeals Commission is the responsible review body in the country which is independent. The legal capacity for the application of remedies in public procurement contract award procedures is in accordance with the requirements of the acquis on the right to appeal. The fees prescribed by the provisions of the Law on Public Procurement are proportionate and do not present an obstacle for the usage of the instruments of the legal protection.

- Description of the selection of personnel responsible for procurement, including declarations of interest and potential conflicts in particular cases (manner and required disclosures), screening procedures and training requirements (at induction and ongoing) and curricula, rotation of personnel;

In Article 29 of the Law, the duties of the officer (or of the organisational form) are precisely defined. Therefore, it can be concluded that the specific roles and responsibilities of these individuals are well known.

The Bureau has made great efforts for improving and strengthening the capacities of the contracting authorities which is indicated in the data for conducted trainings of public procurement officers. Namely, the Public Procurement Bureau this strategic measure prescribed by the Law on Public Procurement based on the Annual Public Procurement Education Programme. The Public Procurement Bureau continuously maintains four types of trainings on public procurement, including: trainings of trainers for public procurement, training of persons for public procurement and training of economic operators. Given that the certificates for person for public procurement and trainer for public procurement have a validity date, the Public Procurement Bureau organises also, trainings for refreshing the knowledge on every two or three years.

- Description of any other administrative practices promoting integrity in procurement (such as debarment procedures etc.)

The Law on Public Procurement contains provisions on prevention of conflict of interest. In Article 62 of the Law, the obligation to sign a statement for non-existence of conflict of interests is specifically provided for the president, the members and deputy members in the Public procurement commission, as well as the responsible person. The statements are part of the dossier for the procedure carried out. In case of conflict of interests with the president, his/her deputy, the members and their deputies in the Public procurement commission, they shall be withdrawn from their work in the Commission and shall be substituted by other persons. In case of conflict of interests with the responsible person, the same shall by a special decision authorise another person from among the officials or employees at the contracting authority to
adopt the appropriate decisions and to sign the contract. In the public procurement contract award procedures, the provisions of the Law on Prevention of Conflict of Interests are also properly applied. In accordance with Article 63 of the Law, the contractor shall not hire persons involved in the evaluation of the tenders submitted in the respective public procurement contract award procedure, within the duration of the contract. In that case, the public procurement contract shall be considered null and void. By conducting the public procurement, other material regulations are also properly applied.

In the country there is no risk indicator system that signals potential integrity problems in the procurement process.
3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Statistics regarding the extent to which the system of public procurement is used, including cases that illustrate procurement decisions taken on the basis of transparent, competitive and objective criteria;

Statistics regarding the number of public procurement processes conducted, the subject matter of the procurement processes, the number and diversity of tenders and the resulting outcomes and award decisions;


Internal or external assessment reports regarding the effectiveness of the system of public procurement and the extent to which it is based on transparency, competition and objective criteria in decision-making;


Examples of invitations to tender, and descriptions of the media through which those invitations were published;


Guidelines on the conduct of tender procedures;


https://e-nabavki.gov.mk/PublicAccess/home.aspx#/user-manual

Cases involving a successful appeal or challenge to a procurement process;

http://reshenija.dkzjn.gov.mk/

Statistics on the number of procurement officers trained, including applicable curricula, guidance manuals and other material.

http://www.bjn.gov.mk/izvieshtai.nspx

**Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:

- Statistics regarding the extent to which the system of public procurement is used, including cases that illustrate procurement decisions taken on the basis of transparent, competitive and objective criteria;
- Internal or external assessment reports regarding the effectiveness of the system of public procurement and the extent to which it is based on transparency, competition and objective criteria in decision-making;
- Statistics regarding the number of public procurement processes conducted, the subject matter of the procurement processes, the number and diversity of tenders and the resulting outcomes and award decisions;
- Examples of invitations to tender, and descriptions of the media through which those invitations were published;
- Standard bidding documents used to submit a tender;
- Guidelines on the conduct of tender procedures;
- Cases involving a successful appeal or challenge to a procurement process;
- Statistics on the number of procurement officers trained, including applicable curricula, guidance manuals and other material.

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**Article 9, paragraph 2**

2. Each State Party shall, in accordance with the fundamental principles of its legal system, take appropriate measures to promote transparency and accountability in the management of public finances. Such measure shall encompass, inter alia:
Report on the functioning of the public internal financial system, prepared by CHU, shows the progress and weaknesses of the PIFC Law. CHU regularly keeps records of each institution and monitors the development of PIFC. The Annual Harmonisation of PIFC System (CHU) is in charge thereof, on his behalf. The CHU competences are defined in article 48 of the Public Internal financial Control, and the Central Unit for establishment, implementation and main tenance of the public internal financial control, and the Central Unit for Harmonisation of PIFC System (CHU) is in charge thereof, on his behalf. The CHU competences are defined in article 48 of the PIFC Law. CHU regularly keeps records of each institution and monitors the development of PIFC. The Annual Report on the functioning of the public internal financial system, prepared by CHU, shows the progress and weaknesses of the system.

1. Is your country in compliance with this provision?

Yes

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.


Based on the Strategic Priorities and Strategic plans, Ministry of Finance prepares Medium Term Fiscal Strategy (MTFS) at latest 31-st of May, which define macroeconomic and fiscal policy, as well as the policy for public debt management. This strategic document define the main targets, level of budget deficit and public debt, revenue and expenditures projections and possible resources for financing the deficit (Article 16,17 of the Budget Law). Ministry of Finance also prepare maximum limits of the expenditures per budget user for the next three years (Article 18 of the Budget Law).

Based on the Fiscal strategy and maximum limits of the expenditures, the Ministry of Finance sends the instructions in the form of Budget circular to the budget users at latest 15 of June (article 19).

The budget users prepare budget request for their activities in accordance with the Budget circular instruction for the core budget, budget for loans, budget for donations and budget for self-financed activities, at latest 1-st of October (article 22). After that the adjustment phase on the highest level with the budget users is implemented.

The Ministry of Finance sends the Draft Budget of the Republic of Macedonia, to the Government at latest 1-st of November for adoption. (Article 29).

The Government send the Draft Budget to the Assembly of the Republic of Macedonia together with the Fiscal Strategy at latest 15-th of November in the parliamentary procedure.

The Assembly Commissions review and discuss the Draft Budget for the next year and Fiscal strategy and adopt at latest 31 of December in the current year.

In order to strengthen and improve the public finance system and promote transparency, accountability, fiscal discipline and efficiency in finance management, the Sectoral Working Group for Public Finance Management in cooperation with experts from SIGMA, during this period, continuously worked on the Program for Public Management Reforms 2018 - 2021. The new draft text of the program has been finalised and it has been submitted electronically to the EU Delegation and after receiving the comments, it will be reviewed and send by the end of the year to the Government of the republic of Macedonia for its adoption.

At the same time, in the Ministry of Finance the project „Strengthening the mid-term budgeting for effective public management“ financed by IPA Funds has been finalised. The implementation of this project lasted for two years (from 01.12.2015 to 20.11.2017) and its main goal was to ensure sustainability and improve efficient management of public finances. The activities under this project were mainly realized to improve the program budget classification of expenditures and develop appropriate indicators for the success of the programs, strengthening the capacity for medium-term budget planning and reporting according to the European Methodology ESA 2010.

Within the project, a Manual for Program Classification, Manual for Medium -Term Budget Planning, Manual for ESA methodology and New Procedure for Preparation of Fiscal Strategy have been prepared as a solid base for the future budget reforms implementation. Also a draft version of a new Budget Law has been prepared, which includes all these reforms, including a new timeframe for budget preparation and Fiscal Strategy, fiscal rules and Fiscal Council. The implementation of all of those budget reforms in the future as a main strategic priority will provide improvement of the quality of public finances management.

Pursuant to Article 2 of the Public Internal financial Control Law (“Official Gazette of the Republic of Macedonia” No.90/2009, 188/2014 and 192/2015), the Minister of Finance is responsible for coordinating the development, establishment, implementation and maintenance of the public internal financial control, and the Central Unit for Harmonisation of PIFC System (CHU) is in charge thereof, on his behalf. The CHU competences are defined in article 48 of the PIFC Law. CHU regularly keeps records of each institution and monitors the development of PIFC. The Annual Report on the functioning of the public internal financial system, prepared by CHU, shows the progress and weaknesses of the system.
The Government reviews and adopts the Annual Report on a closed session. The general part of the report is published on the website of the Ministry of Finance. CHU prepare a self-assessment on its own activities as a part of the annual review. The CHU act primarily in its intended role as provider of methodological guidance and coordinator of development of financial management and control (FMC) and internal audit (IA) in the public sector.

There is a legal framework for FMC, which establishes the operational framework regarding the budget users of the legislative, executive and judicial area, funds, municipalities and the City of Skopje, being in accordance with a COSO (Committee of Sponsoring Organisations) model. The legal framework specifically facilitate the development of managerial accountability through appropriate delegation and reporting. Pursuant to Article 8 of the PIFC Law, the head of the entity can give by act an authorisation (generally or specifically) to one or more managers who are hierarchically or directly subordinated to him. The manner of giving authorisation is prescribed in the Rulebook on the Manner of Granting Authorisations (Mandates). Also the centralised budget inspection function is set up and regulated in a way that ensures that it is concerned with compliance, it is based on complaints and clear indication of irregularities, it focuses on potential risks of fraud, corruption or major financial abuse and does not duplicate with the objective of internal audit. For the purpose of implementation of the Law on Financial Inspection in Public Sector ("Official Gazette of Republic of Macedonia" No.82/2013 and 43/2014) a Department for Financial Inspection in the Public Sector is established in the Ministry of Finance. The Department carries out financial inspection when managing the public assets upon request, information or application from legal entity or physical persons, substantiated by evidence.

FMC and risk management are incorporated in the regular management and governance processes rather than being treated as a separate compliance exercise. Most of the budget users at central and local level have adopted strategies for risk management and they are keeping risk registers.

Where subordinate or second-level organisations exist, each second-level organisation meets FMC requirements for an organisation of its type and size, and its relationship with the higher or first-level organisation is clearly defined in a regulation or similar written document. It is regulated by the Law on Organisation and Operation of the State Administrative Bodies ("Official gazette of the Republic of Macedonia, No.58/2000, 82/2008, 167/2010 and 51/2011). Pursuant to Article 38 of this Law, supervision over the operations of state administration includes supervision over the legality and effectiveness of their work. Supervision is performed over the public enterprises, public services and facilities, as well as physical persons and legal entities which are entrusted by law to perform public authorisations. Pursuant to Article 40 of this Law, supervision is performed by higher state administration body, unless the law stipulates otherwise.

Also the state owned enterprises including municipal enterprises are subject to robust governance arrangements by their "owner" first-level organisations. Pursuant to Article 16 of the Law on Public Enterprises ("Official Gazette of the Republic of Macedonia" No. 38/1996, 9/1997,6/2002, 40/2003, 49/2006, 22/2007, 83/2009, 97/2010, 6/2012, 119/2013,4/2014, 138/2014 and 25/2015) bodies of a public enterprise are: Management Board, the Supervisory Board that controls the financial operations and the Director. pursuant to Article 22 of the same Law, the Government of the Republic of Macedonia, the municipality or the City of Skopje upon proposal by the minister in charge of the relevant area, can give general directions to the Management Boars regarding the performance of certain tasks of the Board stipulated in Article 19 of this Law and that the Government, municipality or the City of Skopje considered to be of interest for the Republic of Macedonia, that for the municipality or for the City of Skopje.

Pursuant to Article 27 of the same Law, for the purpose of performing the control activities, Supervisory Control Board as allowed to inspect all documents and records of public enterprise on the spot. Supervisory control Boars may invite experts to examine the documents and records of the public enterprise that will help during the supervision. The SCB may attend the meetings of the MB. SCB compulsory reviews the annual accounts and report on operations of the public enterprise and by act an authorisation (generally or specifically) to one or more managers who are hierarchically or directly subordinated to him. The manner of giving authorisation is prescribed in the Rulebook on the Manner of Granting Authorisations (Mandates). SCB compulsory reviews the annual accounts and report on operations of the public enterprises and gives opinion to the MB. The MB cannot adopt the annual accounts and report on the operations of the public enterprise, if it did not previously receive positive opinion from the SCB.

SCB may give approval to the acts adopted by the MB if it is determined by the statute of the public enterprise.

SCB submits the examination report on annual accounts and the report on the operations of the public enterprises with its opinion to the Minister of Finance. As for the report submitted to the Minister of Finance, the SCB informs him about the state of the public enterprise, over which operations it performs control. SCB submits a copy of the report to the Minister of Finance. SCB compulsory meets at least four times a year.

In addition, CHU organises trainings, workshops and meetings with the institutions in other to prepare them to respond to identified risks

All the policy proposals initiated by the institutions include an estimate on budgetary costs. Pursuant to Article 5, paragraph 2 of the Rulebook for the manner of performance of the functions of Financial Affairs Unit, the Head of the Unit gives opinion about the budgetary and financial implications that may cause the draft decisions.

Pursuant to Article 26, paragraph 1 of the Budget Law, users when proposing regulations and other acts compulsorily submit filled in form for assessment of the fiscal implication to the Government of the Republic of Macedonia.

Pursuant to article 7, paragraph 2 of the Budget Law, budget users may not undertake commitments which arise in current year or to make expenditures over the appropriations of the State Budget and the municipal budget. Fine in the amount of EUR 330 to 820 in MKD counterpart will be imposed to responsible person or the head of the budget user if the y undertake commitments over the limit of the approved funds of the Budget.

Pursuant to Article 37-c of the Budget Law, budget users and individual users are required to use appropriations earmarked. Fine in amount of EUR 330 to 820 in MKD counterpart will be imposed to responsible person or the head of the budget user if appropriations are used inappropriately.

Pursuant to Article 50 of the PIFC Law, the head of the public sector entity is obliged to prevent the risk of irregularities and fraud or to appoint a person to report about irregularities and suspicions of fraud or corruption and to independently undertake measures. All Employees, including the internal auditors inform the head of the public sector entity and the person responsible for irregularities or suspicions of fraud or corruption.
With the amendments of the Criminal Act Code ("Official gazette of the Republic of Macedonia" No. 114/2009) a new SAO have the authority to undertake a full range of financial, regularity and performance. Article 18 (2) of the SAL:

(2) The State audit Office shall conduct regularity audit and performance audit.

Regularity audit is financial audit (an inspection of the accuracy and completeness of accounting records and financial statements) and compliance audit (a procedure for determining and assessing the compliance of auditee’s operation with the laws, bylaws and internal acts).

Performance audit is an assessment of the economy, efficiency and effectiveness of the operations and the use of funds in a defined area of activities or programmes.

According to Article 19 of the State Audit law, the state audit is conducted in compliance with the auditing standards of the International Organisation of Supreme Audit Institutions (INTOSAI) and the rules of INTOSAI Code of Ethics.

The state audit shall comprise all the operations with public funds and all the entities from the public sector. (Article 19 of the SAL)

SAO have the authority to undertake a full range of financial, regularity and performance. Article 18 (2) of the SAL:

(2) The State audit Office shall conduct regularity audit and performance audit.

According to Article 19 of the SAL the state audit includes also examination and assessment of reports of conducted internal control and public internal financial control, examination and assessment of the financial management and control system.

The national legislation is aligned with the Convention on the Protection of EU's Financial interests (PFI Convention) and its three protocols which aim to create a common legal basis for the criminal law protection of the EU financial interests.

With the amendments of the Criminal Act Code ("Official gazette of the Republic of Macedonia" No. 114/2009) a new criminal offence has been prescribed (Article 249-a):

(1) A person who with the use or disclosure of false, inaccurate or incomplete statements or documents, or by failing to provide data, illegally appropriates, maintains or causes detriment to the funds of the European Community, to the funds managed by the EC and or managed in their name on its behalf shall be punished with imprisonment from six months to five years.

(2) The sentence of paragraph 1 of this article shall apply to the person who has used the funds under paragraph 1 of this article shall be used contrary to the approved purpose.

(3) The sentence of paragraph 1 of this article shall be punished/apply to the person who with the use or presentation disclosure of false, inaccurate or incomplete statements or documents, or by failing to provide data, unlawfully illegally reduces the funds of the EC, the funds managed by the EC or managed on their behalf.

(4) If the offence prescribed in this Article is committed by a legal person, he/she shall be punished with a fine.

Effective, proportionate and dissuasive criminal penalties for the principle offenses of fraud (both in revenue and expenditure), passive corruption, active corruption are defined and prescribed in Article 278-a and 279 of the Criminal Code - revenues, Article 358 and 358-a of the Criminal Code - passive corruption, Article 357 and 359 of the Criminal Code - active corruption.

According to the Decree for the procedure for preventing irregularities, the manner of mutual cooperation, the form, the contents, the deadline and the manner of reporting on the irregularities ("Official Gazette of the Republic of Macedonia, No.63/11) in the Financial police Office was established a unit for preventing irregularities and fraud (Anti-Fraud coordination Unit - AFCOS) which is responsible for coordination of the system to prevent irregularities and fraud, as well as receiving, control, taking measures and reporting on irregularities in the management and use of public funds, EU funds and funds from other domestic and foreign resources. This unit according to Article 11 of the Decree is defined as a contact point with OLAF.

Until now at central level are appointed 67 persons responsible for reporting irregularities and at local level 60. The procedure is regulated in Article 50, paragraph 5 of the PIFC Law and in articles 12 and 13 of the Decree for the procedure for preventing irregularities, the manner of mutual cooperation, the form, the content, the deadline and the manner of reporting on the irregularities.
Guidance: In relation to subparagraph 2 (a), information sought may include:

- The applicable laws, regulations and procedures for the preparation and adoption of national budgets, including those that specify the type of information required as part of the submission to the legislature;
- Description of how and the extent to which budget proceedings are made public, including the role of the media in this regard;
- Description of the extent to which there is opportunity for public input and debate concerning the proposed national budget before its adoption;
- Consequences for failing to comply with the applicable laws, regulations and procedures including those regarding publication.

In relation to subparagraph 2 (b), information sought may include:

- Outline of the requirements for reporting on revenue and expenditure, including the following information, if available:
  - Timeline and frequency for government reporting of revenue and expenditure including consequences for failure to report at all or for failure to report in a timely manner;
  - Institution or agency responsible for preparing revenue and expenditure reports;
- Body or bodies to which the reports are distributed, including the extent to which the reports are available to the public.

In relation to subparagraph 2 (c), information sought may include:

- The laws, regulations and rules governing accounting and internal and external auditing standards for the national budget and the administration of public finances;
- Examples of measures/steps taken to address problems detected;
- Training and accreditation requirements for government accountants and auditors;
- Oversight, supervision and evaluation of the performance of government accountants and auditors.

In relation to subparagraph 2 (d), information sought may include:

- Outlines of the systems of risk management and internal control currently in place and on what level they operate (office, department, ministry, government-wide, etc.);
- The means by which systems of risk management and internal control are designed, implemented and reviewed, including the department or agency responsible;
- Description of the roles and responsibilities of public officials authorized to certify payment orders, financial reports, etc., and the extent of liability for unintentional errors or financial wrongdoing by subordinates;
- Description of how the offices responsible for risk management and internal control maintain, organize and store records.

In relation to subparagraph 2 (e), information sought may include:
Outline of possible corrective action in the management of public finances, including:

- Types of corrective action permitted;
- Time allowed for corrective action to be taken following an auditor’s report or in other circumstances;
- Mechanism to ensure oversight and implementation of corrective action;

Description of how recommendations for corrective action are tracked and followed up, including potential consequences for failing to take corrective action or failing to audit when required.

3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

In relation to subparagraph 2 (a), information sought may include:

- Reports regarding the most recent national budget submission and adoption process;
- Internal or external reports regarding the extent to which the process through which the national budget is adopted reflects the promotion of transparency and accountability.

In relation to subparagraph 2 (b), information sought may include:

- Examples of consequences imposed for failure to report in a timely manner;
- Recent revenue and expenditure reports;
- Information on means of reporting (i.e. newspapers, websites, etc.).

In relation to subparagraph 2 (c), information sought may include:

- Recent accounting and/or audit reports concerning government revenues, expenditures and management of the national budget.

In relation to subparagraph 2 (d), information sought may include:

- Internal or external reports regarding the effectiveness and efficiency of the risk management system and internal controls;
- Statistics on number of reports made of suspected financial mismanagement or misconduct, including the number of follow-up investigations and their outcomes.

In relation to subparagraph 2 (e), information sought may include:

- Cases where corrective actions were required and taken in the management of public finances;
- Statistics on number of follow-up instances and corrective actions taken, following accounting, auditing or other financial management reports, including the time taken.
Article 9, paragraph 3

3. Each State Party shall take such civil and administrative measures as may be necessary, in accordance with the fundamental principles of its domestic law, to preserve the integrity of accounting books, records, financial statements or other documents related to public expenditure and revenue and to prevent the falsification of such documents.

1. Is your country in compliance with this provision?
   Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.


According to the Law on accounting of the budgets and the budgets users the accounting documents, by their type, are kept in the following terms:
- the final calculation of the employees, salaries, as well as the payment lists of the employees, salaries, if they contain important data about the employees are kept permanently;
- the accounting documents on base of which data entries in the business books are made, are kept for five years;
- the documents considering payment operations are kept for three years;
- sales and control blocks, additional calculations and similar adjustments are kept for two years.

The business books at the end of the fiscal year are lock up and bind. The authorized person and the accountant in charge or other appointed person sign the Book of original entry (The Journal) and the General ledger. With the signature, the accurateness and reconciliation with the legal provisions are confirmed. If the account data are processed by a computer, after the Book of original entries and the General ledger are locked up, these business books are print and bind.

The business books must be kept at least:
- the Book of original entry and the General ledger ten years,
- additional books (analytical evidence) five years.

The basic financial reports must be kept permanently and in authentic form.

The Law prescribes fines for the authorized person and the accountant in charge if they fail to keep business books, the accounting documents, documentation and financial reports in a suitable and proper manner up to the period set up by the Law.

The Law on archive materials regulates the protection, storage, processing and use of archive material, inspection supervision and the competences of the State Archive of the Republic of Macedonia. In addition, the Decree on office and archive operations regulates the office and archive operations of the state authorities and institutions, public institutions and services, public enterprises, trade companies founded by the state or in which the dominant capital is the state, the units of local self-government and the City of Skopje, legal entities and physical persons to whom by law are entrusted with public authorizations. The Decree covers the conventional types of documents/records observed on paper base, microfilm, and similar and unconventional species such as electronic and digitized document/records.

The Criminal Code, article 280, prescribes that a person who enters false data or does not enter some important data in a business document, book or paper, which he is obliged to maintain based on a law or some other regulation, or who with his signature or stamp verifies a business document, book or paper with false contents, or who with his signature or stamp make possible to prepare a document, book or paper with false contents, shall be punished with a fine, or with
imprisonment of up to three years. The punishment shall also apply to a person who uses a false business document, book or paper as if it were real, or who destroys, covers up, damages or in some other way makes unusable a business document, book or paper.

**Guidance:** Information sought may include:

- Description of the mechanism for recording, storing and preserving the integrity of accounting books, records, financial statements and other related documents, including any national archiving or other recordkeeping institution;
- Outline of the general schedule of records retention and disposition, including any controls or security standards for government records;
- Outline of the government policies and procedures regarding the storage and preservation of electronic records, including security measures;
- Standards to prevent the falsification of official government accounting books, records, financial statements or other documents;
- Potential consequences, penalties or offences for falsifying official government accounting books, records, financial statements or other documents.

3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

**Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:

- Statistics regarding the amount of information or number of documents currently in storage, added within the last year or disposed of per a scheduled cycle;
- Examples demonstrating the effectiveness of the system for preserving integrity of such records, including cases of the discovery or prevention of an act of falsification of official government accounting books, records, financial statements or other documents and whether investigations resulted and their outcomes;
- Examples of consequences for the failure to record and/or maintain records and/or the deliberate destruction of records that were required to be maintained.
Technical assistance

1. Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

**Guidance:** Required actions could include the passing of a law and a time frame to do this. Related challenges could include inter-agency coordination, specificities in the legal system, competing priorities, limited capacity (e.g. technological, institutional, other), limited resources for implementation (e.g. human, financial, other), lack of a policy framework, and limited expertise and skills. In describing these issues, please be as specific as possible.

2. Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

   **No assistance would be required**

   **Guidance:** Please tick this box if you do not require any technical assistance in the implementation of the article under review.

   **Legislative assistance:** Please describe the type of assistance

   **Guidance:** The forms of legislative assistance should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of legislative assistance might include e.g. model arrangements and agreements, legal drafting and/or advisory support.

   **Institution-building:** Please describe the type of assistance

   **Guidance:** The forms of institution-building should relate to the responses provided under this article, including domestic coordination issues. Specific forms of assistance in the area of institution-building might include e.g. summary of good practices and lessons learned, model arrangements and agreements, on-site assistance by a relevant expert and/or mentoring, as well as the development of an action plan for implementation.

   **Policymaking:** Please describe the type of assistance

   **Guidance:** The forms of policymaking should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of policymaking might include e.g. summary of good practices and lessons learned, sensitization of decision-making bodies, on-site assistance by a relevant expert and/or mentoring.
Capacity-building: Please describe the type of assistance

**Guidance:** The forms of capacity-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of capacity-building might include e.g. case-related assistance, on-site assistance by a relevant expert and/or mentoring, strengthening the operational and/or institutional capacities of relevant authorities through training and online learning, development of an action plan for implementation.

Research/data-gathering and analysis: Please describe the type of assistance

**Guidance:** The forms of research, data-gathering and analysis should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of research, data-gathering and analysis might include e.g. expert advice on data-gathering and storage systems, statistical advice or sample studies.

Facilitation of international cooperation with other countries: Please describe the type of assistance

**Guidance:** The forms of facilitation of international cooperation with other countries should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of facilitation of international cooperation might include e.g. case-related assistance, model legislation or model treaties.

Others: Please specify

3. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

**Guidance:** If you are receiving or have received such assistance, please provide details, including on the assistance provider, description of core objectives, duration, budget, results and impact. Please include information on technical assistance being provided in the most generic way so as to also capture projects that do not directly fit into the anti-corruption category but that address aspects relevant for the implementation of the Convention against Corruption. Please also indicate whether the extension and/or expansion of such assistance would help your country to adopt the measure(s) described in the article under review.

Article 10 – Public reporting

Article 10, subparagraph (a)

*Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:*
(a) Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public;

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Constitutional guaranties are established, as follows:
“Article 16 of the Constitution of the Republic of Macedonia
The freedom of personal conviction, conscience, thought and public expression of thought is guaranteed.
The freedom of speech, public address, public information and the establishment of institutions for public information is guaranteed.
Free access to information and the freedom of reception and transmission of information are guaranteed.
The right of reply via the mass media is guaranteed.
The right to a correction in the mass media is guaranteed.
The right to protect a source of information in the mass media is guaranteed.
Censorship is prohibited. “
The LFAI contains provisions that promote the publication of public information:
„Article 10
(1) The holder of information is obligated to inform the public about:
- the elementary contact information for the holder of information: name, address, telephone number, fax number, e-mail address and web page address;
- the procedure for submitting request for access to information;
- the provisions which concern the authorization of the holder of information, connected to the register of provisions published in the Official gazette;
- the proposal - programmes, programmes, strategies, positions, opinions, studies and other similar documents, which concern the authorization of the holder of information;
- all of the public announcements in the procedure for public procurements and the tender documentation as established by law;
- the information about its competencies established by law;
- the organization and the expenses of working, as well as of providing services to the citizens in the administrative procedure and about their activities;
- the issuing of information bulletins and other forms of informing and
- the elementary web-page where decisions, acts and measures that have an effect on the life and work of the citizens are published, and other information that emerge from the competencies and the work of the holder of information.
(2) Every holder of information is obligated to enable a cost-free access to information from paragraph 1.
(3) As means of informing the public about its work, information holders need to:
- publish the laws and by-laws on the official website of the institution,
- publish statistical data on their work,
- publish the reports on the work they submit to the authorities competent for the implementation of control and supervision; and
- otherwise envisaged by law to make available all public information.”
The LFAI prescribes imposing fines for violation of article 10 paragraph 2 and for violation of article 11.
In line with the Macedonian Open Government Partnership Action Plan the Commission issued a recommendation and published guidelines for pro-active approach of the institutions in provision of public information.
To improve transparency and standards in the publication of information by the ministries, the Government obliged all ministries and agencies reporting to the Government to publish and regularly update information under listed specific categories.
Electronic submission of a request for access to public information is possible via this electronic portal (Imam Pravo da znam/I have a right to know ) http://www.slobodenpristap.mk/
All holders of public information are legally obliged to publish a list of public information, the form of the request and the contact information of the designated person to communicate the requested information
The Law on the Use of Public Sector Data supports the provision of datasets to the public, has resulted in 154 datasets being provided by 27 institutions that can be downloaded from the Ministry of Information Society and Administration operated central webpage. http://www.otvorenipodatoci.gov.mk/Templates/Pages/BoxPage.aspx?page=51
Option to submit an e-request for open data sets is available on the same web-page.
The State Programmes 2016-2019 adopted by SCPC envisage activities directed to improvement of the access to public information. Analysis of the current system is ongoing and drafting amendment(s) to the LFAI is planned to further align the Law with international standards in terms of scope of exceptions and the competencies of the Commission.
Relevant incriminations (provisions of the Criminal Code):

“Prevention of access to a public information system
Article 149-a
(1) Whosoever without authorization prevents or limit another’s access to a public information system shall be fined or sentenced to imprisonment of up to one year.
(2) If the crime stipulated in paragraph 1 is committed by an official person while performing the duty or a responsible person within a public information system, this person shall be fined or sentenced to imprisonment from three months to three years.
(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.
(4) The prosecution shall be undertaken on the basis of a private lawsuit.”

Guidance: You may wish to refer to any relevant information provided on article 13, subparagraph 1(b) of the Convention in the present self-assessment report.
Information may, in particular, include the following:

- Outline of the laws, procedures or regulations allowing members of the general public to obtain information on the organization, functioning and decision-making processes of public administration;
- Description of the type of information to be proactively made available and automatically published by the government, including details as to:
  - The types of bodies required to publish information;
  - The scope of the information that is published;
  - The means by which the information is published;
  - How often the information is updated;
- Description of the types of information to be made available upon request by a member of the public (i.e. freedom of information or access to information legislation);
- Standards to protect privacy and personal data in the disclosure of such information;
- Description of awareness-raising initiatives amongst the public regarding what information is available and how it can be accessed;
- Mechanism to appeal against the denial of requests for access to information.

3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Guidance: You may wish to refer to any relevant information provided on article 13, subparagraph 1(b) of the Convention in the present self-assessment report. Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.
Information may, in particular, include the following:

- Websites, libraries, archives or other means by which information about the organization, and functioning and decision-making of government is made available to the general public;
- Official government gazettes and publications;
Statistics regarding the usage of these sources by the public;

Examples in which requests received under freedom of information or access to information laws have led to the release of information about the organization, and functioning and decision-making processes of government that would otherwise not have been made publicly available;

Examples demonstrating how the protection of public privacy and personal data has been maintained in the context of the disclosure of such information;

Data (statistics and examples) on appeals against the denial of a request for access to information;

Statistics on number of access to information requests and the results of these requests.

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**Article 10, subparagraph (b)**

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:

(b) Simplifying administrative procedures, where appropriate, in order to facilitate public access to the competent decision-making authorities; and

1. **Is your country in compliance with this provision?**

Yes.

2. **Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.**

Access to public information is provided in compliance with the LFAI, within permissible scope.

LFAI prescribes exceptions, as follows:

"Article 6

(1) The holders of information can reject a request for access to information in accordance to law, if the information concerns:
1. information which according to a law represents a classified information with a certain degree of secrecy;
2. personal data which revealing would represent damage to the protection of private information;
3. information on the archival working which has been determined as confidential;
4. information who’s issuing would represent damage to the confidentiality of the tax procedure;
5. information obtained or constructed for aims of investigation, criminal or infringement procedure, executive and civil procedure, and which issuing would have harmful consequences for the process of the procedure;
6. information concerning commercial and other economic interests, including the interests of the monetary and fiscal politics and which issuing would have harmful consequences in the fulfilment of the function;
7. information from a document which is still in preparation procedure and is still in process of harmonization by the holder of information, and which issuing would generate misunderstanding of the content;
8. information on protection of the environment, which is not available to the public on reasons of protection of the people’s health and of the environment;
9. information that endangers the rights to industrial or intellectual property (patent, model, scheme, production and service stamp, feature for the origin of the product).
(2) The information contained in paragraph (1) of this Article becomes available when the reasons for the unavailability seize to exist.
(3) As an exclusion from paragraph (1) of this Article, the holders of information will approve access to the information, only when by the publishing of the information the consequences to the protected interest are smaller than the public interest that would be achieved by the publishing of the information.

6. Partial access

Article 7
If the document or one of its parts contains information from Article 6, paragraph (1) of this Law that can be separated from the document, without jeopardizing its safety, the holder of information separates those information from the document and informs the applicant about the content of the rest of the document.”

The most important development since 2015 is the new Law on General Administrative Procedures (LGAP), which became effective in August 2016. The new Law unifies administrative procedures through government structures and reflects all principles of good administrative behaviour, respecting most of SIGMA’s recommendations based on the previous version of the Law. By the end of March 2016, before the new LGAP had even entered into force, 169 special material laws had already been harmonised with it.

The Ministry of Information Society and Administration (MISA) has developed an interoperability framework, consisting of semantic, organisational and technological interoperability, applicable to all levels for data exchange. So far, 22 institutions have become part of the framework, 9 as active users providing and receiving information. The MISA has also compiled an initial database of administrative services, based on 28 laws, to serve as a source of information for further administrative simplification.

Public service accessibility for businesses has continued to improve. Successful provision of business oriented services through one-stop shops, intermediaries and digital channels is testified to in business satisfaction surveys, which disclose the second-highest administrative services satisfaction rate in the Western Balkan region: 56% of respondents are mostly or completely satisfied. The World Bank Doing Business 2017 report confirms this information, citing that it is very easy to start a business (the country is ranked 4th of 189 countries in the World Bank’s global ranking), to declare and pay corporate taxes (9th), and to apply for construction permits (11th). A new, fully digital application and processing process for construction permits has been put into operation.

Businesses benefit from being highly digitalised, with access to online services for company registration, construction permits, customs declarations, value-added tax (VAT) and corporate income tax (CIT) payments, and annual filing of balance sheets. The most recent successful development was digitalisation of the entire construction permit applications and processing system, provided by the Association of the Units of Local Self-Government (ZELS) and involving all 80 local self-governments and the City of Skopje. The 2017 Balkan Barometer survey of the population in the country shows that 44% of respondents are satisfied with administrative services for businesses and 56% of respondents are satisfied with digital services for businesses. Citizens rely on a relatively dense network of service points throughout the country for their main interactions with public offices and, in remote locations, the Ministry of Interior (MoI) and the PRO provide regular mobile services. 48% of respondents who have been in contact with central government services are mostly or completely satisfied with them, ranking second highest in the Western Balkan region.

One of the new elements of the Law simplifies procedures for citizens and businesses by requiring that government bodies seek previously collected information from other government bodies before requesting it from the party concerned (‘data once only’ policy).

Due to the statutory requirement of the Law on the Introduction of a System of Quality Management, quality management frameworks are widely applied among the institutions in the form of ISO 9001 and Common Assessment Framework (CAF) models.

### Guidance:

Information sought may include:

- Outline of applicable administrative procedures to facilitate public access to competent decision-making authorities. Please include the following information, if applicable:
  - Standards, rules or regulations governing responsiveness to requests for public access to decision-making authorities;
  - Reform efforts undertaken to simplify administrative procedures or expedite the processing of requests made to government bodies by members of the public;
  - Designation of officials or entities responsible for providing information to the public;
  - Examples of proactive publication of information by institutions without a special request.

3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Several web-applications for electronic submissions/requests for services and simplifying administrative procedures are available for the following services:
- **e-democracy** (MK)
- **services info.** (MK)
- **SNERR portal** (MK)
Several web-applications for electronic submissions/requests for services and simplifying administrative procedures are available for the following services:

**Slobodenpristap.mk** Access to public information


**e-democracy (MK)** – discussions portal

**services info. (MK)** – questions and answers, description of administrative procedures for services

**e-concessions**


**e-cadastre services:**

[https://ossp.katastar.gov.mk/OSSP/](https://ossp.katastar.gov.mk/OSSP/) - track the status of the submission for a service


[https://najava.fzo.org.mk/](https://najava.fzo.org.mk/) - services of the health insurance fund


[https://www.e-urbanizam.mk/najava.nspx](https://www.e-urbanizam.mk/najava.nspx) - The system for electronic procedures for urban plans aims to facilitate the process for adopting procedures for urban plans. Depending on the role in which the user is logged, there is an opportunity to review the opinions given for a given procedure by a selected external institution, as well as an overview of the process for making a strategic assessment.


This list is not exhaustive

In 2017, there were 37 reported CAF users and 101 owners of or applicants for ISO certificates, including non-executive bodies
Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:

- Internal or external reports regarding the effectiveness and efficiency of administrative procedures in the facilitation of public access to competent decision-making authorities;

- Reports regarding the outcome and/or implementation of any reform measures taken to simplify such administrative procedures.

Article 10, subparagraph (c)

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:

(c) Publishing information, which may include periodic reports on the risks of corruption in its public administration.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Information concerning corruption is regularly published within the annual reports of the SCPC, the annual report of the Public Prosecutor’s Office of the Republic of Macedonia, annual and quarterly reports of the Customs Administration, the reports published by the Public Security Bureau and open data-sets published by the Ministry of Interior. Most of the information published is in form of statistics and analysis of statistical data. Information about specific incidents (for example information published in the daily bulletin of the Ministry of Interior and information about cases presented in the annual reports of SCPC) is published without personal data and reviling information with due concern for presumption of innocence, provisions of the Criminal Code and the Law on Criminal Procedure, national security or ordre public or of public health or morals.

The Customs Administration within its annual and quarterly reports presents information about risk management.


Description of measures taken to publish information is provided in the responses related to article 10n subparagraphs (a) and (b);

Guidance: Information sought may include:

- Measures taken to publish information referred to in subparagraphs (a) and (b);

- Policies and procedures providing for the publication of periodic reports on the risks of corruption in public administration. Please include the following information, if applicable:

  - The frequency of the publication of such reports;

  - The scope of such reports; The mechanism through which such reports are prepared, including the institutions, offices and/or agencies responsible and other stakeholders consulted.
3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

**Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:

- Government reports assessing the risk of corruption in public administration;
- Examples of efforts made by the government to publicize the existence, results and findings of such reports.

Statistics - Number of institutions that adopted risk management strategies and number of institutions that prepared risk registers, available at: http://finance.gov.mk/en/node/967
Technical assistance

1. Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

   **Guidance:** Required actions could include the passing of a law and a time frame to do this. Related challenges could include inter-agency coordination, specificities in the legal system, competing priorities, limited capacity (e.g. technological, institutional, other), limited resources for implementation (e.g. human, financial, other), lack of a policy framework, and limited expertise and skills. In describing these issues, please be as specific as possible.

2. Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

   **No assistance would be required**

   **Guidance:** Please tick this box if you do not require any technical assistance in the implementation of the article under review.

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**Legislative assistance:** Please describe the type of assistance

   **Guidance:** The forms of legislative assistance should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of legislative assistance might include e.g. model arrangements and agreements, legal drafting and/or advisory support.

**Institution-building:** Please describe the type of assistance

   **Guidance:** The forms of institution-building should relate to the responses provided under this article, including domestic coordination issues. Specific forms of assistance in the area of institution-building might include e.g. summary of good practices and lessons learned, model arrangements and agreements, on-site assistance by a relevant expert and/or mentoring, as well as the development of an action plan for implementation.

**Policymaking:** Please describe the type of assistance

   **Guidance:** The forms of policymaking should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of policymaking might include e.g. summary of good practices and lessons learned, sensitization of decision-making bodies, on-site assistance by a relevant expert and/or mentoring.
Capacity-building: Please describe the type of assistance

**Guidance:** The forms of capacity-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of capacity-building might include e.g. case-related assistance, on-site assistance by a relevant expert and/or mentoring, strengthening the operational and/or institutional capacities of relevant authorities through training and online learning, development of an action plan for implementation.

Research/data-gathering and analysis: Please describe the type of assistance

**Guidance:** The forms of research, data-gathering and analysis should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of research, data-gathering and analysis might include e.g. expert advice on data-gathering and storage systems, statistical advice or sample studies.

Facilitation of international cooperation with other countries: Please describe the type of assistance

**Guidance:** The forms of facilitation of international cooperation with other countries should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of facilitation of international cooperation might include e.g. case-related assistance, model legislation or model treaties.

Others: Please specify

3. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

**Guidance:** If you are receiving or have received such assistance, please provide details, including on the assistance provider, description of core objectives, duration, budget, results and impact. Please include information on technical assistance being provided in the most generic way so as to also capture projects that do not directly fit into the anti-corruption category but that address aspects relevant for the implementation of the Convention against Corruption. Please also indicate whether the extension and/or expansion of such assistance would help your country to adopt the measure(s) described in the article under review.

Article 11 – Measures relating to the judiciary and prosecution services

Article 11, paragraph 1

*1. Bearing in mind the independence of the judiciary and its crucial role in combating corruption, each State Party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.*
1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Organisation of judiciary

The Law on Courts clearly defines the authority and the types of courts in the Republic of Macedonia. In the judiciary of the Republic of Macedonia, the judicial power shall be exercised by the basic courts, appellate courts, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of Macedonia. The Constitution of the Republic of Macedonia, Article 101, defines the Supreme Court of the Republic of Macedonia as the highest court in the country, providing uniformity in the application of the laws by the courts. It exercises the judicial power over the entire territory of the Republic of Macedonia and its seat is in Skopje. The Republic of Macedonia has four appellate courts as follows: Appellate Court in Skopje, Appellate Court in Bitola, Appellate Court in Stip and Appellate Court in Gostivar. The Appellate courts are courts of second instance. They are competent for deciding on appeals against the decisions of the basic courts. The Republic of Macedonia has 27 basic courts functioning as courts of first instance and they are competent to decide in the first instance in judicial cases in criminal, civil, extrajudicial works; enforcement and security, misdemeanours and other matters. The basic courts are established as courts with basic competence and courts with enhanced competence. In the Basic Court Skopje 1 - Skopje a specialised court department responsible for prosecuting cases of organised crime and corruption for the whole territory of the Republic of Macedonia is established.

The independence of the judiciary in the Republic of Macedonia is regulated at the highest level by the Constitution of the Republic of Macedonia. Article 8 of the Constitution of the Republic of Macedonia, provides the separation of powers as one of the fundamental constitutional values. Part III Organisational of the state authority of the Constitution of the Republic of Macedonia ensures the independence of the judiciary. Item 4 regulates the matter for the judiciary as part of the state authority. Amendment XXV sets out that judicial authority is exercised by the courts, which are independent and autonomous. The courts make their judgement on the basis of the Constitution and laws and international agreements ratified in accordance with the Constitution. Emergency courts are prohibited. The types, competence, establishment, abrogation, organisation and composition of the courts, and the procedure they follow are regulated by a law adopted by a two-thirds majority of the total number of members of the Assembly of the Republic of Macedonia. 

According to Article 99 and the Amendment XXVI, the judge is elected without limit of the duration of the mandate. A judge cannot be transferred against his will. The judicial function terminates for the judge: if he/she requests so; if he/she permanently loses the ability to exercise the judicial function, as determined by the Judicial Council of the Republic of Macedonia; if he/she meets the conditions for retirement; if he/she is convicted by a court for a criminal offence to imprisonment for at least six months and, if he/she is elected or appointed to another public office, except when the judicial function is at rest under conditions determined by law. The judge is dismissed if: there is a serious disciplinary offence which makes him/her unsuitable for judicial performance prescribed by the law and for malfeasance in the performance of the judicial function under conditions determined by law.

The Article 100 Amendment XXVII provides and guarantees the independence of judges: Judges enjoy immunity. A judge cannot be held criminally responsible for an opinion and decisions of judicial decisions. A judge cannot be detained without the approval of the Judicial Council of the Republic of Macedonia, unless found committing a criminal offence which is punishable with imprisonment for a period of at least five years. The judicial function is incompatible with membership in a political party or another public function or profession determined by law. Any political organisation and activity in the judiciary is forbidden.

The provisions of Amendment XXVIII of the Constitution of the Republic of Macedonia determine the role of the Judicial Council of the Republic of Macedonia as an independent judicial body that ensures and guarantees the independence of the judicial power.

The principles of independence of courts and judges in the legislation take place primarily in the Law on Courts (Chapter I Basic Principles). Article 1 provides that the judicial power is exercised by the courts in the country, and the courts are independent bodies. Article 2 provides that the court adjudicate and bring their decisions to justice on the basis of the Constitution, laws and international agreements ratified in accordance with the Constitution, and the judges by applying the law, protect human rights and freedoms. Court procedure is regulated by law and based on the principles of legality and legitimacy, equality of the parties, the trial within a reasonable time, fairness, publicity and transparency, contradiction, double instance, convention, volubility, immediacy, the right of defence or representation, free evaluation of evidence and cost-efficiency. The laws on certain procedures more closely regulate the principles of procedures, manners of their realisation and possible exemption for certain principles.
Article 11 of the Law provides the independence of the judge: "The judge decides unbiased by the application of the law on the free evaluation of evidences. Any form of influence on the independence, impartiality and objectivity of the judge in the exercise of the judicial function is forbidden on any grounds or by any entity. “Article 13 stipulates that judicial decisions are pronounced on behalf of the citizens of the Republic of Macedonia. Final judgement has undisputed legal action. Court decision may be altered or revoked only by a competent court in a procedure prescribed by law. Court decisions are binding for all legal and natural persons and have greater force than the decisions of any other authority. Everyone is obliged to respect the final and enforceable court decision, under threat of legal sanctions. Everyone is obliged to refrain from doing or omitting to act that obstructs the adoption or enforcement of the court decision. Each state authority is obliged, when it is placed in their jurisdiction, to ensure the enforcement of the court decision. Supervision over the execution of court decisions is done by the court in accordance with law. The execution of a final and enforceable court decision is carried out in the quickest and most efficient way possible, and it cannot be hindered by the decision of any other state authority.

The Law on the Judicial Council of the Republic of Macedonia, Article 2 sets out the purpose of the establishment of the Judicial Council, which is an independent judicial body. Council ensures and guarantees the independence of the judiciary, through the exercise of its functions under the Constitution and the laws.

The Judicial Council is key institution guaranteeing independency of the judiciary. It is completely independent of the executive and the legislative powers. The system of selection of judges is based on objective criteria, which aims to select candidates who possess the highest professional and moral qualities. An additional guarantee for the selection of judges is the introduction of initial training at the Academy for Judges and Prosecutors, whereby entering into the judiciary is guaranteed only to candidates who have successfully completed the training. According to the existing legislation in terms of promotion of judges, a career and assessment system has been set up, whereby only a judge of a lower court who has been objectively evaluated over other candidates based on measurable criteria with the highest success can be chosen a judge in higher court.

The Republic of Macedonia has established a Judicial Council of the Republic of Macedonia which is fully functional. According to Amendment XXVIII of the Constitution of the Republic of Macedonia and the Article 2 of the Law on the Judicial Council, it is defined as an independent and autonomous judicial body whose main function and purpose is to guarantee the independence of the judiciary. The Judicial Council exercises its functions under the Constitution and the laws of the Republic of Macedonia, including the Law of the Judicial Council of the Republic of Macedonia and the Rules of Procedure of the Judicial Council of the Republic of Macedonia. The selection and dismissal of judges, jurors and court presidents is in the exclusive competence of the Judicial Council and is based on criteria stipulated by the Law on Courts in Articles 45 and 46. In addition to these responsibilities, the Judicial Council is responsible for determining the disciplinary responsibility and evaluating the work of judges.

The Judicial Council is composed of 15 members out of whom 8 members are elected by the judges from their ranks; three of them belong to the communities that are not majority in the Republic of Macedonia, observing the principle of equitable representation of citizens belonging to all communities. Three members are elected by the Assembly of the Republic of Macedonia with majority of the total number of the MPs, whereby with a majority of votes of MPs belonging to the non-majority in the Republic of Macedonia. Two members of the Council are proposed by the President of the Republic of Macedonia, and elected by the Assembly, one of whom is a member of the non-majority communities in the Republic of Macedonia. The Council Members elected by the Assembly of the Republic of Macedonia, upon a proposal of the President of the Republic of Macedonia are among University law professors, lawyers and other prominent jurists.

The mandate of the elected Council members lasts 6 years, with a right to be re-elected once more. Conditions and procedure for selection, and the basis and procedure for termination of office and dismissal of a member of the Council are regulated by the Law on the Judicial Council of the Republic of Macedonia. Function of a member of the Council is incompatible with membership in a political party or other public functions and professions stipulated by law. The President of the Supreme Court of the Republic and the Minister of Justice are ex officio members of the Council.

The constitutive session of the Judicial Council was held in 2006, where the first Executive Chairman and Deputy Chairman of the Council, were elected.

The competencies of the Judicial Council of the Republic of Macedonia as an independent body of the government and the administration, responsible for managing the judiciary system including appointments, promotions and career of judges are clearly defined in the Law on the Judicial Council of the Republic of Macedonia; to appoint and dismiss judges, to elect and dismiss presidents of courts, to terminate a judicial function, to elect and dismiss jurors, to monitor and evaluate the performance of judges, to decide on disciplinary responsibility of judges, to determine malfeasance in the performance of the judicial functions, to established termination of the judicial function for permanent inability to work as a judge, to decide to revoke the immunity of a judge, to decide on the request for approval of the arrest of a judge, to proposes two judges of the Constitutional Court of the Republic Macedonia from among the judges, to review the annual report of the Supreme Court of the Republic of Macedonia on the established general positions and legal opinions on issues of importance for ensuring uniformity in the application of law, to decide on the temporary removal of a judge from performing a judicial function, to determine the number of necessary judicial positions for the courts, to review and evaluate the quarterly and annual reports on the work of the courts, to take care for the reputation of judges and the confidence of citizens in the judiciary, to submit a report on its work to the Assembly of the Republic of Macedonia, to adopt rules and other general acts that regulate activities within its jurisdiction, to determine the approximate number of cases that a judge should solve in a month, and to perform other duties prescribed by law.
In February 2015, a Law Amending the Judicial Council of the Republic of Macedonia was adopted. With this law was made a separation of the procedure for initiating disciplinary proceedings and the conduct of an investigation that will be conducted in front of a new institutional body - Council for establishing the facts and initiating proceedings to determine responsibility for a judge\(^{59}\), and the procedure and deciding thereof before the Judicial Council of the Republic of Macedonia. The basic task of the Council for establishing facts and initiating a disciplinary procedure is initiating a procedure and conducting an investigation to establish the responsibility of the judge, while deciding on a violation is in the competence of the Judicial Council.

Furthermore, the adoption of the Law on Judicial Budget provides full financial independence of the courts. The independence of the judiciary as regards the financing of the courts is reflected in planning, spending and control of resources allocated to the courts. Namely, a key role in this process plays the Court Budget Council. The Law on Judicial Budget regulates the procedure for the preparation, adoption and management of funds for financing the judiciary. In terms of the Budget of the Republic of Macedonia, the judicial authority is a first line budget user. The Judicial Council of the Republic of Macedonia, the courts, and the Academy for Judges and Public Prosecutors are funded by the Judicial Budget.

The budget of the judiciary is divided into four categories as follows: Category 40 - Salaries and allowances from salaries where the funds for payment of salaries of all employees of the judiciary are provided (members of the Judicial Council of the Republic of Macedonia, judges, court clerks, judicial police, public servants and other employees in the judiciary power). Category 42 - Goods and services (travel expenses, utilities, office and PPA materials, repairs and maintenance, defenders ex officio, expert evidences, judges acting as jurors and other running costs). Category 46 - Subsidies and transfers (payment after decisions for violation of the right to trial within a reasonable time and payment of executive decisions). Category 48 - Capital expenditures for the purchase of buildings, purchase of equipment and machinery, IT equipment and software required, etc).

The budget of the judicial authority includes two programmes: Programme 20 - Judicial Administration which finances the Judicial Council of the Republic of Macedonia, the Supreme Court, the Higher Administrative Court, the Administrative Court, all Appellate Courts and all Basic Courts in the Republic of Macedonia and the Programme 30 - Academy of Judges and Public Prosecutors, which finances the operations of the Academy. The total budget of the judiciary is divided into four categories as follows: Category 40 - Salaries and allowances from salaries where the funds for payment of salaries of all employees of the judiciary are provided (members of the Judicial Council of the Republic of Macedonia, judges, court clerks, judicial police, public servants and other employees in the judiciary power). Category 42 - Goods and services (travel expenses, utilities, office and PPA materials, repairs and maintenance, defenders ex officio, expert evidences, judges acting as jurors and other running costs). Category 46 - Subsidies and transfers (payment after decisions for violation of the right to trial within a reasonable time and payment of executive decisions). Category 48 - Capital expenditures for the purchase of buildings, purchase of equipment and machinery, IT equipment and software required, etc.

In terms of staffing, the Judicial Council of the Republic of Macedonia has its own staff with 30 people.

The external independence is fully secured in terms of the separation of the judiciary from the other branches of government. The Constitution of the Republic of Macedonia, and moreover the Law on Courts regulate the separation of powers, rule of law and the objectives and functions of the judiciary. The statutory provisions govern the relations of cooperation between the judiciary and the public authorities and institutions involved in the management and administration of the courts. Any obstruction in achieving these objectives and functions of the judiciary, especially illicit influence on judges is incriminated in Article 375 of the Criminal Code. Within the framework of internal independence issues are being regulated related to the independence of judges in the judiciary, i.e. the absence of influences and unacceptable interference and obstruction of the work of judges by other courts and bodies within the judiciary. Internal independence of courts and judges are regulated by the Law on Courts in a way within the organisation of the judiciary is determined that higher courts must not affect the independence of the lower courts in making judicial decisions. Also, the financial independence is guaranteed where issues related to the financing of the judiciary and the establishment of the court's budget is realised through the Judicial Budget Council on the basis of the Law on Judicial Budget. Individual financial independence of judges is guaranteed by Law on judges salaries. In this way the judiciary has the opportunity to directly participate in decisions about financial matters. By determining the functional immunity of judges in Article 100 of the Constitution, individual independence of judges has been further guaranteed.

Judges enjoys immunity. A judge cannot be held criminally responsible for an opinion and decisions in adoption of judicial decisions. A judge cannot be detained without the approval of the Judicial Council of the Republic of Macedonia, unless found committing a criminal offence which is punishable with imprisonment for a period of at least five years.\(^{60}\) Court hearings and the pronouncement of the judgement are public.\(^{61}\) The mandate of the judges has no limit until the fulfillment of conditions for retirement or fulfillment on other grounds for termination or dismissal from office listed in the Constitution (Article 99), which is further regulated by the Law on Courts and the Law on the Judicial Council. The

\(^{59}\) Council for establishing the facts and initiating proceedings to determine responsibility for a judge, Official Gazette of the Republic of Macedonia No.20 / 2015.

\(^{60}\) Article 100 Amendment XXVII paragraph 1 of the Constitution of the Republic of Macedonia.

\(^{61}\) Article 102 of the Constitution of the Republic of Macedonia.
judge, under Article 39 of the Law on Courts, cannot be transferred against his will unless with an exception, temporarily, in clearly specified situations in which a judge is entitled to file a complaint.

In order to protect and promote the rights and interests of judges, the Law on Courts provides possibility to establish associations in order to exercise their rights and interests, to promote professional development and to protect the independence of the judicial function.

Pursuant to the existing powers of the presidents of the courts, extensible interpretations of the provisions of the Law on Courts and the Court Rules of Procedure are possible, through which they can influence the work of certain judges.

The progress in the judicial career is based on objective criteria, in particular, on integrity and experience, which are governed by specific conditions for the selection of judges in law courts. According to the Programme for initial training - theory, the Academy of Judges and Public Prosecutors the study of ethics, business culture and deontology with 36 lessons is anticipated. Within these classes the principles of deontology and their practical implications, the application of ethical decision-making model in the profession and identifying ethical dilemmas and their resolving have been taught. The psychological and integrity tests are integral parts of the entrance exam to enter the initial training at the Academy for Judges and Public Prosecutors. At the moment, candidates for admission to the Academy for Judges and Public Prosecutors, among other things, also take a psychological test and integrity test. However, on the basis of comparative experiences, this issue remains to be preserved through the introduction of additional qualitative criteria in assessing judges, which will have an impact on the process of promotion of judges.

The Law on Courts ensures that a judge cannot be transferred from one to another court or from one to another judicial department without his consent. However, in accordance with Article 39 of the Law on Courts, the judge may, with the exception be assigned to another court department against his will only by a reasoned decision of the president of the court, and upon previously obtained opinion from the general session of the Supreme Court of the Republic of Macedonia, requires the increased scope and subject of work in the court, but for the longest period of one year. Also, with the exception, the judge of the appellate and the basic court may be temporarily sent, but for the longest period of one year to another court of the same degree or in a lower court or from one specialized department in another, when due to the inability and exclusion of a judge or due to significantly increased workload, reduced diligence or because of the complexity of the cases, the current operation of the court is called into question. Against the decision to a temporarily referral, a complaint to the Judicial Council of the Republic of Macedonia is allowed within 3 days of receipt of the decision, whereby the Council is obliged to decide upon the complaint within 7 days. The decision of the Judicial Council regarding the appeal is final.

**Liability of Judges**

In the Republic of Macedonia the matter of responsibility of judges is regulated with the Constitution of the Republic of Macedonia, the Law on Courts and the Law on the Judicial Council of the Republic of Macedonia.

The grounds for termination of judicial function\(^{62}\) and the grounds for dismissal of a judge\(^{63}\) are prescribed in the Amendment XXVI.

The Constitutional Amendment XXVI is operationalized in the Law on Courts and the Law on the Judicial Council of the Republic of Macedonia. Namely, the responsibility of judges is divided into three levels: unprofessional and in bad faith exercise of the judicial function, more serious disciplinary violation and disciplinary violation. A mandatory dismissal of the judge is provided in the first two grounds, while in the third a possibility to impose other disciplinary measure is allowed (written notice, public reprimand or reduction of salary in the amount of 15% to 30% of the monthly salary of the judge for a period of one to six months).

Article 75 of the Law on Courts states that the unprofessional and in bad faith exercise of the judicial function shall imply unsatisfactory professionalism of the judge having an effect on the quality and efficiency of the work:

- if during one calendar year, the Judicial Council of the Republic of Macedonia establishes inefficient and unproductive conduct of the court procedure due to the judge’s fault, if the judge, due to his/her fault, exceeds the legal deadlines for undertaking procedural activities, the legal deadlines for adoption, announcement or preparation of court decisions, or if during one calendar year, more than 20% of the total number of resolved cases are abolished or more than 30% of the total number of resolved cases are altered,
- unprofessional, untimely and inattentive exercising of the judicial office in conducting the court proceedings on specific cases,
- biased conduct of the court proceedings, especially in view of the equal treatment of the parties,
- acting upon cases contrary to the principle of trial within reasonable time, or respectively delay of the court proceedings without justified grounds,
- unauthorised issuing of classified information,

\(^{62}\) A judicial function of a judge is terminated: - if he/she demands that; - if he/she permanently looses the ability to exercise the judicial function, which is determined by the Judicial Council of the Republic of Macedonia; - if he/she meets the requirements for age retirement; - if he/she is convicted to at least six months of mandatory imprisonment by a final court verdict for a criminal act and - if he/she is elected or appointed to another public function, except when the judicial function is in temporary stagnation, under conditions set by law.

\(^{63}\) A judge is dismissed from judicial function: - due to serious disciplinary breaches that makes him/her unfit to exercise the judicial function as provided by law and - due to unprofessional exercise of the judicial function and conduct in bad faith, under conditions determined by law.
the adoption of the decision by the Judicial Council of the Republic of Macedonia, with the members who initiated the procedure and the members participating in the investigation to have the right to vote in deciding on disciplinary responsibility.

The grounds for dismissal of public prosecutors are determined by the Law on Public Prosecution of the Republic of Macedonia, and the dismissal procedure is regulated by the Council of Public Prosecutors of the Republic of Macedonia.

Pursuant to the existing legislation in the Law on the Council for determining facts and initiating a procedure for determining responsibility for a judge and returning and transferring the competence to conduct the entire disciplinary procedure of the Judicial Council of the Republic of Macedonia, having in mind the recommendations regarding the conduct of the procedure and the initial phase of the disciplinary procedure such as members or bodies of the Judicial Council involved in the initial phase of the disciplinary procedure such as "prosecutors" or "researchers" do not participate in the final decision as "judges".

The grounds for dismissal of a judge are envisages three stages of the procedure, and the initiation of the procedure and the conduct of an investigation are in the competence of the Council for determining the facts, while the decision on the violation is in the competence of the Judicial Council. Namely pursuant to the Law on Amending the Law on the Judicial Council of the Republic of Macedonia, the request for initiation of a procedure for determining unprofessional and unethical performance of the judicial office can be submitted by the Council for determining the facts and initiating a procedure for determining the responsibility for a judge. The Judicial Council of the Republic of Macedonia shall adopt the decision for dismissal of the judge.

However, the practice showed that the establishment of such a professional body for initiating a procedure for determining the responsibility for a judge did not achieve the purpose of the establishment, but on the contrary it was formed without a full analysis of the deficiencies in the Law on the Judicial Council which resulted in criticism by the international institutions regarding the need for such a body. The Venice Commission in its December 2015 opinion underlines:

"The functions of the Council for determining the facts should be transferred to the Judicial Council, provided that the members or bodies of the Judicial Council involved in the initial phase of the disciplinary procedure such as "prosecutors" or "researchers" do not participate in the final decision as "judges".

In order to overcome these remarks, a Draft Law on Termination of the Validity of the Law on the Council for determining facts and initiating a procedure for determining responsibility for a judge and the Draft Law on Amending the Law on the Judicial Council of the Republic of Macedonia has been prepared. The main goal of the adoption of these legal decisions is the abolition of the Council for determining the facts, and the initiative of a procedure for determining responsibility for a judge and returning and transferring the competence to conduct the entire disciplinary procedure of the Judicial Council of the Republic of Macedonia, having in mind the recommendations regarding the conduct of the procedure and the adoption of the decision by the Judicial Council of the Republic of Macedonia, with the members who initiated the procedure and the members participating in the investigation to have the right to vote in deciding on disciplinary responsibility.

**Code of judicial ethics:** In 2014, the Association of Judges of the Republic of Macedonia adopted a new Code of Judicial Ethics64, which fully incorporates the principles of judicial ethics provided in the principles of Bengalor i.e. the most important principles of judicial ethics elaborating issues of independence, impartiality, integrity, propriety, equality, competence and ethics of judges, conflicts of interest, corruption and violation of principles. For the implementation of the principles and ensuring their compliance by judges, the Advisory Council for judicial ethics gives an advisory opinion.

Pursuant to Article 75, paragraph 1 of the Law on Courts, the gross violation of the rules of the Judicial Code that violates the reputation of the judicial office constitutes the basis for the dismissal of a judge.

**Training of judges**

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64 Complete revision of the provisions of the old Code of Judicial Ethics of 2006.
In the Republic of Macedonia in 2006 the Academy for Judges and Public Prosecutors was established and became fully operational. According to the Law on Judges and Public Prosecutors, the Academy is an independent, autonomous institution with its own premises, budget, equipment and human resources, and Management Board composed of representatives of the main judicial institutions in the country. It is responsible for initial and continuous training of judges and prosecutors. Within the initial training, the Academy is responsible for the selection of candidates, wherein qualification and final tests are provided, and they are aimed to ground the whole process of selection of candidates for judges and public prosecutors on objective criteria and to raise the level of quality. The continuous training within the Law on Academy for Training of Judges and Prosecutors is mandatory for all judges, public prosecutors, court presidents and public prosecutors of the public prosecutor’s offices, as well as the judicial officers and public prosecution officers.

A new Law on the Academy for Judges and Public Prosecutors (AJPP) was adopted in February 2015. The composition of the Steering committee of the AJPP was revised, by excluding the ex officio members, thus the number of the members was reduced from 13 to 9 members. The position of the Director of the Academy and his/her participation in the work of the Steering committee remain as the current legal solution without rights to vote. Furthermore, it was regulated that the Program Council, consisted of 7 members and their deputies while determining the programs proposal for the entrance exam and the final exam of the initial training, as well as the continuous training, practice of the judicial and prosecutorial function or other specialized programs, despite from the positive regulations of the Republic of Macedonia shall be governed by the international law, European Union Law, as well as the practice of the European Court of Human Rights and other international courts.

With the amendments to the Law published in the "Official Gazette of the Republic of Macedonia" No. 189/15, electronic protection is introduced in the course of taking the anticipated exams electronically in accordance with the Law, the Commission for revision of the held exams is envisaged, and for the members of the Board of Directors of the Academy the right to compensation for the performed work in the amount of ten thousand MKD per month is foreseen, as well as the right to compensation for travel and daily expenses, in accordance with the regulations that regulate those issues.

The Academy for Judges and Public Prosecutors, in accordance with its activity, conducts training for the professional, ethical and competent execution of the work tasks of the professional service in the judiciary and public prosecution as well as training of other entities involved in the implementation of the laws related to the judiciary i.e. the civil servants of the Ministry of Justice working on the preparation and execution of laws related to the judiciary.

The Academy for Judges and Public Prosecutors, as part of the continuous training of judges and Public Prosecutors includes compulsory training for dealing with crimes related to the economy and corruption, (topics: tax evasion, money laundering, confiscation, corruption in public procurement, bribery, financial investigations, fight against corruption, etc.), which annually on average covers about 27 percent of the judges and 45 percent of public prosecutors. For example, in 2015, 10 trainings in the area of economic crime and corruption were conducted, with a total participation of 96 judges and 100 public prosecutors.

In 2016, the Academy, in cooperation with domestic and foreign partners, conducted 10 trainings for dealing with crimes in the area of financial crime and corruption, involving 54 judges and 55 public prosecutors, which represent 10% of the judges, or about 25% of the public prosecutors.

In 2017, as of June 2017, 3 trainings were organised in the area of financial crime and financial investigations with the participation of 12 judges and 22 public prosecutors.

According to the procedural laws, the Law on Civil Procedure and the Law on Criminal Procedure provide for clear criteria for disqualification of judges in particular litigation. Conflict of interests among judges has been regulated in two ways, through the rules of exemption and the rules of incompatibility of the judicial function with other functions.

In accordance with the Law on Prevention of Corruption and the Law on Prevention of Conflict of Interest, judges are obliged to submit asset declarations and statements of interest. The provisions applicable for elected and appointed persons are applicable for judges as well.

Elected or appointed person, official or responsible person in public enterprise or other legal entity with state capital is obliged to report changes in assets or within 30 days to report any increase in his property or the property of a member of his family, such as building a house or other buildings, the purchase of real estate, securities, cars or other moving objects in the value that exceeds twenty average net wages in the previous quarter.

Data from the asset declarations and the application for a change in assets represent public information and the declarations and applications submitted by elected and appointed officials are published on the website of the SCPC with the exception of information which is protected by law (Law on Personal Data Protection).


According to Article 33 of the Law on Prevention of Corruption, the elected and appointed person, as well as responsible person of a public enterprise, public institution or other legal entity with state capital, must no later than 30 days from the date of election or appointment, fill the questionnaire with a detailed inventory of real estate, movable property of greater value, securities, claims and debts, as well as other property in his or her possession or ownership of his family members, by explaining the basis of title over the declared property, along with a statement certified by the notary public for revoking protection of banking secrecy with regard to all accounts in domestic and foreign banks. The mentioned persons are obliged to also fill out a asset declaration within 30 days after the termination of office. The asset declarations are submitted to the State Commission and the Public Revenue Office. More information about related provisions is presented in the responses under article 5 paragraph 2 and article 8 paragraph 5 of the Convention.

**The allocation of cases in court** is done according to the Law on Courts, Law on Management of the case flow and the Rule of procedure of the Courts. According to Article 7 of the Law on Courts, the cases that come before the court will be distributed among the judges according to the receipt of the case in the court, with an exception of all influence on the allocation by the President of the Court, the judge or judicial administration.

An Automated Court Case Management Information System (ACCMIS) has been introduced in all courts, which provides recording and work on court cases and connects external input documents with the appropriate court cases. Automated Court Case Management Information System must be used in managing the case flow in the courts, which is taking actions by the president of the court, court administrators, judges and court officials, from the date of receipt of the written judgement until the day of archiving cases. This system allows each judge in court to get work in an equal number of cases under the defined criteria of working body for standardization in the Supreme Court of the Republic of Macedonia established by the President of the Supreme Court of the Republic of Macedonia for the use and promotion of ACCMIS, which takes care of unification and standardization of the proceeding in all courts. The cases through the electronic system ACCMIS are assigned to the judge on a random allocation. The procedure and manner of cases allocation is carried out in accordance with the provisions in Articles 174 to 181 of the Rules of Procedure of the Court.

In September 2015, Specialized Public Prosecutor’s Office was introduced for prosecuting criminal acts related to or deriving from contents obtained with the unlawful communication interception conducted during the period 2008 – 2015. The Specialized Public Prosecutor’s Office is formed in accordance with the Law on Public Prosecutor’s Office for prosecuting criminal acts related to the content of the unlawful communication interception (Official gazette of the Republic of Macedonia, No.159/15).

**Strategy for the reform of the Sector of Judiciary**

In November 2017 the Government of the Republic of Macedonia adopted the Strategy for the reform of judicial sector. The new Strategy gives instructions, directions for improving the judicial system by overcoming the existing normative and institutional deficiencies permeating throughout the system, but above all, takes into account the main issue with the interference of the executive power and the partisation as causes of the regression and dysfunctionality of the judicial sector. The Strategy should represent a roadmap to ensure all the preconditions within its competence to create an independent, impartial, efficient, high-quality and transparent judiciary responsible for the protection of individual rights and freedoms of citizens while protecting the public interest. On the other hand, the Strategy sets out guidelines for creating legal conditions, as well as an environment for the judiciary to properly apply the principle of liability in its work. The Strategy has several main objectives, which represent unity and presuppose the phased overcoming of the weaknesses identified in the judiciary, its placement on the track of European and international standards and its stable functioning as the main pillar of the democratic state of the rule of law.

- Establishment of the principle of the rule of law as a top political and legal principle in regulating the relations among the three holders of power, with due respect to the autonomy, independence and integrity of the judicial power;
- Removal from the legal order of the laws threatening the autonomy, independence and impartiality of the judges and the autonomy of the public prosecutor’s office;
- Removal from the legal order and modification of the legal decisions that block the exercise of the judicial control function over the legality of the conduct of the executive power and the state administration;
- Re-examination of the functioning of certain institutions, in particular the Judicial Council and the Council of Public Prosecutors, whose constitutional and legal competence are the guarantees for ensuring the independence and efficiency of the judiciary and the public prosecutor's office;  
- De-professionalisation and setup of criteria and procedure for liability of the members of the Judicial Council and the Council of Public Prosecutors;  
- Reform of the administrative judiciary for the purpose of efficient realisation of its function of control over the acts of the executive power and the state administration;  
- Strengthening of the functioning of the SPO as an autonomous institution within the PPO in dealing with offences within its competence and prosecution of high-profile corruption criminal offences “white collar crime”;
- Re-examination of the judicial system and the public prosecution system from the aspect of the network and the competence of the institutions, their personnel and material capabilities;
- Creation of financial, personnel, information and other preconditions, with urgent increases in budgetary investments, in order to increase the efficiency of the judiciary and the public prosecutor's office.
- Re-examination of the system for evaluation of the quality and efficiency of the work of judges and public prosecutors;
- Simplification of the access to justice by strengthening mediation, reviewing free legal aid, court fees, attorneys’ fees and costs for enforcement of judgments;
- Extension of the functions of the judicial and public prosecution information system;
- Reinforcement of the system of continuous education of judges, court associates, public prosecutors and their associates and attorneys;
- Reinforcement of the mechanisms of transparency, accountability and liability of judges and public prosecutors through the system of self-regulation of their professional associations;
- Europeanisation of the judiciary and the public prosecutor’s office through the introduction of European institutional and procedural legal, managerial and other standards in the functioning of the judiciary, public prosecutor's office and the attorneyship; preparation of judges and public prosecutors for their functioning in the single European area of justice and for the consistent application of the European Convention on Human Rights and other international conventions on human rights and freedoms, harmonisation of the substantive and procedural laws with EU law and harmonisation with the laws of the EU Member States.

**Guidance: Information sought may include:**

- The constitutional and legal framework applicable to ensure the independence and integrity of the judiciary;
- Codes of conduct and disciplinary mechanisms applicable to members of the judiciary and the establishment of focal points or units within the judicial branch responsible for giving guidelines to judges on ethical behaviour, corruption risks, etc. In describing such measures, you may wish to point out whether they were developed with reference to international standards (such as the Basic Principles on the Independence of the Judiciary and the Bangalore Principles on Judicial Conduct);
- Description of any measures aimed at increasing transparency and accountability in the selection, recruitment, training, performance management and removal of members of the judiciary;
- Description of induction and ongoing training requirements and curricula for members of the judiciary, particularly in terms of codes of conduct, integrity and independence;
- Description of the standard for determining a potential conflict of interest for a judge and the steps that are required to be taken to address that conflict;
- Procedures on asset declarations by judges and how they are used to prevent conflicts of interest, including in relation to the assignment of cases;
- Description of any measures aimed at guaranteeing transparency in the court process, for example by allowing public and media access to court proceedings, facilitating access to court judgments and raising public awareness through information sharing and outreach programmes;
- Description of the procedures governing case assignment and distribution;
- Number of judges specialized in the prosecution of perpetrators of corruption offences and other offences against the duty of probity;
- Ratio of specialized judges to general population.

3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Number of disciplinary proceedings initiated during the reference year against judges (year 2016).
<table>
<thead>
<tr>
<th></th>
<th>Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total number (1+2+3+4)</strong></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>3</td>
</tr>
<tr>
<td>2.</td>
<td>NA</td>
</tr>
<tr>
<td>3.</td>
<td></td>
</tr>
<tr>
<td><strong>1. Breach of professional ethics</strong></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>0</td>
</tr>
<tr>
<td>2.</td>
<td>NA</td>
</tr>
<tr>
<td><strong>2. Professional inadequacy</strong></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>3</td>
</tr>
<tr>
<td>2.</td>
<td>NA</td>
</tr>
<tr>
<td><strong>3. Criminal offence</strong></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>0</td>
</tr>
<tr>
<td>2.</td>
<td>NA</td>
</tr>
<tr>
<td>4. Other</td>
<td>NAP</td>
</tr>
<tr>
<td>-----------</td>
<td>-----</td>
</tr>
<tr>
<td>1.</td>
<td>0</td>
</tr>
<tr>
<td>2.</td>
<td>NA</td>
</tr>
</tbody>
</table>

Number of sanctions pronounced during the 2016 year against judges:

<table>
<thead>
<tr>
<th>Total number (total 1 to 9)</th>
<th>Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1</td>
</tr>
<tr>
<td>2.</td>
<td>NA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1. Reprimand</th>
<th>NAP</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>NA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Suspension</th>
<th>NAP</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>2.</td>
<td>NA</td>
</tr>
<tr>
<td>3. Withdrawal from cases</td>
<td>1.</td>
</tr>
<tr>
<td></td>
<td>2.</td>
</tr>
<tr>
<td></td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td>2.</td>
</tr>
<tr>
<td></td>
<td>NA</td>
</tr>
<tr>
<td>5. Temporary reduction of salary</td>
<td>1.</td>
</tr>
<tr>
<td></td>
<td>2.</td>
</tr>
<tr>
<td></td>
<td>NA</td>
</tr>
</tbody>
</table>
In 2016 1 judge was dismissed. This procedure started in 2015 when Court Council decided on dismissal while on the appeal Council in the framework of the Supreme Court make a final decision in 2016.
### Number of courts considered as legal entities (administrative structures) and geographic locations

<table>
<thead>
<tr>
<th>42.1 First instance courts of general jurisdiction (legal entities)</th>
<th>Number of courts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>25</td>
</tr>
<tr>
<td>2.</td>
<td>NA</td>
</tr>
<tr>
<td>42.2 First instance specialised courts (legal entities)</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>3</td>
</tr>
<tr>
<td>2.</td>
<td>NA</td>
</tr>
<tr>
<td>42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>34</td>
</tr>
<tr>
<td>2.</td>
<td>NA</td>
</tr>
</tbody>
</table>

Specialised first instance courts: Basic Court Skopje 1 (criminal court), Basic Court Skopje 2 (Civil Court) and Administrative court
Specialised second instance court: High Administrative Court

**EFFICIENCY**

Indicators:
1. Length of proceedings (= time (in days) needed to resolve a case in court, that is the time taken by the court to reach a decision at first instance) in civil/commercial cases, administrative cases and penal cases.

Regarding the length of the proceedings (Disposition time) in the cases handled by the courts in the Republic of Macedonia in 2016 expressed in days is the following:

- **FIRST INSTANCE COURTS**
  - Criminal area 179,02 days
  - civil area 144,69 days
  - commercial cases 271,46 days
  - administrative cases 293,59 days
  - criminal cases for enforcement 110,63 days
  - other cases 22,26 days

2. Clearance rate (= the ratio of the number of resolved cases over the number of incoming cases in a given year) o in first instance for civil/commercial, administrative and criminal cases
  - Criminal area 126,10 %
  - civil area 93,01 %
  - commercial cases 113,83
  - administrative cases 106,47 %
  - criminal cases for enforcement 98,11 %
  - other cases 99,44 %

  o in appeal for the same cases
  - Criminal area 98,71 %
  - Civil cases 113,67 %
  - administrative cases 103,32 %
  - other cases 99,73 %

3. Number of pending cases (including the number of old cases that remain to be dealt with at the end of a period, e.g. after 3 years before the first instance)

  o Number of civil, commercial, administrative and other pending cases (1st instance/per 100 inhabitants)
    - Civil cases 28078 or 1,36 cases per 100 inhabitants
    - Commercial cases 1065 or 0,05 cases per 100 inhabitants
    - Administrative cases 9061 or 0,44 cases per 100 inhabitants
    - Other cases 13086 or 0,63 cases per 100 inhabitants

  o Number of civil, commercial, administrative and other pending cases in appeal per 100 inhabitants
    - Civil cases 3720 or 0,18 cases per 100 inhabitants
    - Commercial cases 1547 or 0,07 cases per 100 inhabitants
    - Administrative cases 951 or 0,05 cases per 100 inhabitants
    - Other cases 41 or 0,00 cases per 100 inhabitants

  o Number of criminal cases (1st instance/per 100 inhabitants)
    - criminal cases 34357 cases or 1,66 cases per 100 inhabitants
    - criminal cases for enforcement 26810 or 1,29 cases per 100 inhabitants

  o Number of criminal cases (in appeal/per 100 inhabitants)
    - criminal cases 2530 or 0,12 cases per 100 inhabitants

  o Number of cases in proceedings before the Supreme court
    - Total 1959 cases or 0,09 cases per 100 inhabitants

Number of professional judges sitting in courts (if possible on 31 December 2016).
<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>Males</th>
<th>Females</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Number of first instance professional judges</td>
<td>435</td>
<td>168</td>
<td>267</td>
</tr>
<tr>
<td>2. Number of second instance (court of appeal) professional judges</td>
<td>106</td>
<td>48</td>
<td>58</td>
</tr>
<tr>
<td>3. Number of supreme court professional judges</td>
<td>25</td>
<td>12</td>
<td>13</td>
</tr>
</tbody>
</table>
**Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:

- Cases in which the violation of a judicial code of conduct has led to the application of disciplinary measures;
- Statistics on total number of disciplinary cases and examples of disciplinary sanctions
<table>
<thead>
<tr>
<th>Measures to the same effect as those taken pursuant to paragraph 1 of this article may be introduced and applied within the prosecution service in those States Parties where it does not form part of the judiciary but enjoys independence similar to that of the judicial service.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is your country in compliance with this provision?</td>
</tr>
<tr>
<td>Yes.</td>
</tr>
<tr>
<td>2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.</td>
</tr>
</tbody>
</table>

The reform of the judicial system started in 2005 with the constitutional and legal provisions, provided autonomy of the Public Prosecutor’s Office. According to Amendment XXX of the Constitution of the Republic of Macedonia, the Public Prosecutor's Office performs its functions on the basis of the Constitution and laws and international agreements ratified in accordance with the Constitution. The function of the Public Prosecutor's Office is conducted by the Public Prosecutor of the Republic of Macedonia and other public prosecutors. The competence, establishment, abrogation, organisation and functioning of the Public Prosecutor’s Office are regulated by law (the Law on the Public Prosecutor’s Office of the Republic of Macedonia), adopted by a two-thirds majority of the total number of MPs.

The Public Prosecutor of the Republic of Macedonia is appointed and dismissed by the Assembly of the Republic of Macedonia for a period of six years with a right to be reappointed. Public prosecutors are elected by the Council of Public Prosecutors without limitation of their mandate.

Also, the said Amendment states that on the dismissal of the Public Prosecutors decides the Council of Public Prosecutors of the Republic of Macedonia. The competence, composition and structure of the Council, the mandate of its members, as well as the basis and procedure for termination and dismissal of a member of the Council are regulated by law (Law on the Council of Public Prosecutors of the Republic of Macedonia).

Grounds and procedure for termination and dismissal of the Public Prosecutor of the Republic of Macedonia and other public prosecutors are regulated by law.

In order to guarantee the independence of the Public Prosecutor’s Office, it is prescribed that the Public Prosecutor of the Republic of Macedonia and Public Prosecutor is incompatible with membership in a political party or other public functions and professions stipulated by law. It also prohibits political organisation and activity in the Public Prosecutor's Office.
Pursuant to Article 5 of the Law on Public Prosecutor's Office, it is determined that public prosecutors perform their function legally, impartially and objectively, respecting and protecting the freedoms and rights of both the individual and the citizen and the rights of other legal entities and within their competencies, on behalf of the society they take care about the efficiency of the criminal justice system. Public prosecutors, in the performance of their duties, ensure the equality of citizens before the law, regardless of gender, race, skin colour, national and social origin, political and religious beliefs and property and social status. No one can influence the autonomy and impartiality of public prosecutors in the performance of their duties.

In addition, with regard to the internal independence of the public prosecutors in Article 6, paragraph 2 of the Law on Public Prosecutor's Office, it is determined that respecting the principles of hierarchy and subordination in the public prosecutor's office must not jeopardize the independence and responsibility of each public prosecutor in the performance of the function.

In 2008, a separate Basic Public Prosecutor's Office for organised crime and corruption was established for the area of the entire territory of the Republic of Macedonia, and it acts before the Basic Court Skopje 1.

With regard to the structure of the Public Prosecutor's Office, there is the Basic Public Prosecutor's Office for prosecution of organised crime and corruption, whose basic competence is to act on the entire territory of the Republic of Macedonia and in accordance with Article 31 of the Law on Public Prosecutor's Office, where all criminal acts it acts upon which is acting are listed. Thus the Prosecutor’s Office is solely competent to act upon cases of organised crime related to corruption and terrorism. At the same time, this Public Prosecutor's Office is responsible for the work of the Public Prosecutor of the Republic of Macedonia and the Council of Public Prosecutors, which increases the autonomy of acting in the hierarchically structured manner of the Public Prosecutor's Office.

In terms of staffing, this Prosecutor’s Office needs more public prosecutors, considering that it now has 10 public prosecutors, and according to the systematisation, it should have 13 public prosecutors.

Public prosecutors are sufficiently trained to handle cases related to organised crime, having in mind that the condition for the election of a public prosecutor in this Public Prosecutor's Office is for the public prosecutor to have at least 6 years of work experience as a public prosecutor in the public prosecutor's organisation, and in doing so, the public prosecutors go through a large number of trainings, both as lecturers and participants in various events related to the specific public prosecutor's actions.

These public prosecutors also participate in the preparation of manuals and standard operational procedures that simplify the system of communication with other state authorities because the manner of work in the Basic Public Prosecutor's Office for prosecuting organised crime and corruption is defined as participation of the public prosecutor in all stages of the procedure with its direct involvement, and especially in the pre-criminal procedure.

At the same time, according to the Law on Criminal Procedure, as well as the international conventions ratified by the Republic of Macedonia and are part of our legislation, public prosecutors have sufficient mechanisms for exchange of information and cooperation with other bodies and organs. International cooperation is at a very high level because it is about organised crime groups that most often act outside the territory of the Republic of Macedonia, thus the need for exchange of evidence and information is assumed by an increased volume of international communication and cooperation.

The Council of Public Prosecutors of the Republic of Macedonia is the key body which provides and guarantees the independence of prosecutors in the execution of their office and it was established in August 2008. The Council is composed of 11 members, out of which: ex officio member of the Council is the Public Prosecutor of the Republic of Macedonia, one member of the Council is elected by the prosecutors in the Public Prosecutor's Office of the Republic of Macedonia from among its members, one member of the Council is elected by the prosecutors from areas of higher Public Prosecutors’ Offices Bitola, Gostivar, Skopje and Stip from among their ranks, one member of the Council member of a community that is not the majority in the Republic of Macedonia elected by all public prosecutors in the Republic of Macedonia from among their ranks and four members of the Council are elected by the Assembly of the Republic of Macedonia from among university professors of law, lawyers and other eminent jurists, two of whom are members of the communities which are not the majority in the Republic of Macedonia.

The Council is competent to give an opinion to the Government of the Republic of Macedonia upon the proposal for the appointment and dismissal of a public Prosecutor of the Republic of Macedonia, it elects and dismisses the public prosecutors, determines termination of a public prosecutor function and decides in second instance in a procedure for determining disciplinary responsibility of the public prosecutors, decides to determine the unprofessional and unethical performance of the public prosecutor, follows the work of public prosecutors based on assessment of their performance in accordance with the Law on the Public Prosecutor's Office, decides on temporary suspension of the public prosecutor, acts upon complaints and appeals of citizens and legal persons for the work of public prosecutors, determines, by the end of February of the current year, the number of prosecutors in the Public Prosecutors’ Offices by a decision, determines by decision the number of the free posts in the Public Prosecutors’ Offices for the next two years, and submits the decision to the Academy for Judges and Public Prosecutors, publishes an announcement and conducts a procedure for selection of a public prosecutor for temporary referral in other Public Prosecutor’s Office and performs other duties prescribed by law.
Any political organisation and activities in the Council of Public Prosecutors shall be forbidden. The members of the Council in performing the functions of the Council must not undertake any political activity. The function of an elected member of the Council of Public Prosecutors is incompatible with membership in a political party or another public function and profession.

**The Minister of Justice is not a member of the Council of the Public Prosecutors** and does not participate in the work of the Council.

In accordance with the Law on Prevention of Corruption and the Law on Prevention of Conflict of Interest, public prosecutors are obliged to submit asset declarations and statements of interest. The provisions applicable for elected and appointed persons are applicable for public prosecutors as well.

Elected or appointed person, official or responsible person in public enterprise or other legal entity with state capital is obliged to report changes in assets or within 30 days to report any increase in his property or the property of a member of his family, such as building a house or other buildings, the purchase of real estate, securities, cars or other moving objects in the value that exceeds twenty average net wages in the previous quarter.

Data from the asset declarations and the application for a change in assets represent public information and the declarations and applications submitted by elected and appointed officials are published on the website of the SCPC with the exception of information which is protected by law (Law on Personal Data Protection).

According to Article 33 of the Law on Prevention of Corruption, the elected and appointed person, as well as responsible person of a public enterprise, public institution or other legal entity with state capital, must no later than 30 days from the date of election or appointment, fill the questionnaire with a detailed inventory of real estate, movable property of greater value, securities, claims and debts, as well as other property in his or her possession or ownership of his family members, by explaining the basis of title over the declared property, along with a statement certified by the notary public for revoking protection of banking secrecy with regard to all accounts in domestic and foreign banks. The mentioned persons are obliged to also fill out a asset declaration within 30 days after the termination of office. The asset declarations are submitted to the State Commission and the Public Revenue Office. More information about related provisions is presented in the responses under article 5 paragraph 2 and article 8 paragraph 5 of the Convention.

The Law on Criminal Procedure prescribes the rules of exemption of public prosecutors as other participants in the procedure, as follows:

“**Article 38**

Exclusion of public prosecutors and other participants in the procedure

1) The exclusion provisions for judges and lay judges shall also be equally applicable for the public prosecutors, with the exception of the grounds as referred to in Article 33, paragraph 1, items 4 and 5 of this Law.

2) The exclusion provisions for judges and lay judges shall be equally applicable for the record keepers, interpreters or translators and other professional staff, as well as for the expert witnesses, unless there are other provisions referring to them (Article 238 of this Law).

3) The public prosecutor in charge of the public prosecution office shall rule on the motions for exclusion of the public prosecutors from that public prosecution office. The public prosecutor in charge of the immediate higher public prosecution office shall rule on the motions for exclusion of public prosecutors in charge of the lower public prosecution offices.

4) The entity that conducts the procedure shall rule on any motions for exclusion of record keepers, interpreters or translators and expert witnesses.”

Accordingly, a public prosecutor must not exercise his or her obligations:

1) if he or she has suffered any damage as a result of the crime;
2) if the accused, his counsel, the prosecutor, the injured party, his legal counsel or attorney is his or hers marital i.e. illegitimate spouse or a blood relative according to the law regardless of the degree of kinship, a distant relative to the fourth degree and an in-law to the second degree;
3) if, with the accused, his counsel, the plaintiff or with the injured party he or she has a relationship of a guardian, a person under guardianship, one who adopts, an adopted child, foster parent or a foster child;

Apart from the situations as referred above, public prosecutor may also be excluded from performing his or her obligations if there are any circumstances that would cause any doubts regarding his or her impartiality.

The **selection of public prosecutors** is in accordance with the Law on the Council of Public Prosecutors and the Law on Public Prosecution of the Republic of Macedonia, and is not subject to any political influence. The Council of Public Prosecutors of the Republic of Macedonia shall decide upon a transfer of a public prosecutor to perform the function in another public prosecution for a period up to six months due to increased workload and lack of staff in the public prosecution upon the consent of the public prosecutor.

With the establishment of the Academy for Judges and Public Prosecutors a comprehensive reform of the judiciary was completed in order to strengthen its competence, professionalism and independence. The work of the Academy in the field of initial and continuing training of the entire legal area was promoted through law amendments, the concept of training was established and developed, in accordance with the European and international best practices following the experiences of training schools with long existence and recognised results. The Law on Academy for Judges and Public Prosecutors enabled the creation of high-profile professionals to perform the profession of judge or public...
prosecutor, and improvement of the objective criteria for admission to the Academy, by prescribing high criteria for admission to the Academy: a graduated lawyer with undergraduate and graduate studies with a grade average of at least 8.00, with passed bar exam and at least two year work experience in legal matters following the passing of the bar exam, possession of an internationally recognised certificate of proficiency in a foreign language and practical work on computers.

The promotion of public prosecutors is transparent. It can be seen through the evaluations of their work received during their career by the higher public prosecution, as well as the assessment of the Council of Public Prosecutors. All career related decisions are the responsibility of the Council of Public Prosecutors.

In the Republic of Macedonia in 2006 the Academy for Judges and Public Prosecutors was established and became fully operational.67 According to the Law on Judges and Public Prosecutors, the Academy is an independent, autonomous institution with its own premises, budget, equipment and human resources, and Management Board composed of representatives of the main judicial institutions in the country. It is responsible for initial and continuous training of judges and prosecutors. Within the initial training, the Academy is responsible for the selection of candidates, wherein qualification and final tests are provided, and they are aimed to ground the whole process of selection of candidates for judges and public prosecutors on objective criteria and to raise the level of quality. The continuous training within the Law on Academy for Training of Judges and Prosecutors is mandatory for all judges, public prosecutors, court presidents and public prosecutors of the public prosecutor’s offices, as well as the judicial officers and public prosecution officers.

A new Law on the Academy for Judges and Public Prosecutors (AJPP)68 was adopted in February 2015. The composition of the Steering committee of the AJPP was revised, by excluding the ex officio members, thus the number of the members was reduced from 13 to 9 members. The position of the Director of the Academy and his/her participation in the work of the Steering committee remain as the current legal solution without rights to vote. Furthermore, it was regulated that the Program Council, consisted of 7 members and their deputies while determining the programs proposal for the entrance exam and the final exam of the initial training, as well as the continuous training, practice of the judicial and prosecutorial function or other specialized programs, despite from the positive regulations of the Republic of Macedonia shall be governed by the international law, European Union Law, as well as the practice of the European Court of Human Rights and other international courts.

With the amendments to the Law published in the "Official Gazette of the Republic of Macedonia" No. 189/15, electronic protection is introduced in the course of taking the anticipated exams electronically in accordance with the Law, the Commission for revision of the held exams is envisaged, and for the members of the Board of Directors of the Academy the right to compensation for the performed work in the amount of ten thousand MKD per month is foreseen, as well as the right to compensation for travel and daily expenses, in accordance with the regulations that regulate those issues.

The Academy for Judges and Public Prosecutors, as part of the continuous training of judges and Public Prosecutors includes compulsory training for dealing with crimes related to the economy and corruption, (topics: tax evasion, money laundering, confiscation, corruption in public procurement, bribery, financial investigations, fight against corruption, etc.), which annually on average covers about 27 percent of the judges and 45 percent of public prosecutors. For example, in 2015, 10 trainings in the area of economic crime and corruption were conducted, with a total participation of 96 judges and 100 public prosecutors.

In 2016, the Academy, in cooperation with domestic and foreign partners, conducted 10 trainings for dealing with crimes in the area of financial crime and corruption, involving 54 judges and 55 public prosecutors, which represent 10% of the judges, or about 25% of the public prosecutors.

In 2017, as of June 2017, 3 trainings were organised in the area of financial crime and financial investigations with the participation of 12 judges and 22 public prosecutors.

The first Code of Ethics for public prosecutors was adopted by the Association of Public Prosecutors on 15.11.2004. According to the GRECO recommendations with a Decision made by the Public Prosecutor of the Republic of Macedonia, on 12.01.2014, a new Code of Ethics for Public Prosecutors entered into force (Official Gazette No. 194 from 01.12.2014).

According to Article 21, paragraph 3 item 4 of the Law on Public Prosecutor's Office, it is determined that the supervision of the work and acting on specific cases is done for the purposes of determining the serious violation of the norms of the Code of the Public Prosecutors. The method of performing the supervision is prescribed by a Rulebook adopted by the Council of Public Prosecutors of the Republic of Macedonia. The Public Prosecutor, according to the Law shall be dismissed from office:

- For a serious disciplinary offence which makes him/her unworthy of being Public Prosecutor and


- Because of malfeasance in the performance of his/her function as a public prosecutor, and under conditions specified by law.

The Law on Public Prosecutor’s Office defines a serious disciplinary offence, disciplinary offence, and malfeasant performance of the public prosecutor. For the established disciplinary violations of the public prosecutor, dismissal from the function as public prosecutor is provided as the most severe measure.

According to Article 72 of the Law on Public Prosecutor’s Office, the procedure for determining the disciplinary violation, and the procedure for determining the malfeasance in the performance of the function of the public prosecutor is conducted by the Commission, composed of five members, appointed by the Public Prosecutor of the Republic of Macedonia. The Council of Public Prosecutors of the Republic of Macedonia decides upon an appealed decision of the Commission. Against the decision of the Council of Public Prosecutors of the Republic of Macedonia, the public prosecutor has the right to initiate administrative proceedings before the competent court.

According to the law on Council of Public Prosecutors, if the public prosecutor is removed from office, when a criminal proceedings disciplinary action or proceeding for unprofessional performance of the public prosecutor have been initiated against him/her, he/she has the right to appeal against the decision for removal from office to the Council within three days of receipt of the decision. Council which decides upon the appealed decision may confirm, cancel or change the decision. Against the decision of the Council of Public Prosecutors of the Republic of Macedonia, the public prosecutor has the right to initiate administrative proceedings before the competent court.

Pursuant to Article 24 of the Code of Ethics of the Public Prosecutors, it is determined that an Ethical Council is established, which has the authority to supervise the application of the Code of Ethics from the public prosecutors. Article 25 of the Code of Ethics stipulates that the procedure for determining violation of the principles of the Code is regulated by the Ethics Council by a Rulebook, and the manner of work of the Council is regulated by the Rules of Procedure. Article 26 stipulates that the Ethics Council issues opinions and recommendations on complaints about the behaviour of public prosecutors that the applicants consider to be contrary to the Code, on its own initiative, as well as on the proposal of the immediate superior public prosecutor. The public prosecutor to whom the complaint relates shall be granted the right to reply within eight days. For the complaints that he / she considers to be founded, the Ethical Council shall inform the superior public prosecutor in the prosecution in which the public prosecutor performs his / her duties, as well as the higher public prosecutor. In the case of established complaints against the public prosecutor of the basic public prosecutor's office, the public prosecutor of the basic public prosecutor's office for prosecution of organized crime and corruption and the public prosecutor of the higher public prosecutor's office shall inform the Public Prosecutor of the Republic of Macedonia.

It is also envisaged that the conduct of the Ethics Council does not prevent the implementation of the measures under the jurisdiction of the Public Prosecutor of the Republic of Macedonia and the Council of Public Prosecutors of the Republic of Macedonia in relation to the responsibility of the public prosecutor for violation of duty or other prescribed forms of responsibility to the public prosecutor in connection with internal oversight when by individual behaviour the assumptions for the implementation of those measures are met.

**Budget of the Public Prosecutor's Office:** Public Prosecutor's Office of the Republic of Macedonia is a direct first line budget user. The Budget of the Public Prosecutor's Office of the Republic of Macedonia is divided into: **Programme 20 - Public Prosecutor's Office** within which the budget resources are allocated to **sub-programme - 20 - Public Prosecutor’s Office and 2A - Implementation of the Law on Criminal Procedure** for which is necessary to point out that it was introduced with the approval of funds for the Budget of the Public Prosecutor’s Office 2013) and **Programme 3 - Council of Public Prosecutors of the Republic of Macedonia, sub-programme 30** within which funding is approved for the work of the individual user of the second line in the composition of the Public Prosecutor’s Office of the Republic of Macedonia - Public Prosecutor’s Office of the Republic of Macedonia.

**Budget for prosecution offices (in EUR per inhabitant)** in the amount of EUR 3.51.
The Budget of the Public Prosecutor’s Office of the Republic of Macedonia per year is:

- year 2011 - 299.644.00,00 MKD or EUR 4.872,260,16,
- year 2012 - 339.700,00 MKD or EUR 5.523.577,23,
- year 2013 - 406.890.000,00 MKD or EUR 6.616.097,56,
- year 2014 - 445.955.000,00 MKD or EUR 7.251.300,81,
- year 2015 - 431.981.000,00 MKD or EUR 7.024.081,30,
- year 2016 - 470.052.980,00 MKD or EUR 7.618.363,00,
- year 2017 - 442.702.000,00 MKD or EUR 7.175.073,00.

**Strategy for the reform of the Sector of Judiciary**
The Strategy for the reform of the Sector of Judiciary contains and the Action plan for its implementation contains a set of measures and activities aiming to improve the functioning of the Public Prosecution Office and the Council of public Prosecutors. See the Annex: Strategy for the reform of the Sector of Judiciary
11, paragraph 1 of the Convention in the present self-assessment report. Information sought may include:

- The constitutional and legal framework applicable to ensure the independence and integrity of the prosecution service;
- Codes of conduct and disciplinary mechanisms applicable to members of the prosecution service and the identification of focal points or units within the prosecution service responsible for setting out standards on ethical behaviour and providing guidance to prosecutors on ethical behaviour, corruption risks, etc. In describing such measures, please also point out whether they were developed with reference to international standards such as the Guidelines on the Role of Prosecutors and the Standards of Professional Responsibilities and the Statement of the Essential Duties and Rights of Prosecutors;
- Description of any measures aimed at increasing transparency and accountability in
the selection, recruitment, training, performance management and removal of members of
the prosecution service;
□ Description of induction and ongoing training requirements and curricula for members of the
prosecution service, particularly in terms of codes of conduct, integrity and independence;
□ Description of procedures governing case assignment and distribution in relation to the
prosecution service;
□ Procedures on providing information about asset declarations of prosecutors and how they are used to
prevent conflicts of interest (particularly if related to the case assignment system in order to avoid
assigning a prosecutor who has to recuse him or herself from the case due to a conflict of interest).

3. Please provide examples of the implementation of those measures, including related court or other cases,
available statistics etc.
The State Commission for the Prevention of Corruption (SCPC) launched misdemeanour proceedings against 3 prosecutors
in 2015, for failing to submit asset declarations.

Number of public prosecutors (on 31 December 2016).

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>Males</th>
<th>Females</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. 110</td>
<td>1. 51</td>
<td>1. 59</td>
</tr>
<tr>
<td></td>
<td>2. NA</td>
<td>2. NA</td>
<td>2. NA</td>
</tr>
<tr>
<td>Total number of prosecutors (1 + 2 + 3)</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td>NAP</td>
<td>NAP</td>
<td>NAP</td>
</tr>
</tbody>
</table>

|                                      | 1. 76          | 1. 32  | 1. 44   |
|                                      | 2. NA          | 2. NA  | 2. NA   |
| 1. Number of prosecutors at first      | NA            | NA     | NA      |
| instance level                        | NAP            | NAP    | NAP     |

<p>|                                      | 1. 24          | 1. 12  | 1. 12   |
|                                      | 2. NA          | 2. NA  | 2. NA   |
| 2. Number of prosecutors at second    | NA            | NA     | NA      |
| instance (court of appeal) level      | NAP            | NAP    | NAP     |</p>
<table>
<thead>
<tr>
<th>3. Number of prosecutors at supreme court level</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Breach of professional ethics</td>
</tr>
<tr>
<td>1. 0</td>
</tr>
<tr>
<td>2. NA</td>
</tr>
<tr>
<td>2. NAP</td>
</tr>
<tr>
<td>2. NAP</td>
</tr>
</tbody>
</table>

Number of disciplinary proceedings initiated during the reference year against public prosecutors (year 2016).

<table>
<thead>
<tr>
<th>Prosecutors</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 0</td>
</tr>
<tr>
<td>2. NA</td>
</tr>
<tr>
<td>2. NAP</td>
</tr>
</tbody>
</table>

Total number (1+2+3+4)
Number of sanctions pronounced during the 2016 year against public prosecutors:

<table>
<thead>
<tr>
<th>Professional inadequacy</th>
<th>1</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0</td>
<td>NA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Criminal offence</th>
<th>1</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0</td>
<td>NA</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Other</th>
<th>1</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0</td>
<td>NA</td>
</tr>
<tr>
<td>Total number (total 1 to 9)</td>
<td>1.</td>
<td>2.</td>
</tr>
<tr>
<td>---------------------------</td>
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</tr>
<tr>
<td></td>
<td>0</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NAP</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1. Reprimand</th>
<th>1.</th>
<th>2.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NA</td>
<td>NAP</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Suspension</th>
<th>1.</th>
<th>2.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NA</td>
<td>NAP</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Withdrawal from cases</th>
<th>1.</th>
<th>2.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NA</td>
<td>NAP</td>
</tr>
<tr>
<td></td>
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<td></td>
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<td>---</td>
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<tr>
<td><strong>4. Fine</strong></td>
<td>1.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2.</td>
<td>NAP</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NAP</td>
</tr>
<tr>
<td><strong>5. Temporary reduction of salary</strong></td>
<td>1.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2.</td>
<td>NAP</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NAP</td>
</tr>
<tr>
<td><strong>6. Position downgrade</strong></td>
<td>1.</td>
<td></td>
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<tr>
<td></td>
<td>2.</td>
<td>NAP</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NAP</td>
</tr>
<tr>
<td><strong>7. Transfer to another geographical (court) location</strong></td>
<td>1.</td>
<td></td>
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<tr>
<td></td>
<td>2.</td>
<td>NAP</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NAP</td>
</tr>
<tr>
<td>8. Resignation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Other</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:

- Examples in which the breach of a prosecutorial code of conduct has led to the application of disciplinary measures;
- Cases in which members of the prosecution service have been subject to criminal proceedings as a result of alleged acts of corruption;
- Statistics regarding the number of reports of corruption in the prosecution service received, including mechanisms in place to facilitate such reporting, number of investigations that resulted and their outcomes;
- Statistics and case studies demonstrating the impact of educational and training programmes for members of the prosecution as regards their adherence to prosecutor codes or standards of conduct;
- Information about the system of financial disclosures of prosecutors and how they are used in systems to prevent conflicts of interest (particularly if related to case assignment system in order to avoid assigning a prosecutor who has to recuse him or herself from the case due to a conflict of interest).

**Technical assistance**

1. Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

**Guidance:** Required actions could include the passing of a law and a time frame to do this. Related
challenges could include inter-agency coordination, specificities in the legal system, competing priorities, limited capacity (e.g. technological, institutional, other), limited resources for implementation (e.g. human, financial, other), lack of a policy framework, and limited expertise and skills. In describing these issues, please be as specific as possible.
2. Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

No assistance would be required

**Guidance:** Please tick this box if you do not require any technical assistance in the implementation of the article under review.

<table>
<thead>
<tr>
<th>Legislative assistance: Please describe the type of assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Guidance:</strong> The forms of legislative assistance should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of legislative assistance might include e.g. model arrangements and agreements, legal drafting and/or advisory support.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Institution-building: Please describe the type of assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Guidance:</strong> The forms of institution-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article, including domestic coordination issues. Specific forms of assistance in the area of institution-building might include e.g. summary of good practices and lessons learned, model arrangements and agreements, on-site assistance by a relevant expert and/or mentoring, as well as the development of an action plan for implementation.</td>
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</table>

<table>
<thead>
<tr>
<th>Policymaking: Please describe the type of assistance</th>
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</thead>
<tbody>
<tr>
<td><strong>Guidance:</strong> The forms of policymaking should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of policymaking might include e.g. summary of good practices and lessons learned, sensitization of decision-making bodies, on-site assistance by a relevant expert and/or mentoring.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Capacity-building: Please describe the type of assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Guidance:</strong> The forms of capacity-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of capacity-building might include e.g. case-related assistance, on-site assistance by a relevant expert and/or mentoring, strengthening the operational and/or institutional capacities of relevant authorities through training and online learning, development of an action plan for implementation.</td>
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<tr>
<th>Research/data-gathering and analysis: Please describe the type of assistance</th>
</tr>
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<tbody>
<tr>
<td><strong>Guidance:</strong> The forms of research, data-gathering and analysis should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of research, data-gathering and analysis might include e.g. expert advice on data-gathering and storage systems, statistical advice or sample studies.</td>
</tr>
</tbody>
</table>
Facilitation of international cooperation with other countries: Please describe the type of assistance

Guidance: The forms of facilitation of international cooperation with other countries should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of facilitation of international cooperation might include e.g. case-related assistance, model legislation or model treaties.

Others: Please specify

3. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

Guidance: If you are receiving or have received such assistance, please provide details, including on the assistance provider, description of core objectives, duration, budget, results and impact. Please include information on technical assistance being provided in the most generic way so as to also capture projects that do not directly fit into the anti-corruption category but that address aspects relevant for the implementation of the Convention against Corruption. Please also indicate whether the extension and/or expansion of such assistance would help your country to adopt the measure(s) described in the article under review.

Article 12 – Private sector

Article 12, paragraphs 1 and 2

1. Each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to prevent corruption involving the private sector, enhance accounting and auditing standards in the private sector, and where appropriate, provide effective, proportionate and dissuasive civil, administrative, or criminal penalties for failure to comply with such measures.

2. Measures to achieve these ends may include, inter alia:

(a) Promoting cooperation between law enforcement agencies and relevant private entities;

(b) Promoting the development of standards and procedures designed to safeguard the integrity of relevant private entities, including codes of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions and the prevention of conflicts of interest, and for the promotion of the use of good commercial practices among businesses and in the contractual relations of businesses with the State;

(c) Promoting transparency among private entities, including, where appropriate, measures regarding the identity of legal and natural persons involved in the establishment and management of corporate entities;

(d) Preventing the misuse of procedures regulating private entities, including procedures regarding subsidies and licenses granted by public authorities for commercial activities;

(e) Preventing conflicts of interest by imposing restrictions, as appropriate and for a reasonable period of time, on the professional activities of former public officials or on the employment of public officials by the private sector after their resignation or retirement, where such activities or employment relate directly to the functions held or supervised by those public officials during their tenure;
(f) Ensuring that private enterprises, taking into account their structure and size, have sufficient internal auditing controls to assist in preventing and detecting acts of corruption and that the accounts and required financial statements of such private enterprises are subject to appropriate auditing and certification procedures.

1. Is your country in compliance with these provisions?
   Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Law on Prevention of Corruption, Chapter III under "Limitation in cooperation with legal entities" and "misuse of public procurement", Chapter IV under "Invalidity of legal acts and damage compensation" in Chapter VI under "Preventing corruption in companies" prescribes the provisions relating to the prevention of corruption in the private sector, with preventive and repressive character.

According to Article 22: "(1) an elected or appointed person, as well as other official or responsible person in a public enterprise, public institution or other legal entity disposing with state capital may not, in the exercise of their functions and services, establish a business relationship with the entity that he or the members of his family has established, or in which the responsible person is a member of his family, and if the business relationships have been established earlier, he shall be exempted from any kind of decision-making and shall inform the State Commission about that."

According to Article 32: "(1) an elected or appointed person, official or responsible person in a public enterprise, public institution or other legal entity disposing with state capital may not exert any influence on the body or legal entity that decides upon offers acquired through a Public announcement, advertisement or bidding for public contracts or orders and other public works. (2) The provision of paragraph 1 of this Article shall apply even if according to a public announcement, advertisement or bidding it is decided to issue approvals, concessions, contingents or permissions for performing business or other profitable activities."

According to Article 46: "(1) Legal acts resulting from corruption are invalid. Anyone who has a legal interest may request their voiding by submitting a final court decision as evidence with which the existence of corruption is established, and (2) Anyone who is aggrieved by an act of corruption has the right to seek compensation for the damage (actual damage and lost profit) according to the principles of joint and several liability from the offender, qualified as an act of corruption by a final court decision, and from the body or public enterprise and other legal entity disposing with state capital in which that person has been exercising its function or duty at the time of the crime."

According to Article 59: "(1) A responsible person in a company or other legal entity shall not use his position to receive a reward or any other benefit or promise thereof for themselves or for another purpose: creating monopolies at the market; discrimination against other companies or other legal persons; distortion of the market and causing damage to another person or other legal entity that is not a result of a fair market competition.

(2) A company or other legal entity may not establish relations of business cooperation with a company or other legal entity when there is a conflict of interest.

(3) Contracts and other legal acts that are a result of corruption of the responsible person and contracts that are a result of corruption or an unlawful benefit for the legal entity shall be null and void.

(4) The appearance of the consequence referred to in paragraph 1, 2 and 3 of this article is the basis for filing a complaint by the injured person for damage compensation (actual damage and lost profit).

(5) If there is a reasonable doubt in the veracity of the annual balance sheet submitted by the legal person or of other business books and financial documents the Public Revenue Office will conduct an audit the of the material and financial operations at the request of the State Commission.

(6) If there is reasonable doubt in the veracity of the data on the material and financial operations of the company or other legal entity, the competent authorities shall conduct an audit of the material and financial operations of the entity at the request of the State Commission.

(7) If the supervision referred to in paragraph (6) of this Article reveals irregularities, the PRO shall initiate a procedure for investigation of the assets against the responsible person in the company and other legal entity, or members of the management body of the legal entity. The procedure is conducted under the provisions of Article 36 and Article 36-a of this law."

Fines for offenses in relation to Articles 22, 32 and Article 59, paragraph 4 are envisaged in Chapter VII Penalty and misdemeanour provisions.
Law on Whistleblower Protection was adopted in November 2015. In March 2016, all bylaws deriving from the Law on Protection of whistleblowers Rules for protected internal reporting institutions in the public, Rules for protected external reporting and the Regulation on guidelines for the adoption of internal acts on protected internal reporting in the legal entity in the private sector. Application of the Law on Whistleblower Protection and the related bylaws started on 18.03.2016.

The Law on Whistleblower Protection and the related bylaws are published on the website of the SCPC.\(^{69}\)

In order to increase transparency in the area of protection of whistleblowers within the framework of IPA 2010 twinning project "Support to efficient prevention and fight against corruption" a Manual for protection of whistleblowers was prepared, intended for the work in public administration, but it also may be useful for the general public and citizens who make daily contacts with the administration. The manual is published on the website of the SCPC.\(^{70}\)

Upon commencement of the implementation of the Law and bylaws thereof, institutions started to submit to the SCPC notice about the designated authorized persons for receipt of whistleblower reports. Acting in accordance with Article 2 (1) of the regulation on protected internal reporting, a total of 29 public sector institutions submitted notice with contact details of the authorized person for receipt of whistleblower reports in the public sector, while a notification about authorized person submitted 20 institutions from the private sector although according to the law they are not obliged to submit such notice to the SCPC.\(^{71}\)

On 9 December 2011, the State Commission for Prevention of Corruption signed a memorandum of mutual support for the prevention of corruption and conflict of interest with 9 associations from the private sector. This memorandum provides a framework for mutual cooperation to exchange information, conduct training and implementation of specific projects. The memorandum is publicly available and posted on the website of the SACC.\(^{72}\)

The State Programme for Prevention and Repression of Corruption and Prevention and Reduction of Conflict of Interest and Action Plan for 2011-2015, specifically includes the private sector and a separate chapter was dedicated to it.\(^{73}\)

In this sector four risk factors for corruption and conflict of interest were identified, such as: Underdeveloped measures to prevent corruption and strengthen the integrity of the private sector, lack of knowledge about corruption and conflict of interests in the private sector; lack of information on the Law on Protection of Competition and insufficient capacity of the Commission for Protection of Competition, law enforcement and insufficient transparency of sponsorships, behind which lies the opportunity for corruption. In a direction of increasing the protection of competition in particular by increasing the possibility of obtaining information about the existence of prohibited agreements between subjects a Guide for unlawful agreements in public procurement was published.\(^{74}\) In its latest report on the implementation of the State Program 2011-2015, SCPC covered and implementation of activities in the private sector.\(^{75}\)

Consistent with the strategic orientation to introduce anti-corruption standards and measures in the private sector, which for the first time is treated as a separate sector in the State Program 2011-2015 and signed a memorandum of mutual support to prevent corruption and conflict of interest, were more concrete actions specifically with the Business Confederation of Macedonia. As a result of this cooperation resulted Business Code of Ethics as a guide for the Macedonian business community. Report of the State Commission for Prevention of Corruption for 2012. Next step jointly with the Business Confederation of Macedonia was a forum on "Business Ethics - preventing corruption through the establishment of ethical business practices", financially supported by the British Embassy. Representatives from the private sector were involved in the four training courses for their training to use web application for submitting data for the realization of the State Program. During 2012, were held several forums and workshops discussed the ethical management in enterprises, the implementation of the national agenda for corporate social responsibility in the country, rules and codes of business conduct, dialogue with employees and external parties, introduction management standards, the specifics of governance and management, the benefits of transparent and ethical management.

State Commission for Prevention of Corruption with the support of the OSCE Mission in Skopje, started implementation of the project "Promote the principles of good governance in the implementation of anti-corruption policy".

\(^{69}\) https://www.dksk.mk/index.php?id=13

\(^{70}\) https://www.dksk.mk/index.php?id=21

\(^{71}\) https://www.dksk.mk/fileadmin/PDF/izvestaj.pdf, p.39


Sector X Private sector

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Sector X Private sector
The project aims to strengthen the capacities of the SCPC monitoring the current situation and evaluation of anti-corruption activities in the country, including the business sector.

In this regard, the SCPC and the OSCE on 29 May 2013 conducted a round table with representatives of associations and institutions involved in the preparation, monitoring and implementation of the activities of private sector of the Action Plan of the State Program for Prevention and Repression of Corruption and Prevention and Reduction conflict of interests 2011-2015. 76

Within the Twinning IPA 2010 Project “Support to efficient prevention and fight against corruption”, within activity 1.5, seminars and a Conference were held on the topic Compliant management and prevention of corruption in private sector. Incriminations equally cover corruption offences in private sector. (See Annex: Incriminations)

The procedure for determining conflict of interest shall be implemented by SCPC ex officio, at the request of the officer, based on the application of another person at the request of the head of the body he was employed officer on the basis of an anonymous report. The purpose of this procedure for the implementation of the Law on Conflict of Interest is to ensure the prevention of misuse of public powers and duties of the officer for the exercise of personal goals for themselves or close relatives and to ensure the prevention of the possibility the private interest of the official jeopardize the public interest. Relevant provisions are stipulated by the Law on Prevention of Conflict of Interest, as follows:

“VII. LIMITATIONS AFTER LEAVING OFFICE

Article 17

(1) An official person, within a time period of three years after the termination of public authorizations or duties, or after the termination of the employment shall not get employment in a company where he/she performed supervision or had established a contractual relationship whilst performing the public authorizations or duties.

(2) An official person, within a time period of three years after the termination of public authorizations or duties, or after the termination of the employment shall not acquire in any way shares or parts in the legal entity where he/she worked or performed supervision.

(3) If an official person, within the time period stipulated in paragraph (2) of this article, does acquire shares or parts by way of inheritance, then he/she shall be obligated to report this to the State Commission.

(4) An official person, within a time period of three years after the termination of public authorizations or duties, or after the termination of the employment shall not be able to represent natural persons or legal entities from the authority where he had previously worked, if he/she participates in the making of a decision on a specific case.

VIII. MEMBERSHIP IN MANAGEMENT AND SUPERVISORY AUTHORITIES

Article 18

(1) An official person may not be a member in a management or a supervisory board of a company, public enterprise, agency, fund as well as all other organizational forms with dominant state capital, unless otherwise specified by law.

(2) Notwithstanding paragraph (1) of this article, a civil servant or a person with special duties and authorizations specified by law can be a member of the management board or the supervisory authority of a company.”

The Law enforcement authorities cooperate with private sector entities to prevent and fight against corruption.

Financial Police Department, Financial Intelligence Office and Customs Administration are bound by provisions of their respective material laws to cooperate with private sector financial institutions or providers of financial services, commerce chambers and business associations.

Public Procurement is subject to Internal and State Audit.

Furthermore, relevant provisions are covered by the Company Law:

“Appointment certified auditor

Article 229

(1) A Shareholder, that is, the co-partners whose contributions together comprise at least one tenth of the basic capital, have the right to appoint a certified auditor to perform a special audit on the last annual account and the financial reports.

(2) If the company refuses to perform the audit referred to in paragraph (1) of this Article by the certified auditor, the court may, at the proposal of any shareholder of the company, appoint a certified auditor to perform a special audit.

SECTION 6-a

Internal Audit Service

Article 415-a

(1) The supervisory body of the joint stock company that is a major trader in accordance with the provisions of this Law, as well as the company whose shares are listed on a stock exchange, or a company that, according to the Securities Law, has special reporting obligations, is obliged to organize internal audit service as an independent organizational unit in the company.

76 https://www.dksk.mk/fileadmin/user_upload/Godisni_izvestaj/izvestaj Za Rabotata Za 2012- Dksk.pdf, P.41 and 41
Point VI.3. Sorabotka with the private sector
Tenth PART  
Misdemeanour Sanctions  

Article 598  

(1) Fine in the amount of 500 to 1,000 euros in MKD counter-value shall be imposed for a misdemeanour to a sole proprietor if:
1) registers more than one company (Article 14 paragraph (4));
2) the transfer of the firm to a third party is conducted contrary to the provisions of this Law (Article 16 paragraph (2)) and it does not register it in the Trade Registry (Article 16 paragraph (4));
3) does not report the termination of the work to the public revenue authority (Article 17 paragraph (1)) and does not submit an application for deleting the entry in the trade register (Article 18 paragraph (2));
4) start performing an activity before being registered in the trade register (Article 14 paragraph (1));
5) start performing the activity before receiving approval from the competent authority for the fulfilment of the prescribed conditions for performing the activity (Article 63 paragraph (1));
6) undertake legal affairs and activities outside the scope of work, registered in the trade register (Article 64 paragraph (1));
7) fails to keep or keep the trading books in proper manner (Articles 471 paragraph (1) and 472 paragraph (3));
8) does not keep the trade and other documents in an appropriate and proper manner (Article 474) and
9) does not compile, publish or submit annual accounts (Articles 476 paragraph (1) and 477 paragraphs (1), (4) and (5)).

Article 598-a  
Misdemeanour sanction Prohibition of performing activity for one to three years, counting from the day the decision becomes final, the sole proprietor will be pronounced for the misdemeanour referred to in Article 598 paragraph (1) items 5, 6, 7, 8 and 9 of this Law.

Article 599  

(1) A fine in the amount of 1,500 to 3,000 euros in MKD counter-value shall be imposed for a misdemeanour to a trade company if:
1) commence business activity prior to enrolling in the trade register and before receiving an approval from a competent body for fulfilling the prescribed conditions for performing that activity, if it is determined by law (Article 63);
2) does not make the information available in accordance with Article 10 of this Law;
3) does not use the firm in its operations as it is registered in the trade register (Article 52, paragraph (1)) or uses the abbreviated name of the firm, and it is not registered in the trade register (Article 52 paragraph (3));
4) without the explicit consent of the exit partner or his successors, use the old firm (Article 53);
5) fails to report the change of the head office in the trade register (Article 61 paragraph (3)) and
6) does not compile, not publish and submit annual accounts, that is, consolidated annual accounts, financial statements and consolidated financial statements when they have an obligation to do so with this Law (Articles 476 paragraph (1), 477 paragraph (1), (4 ) and (6), 482 paragraphs (1) and (2), 504 and 506 of paragraphs (4) and (5));
7) does not pay dividend within the deadline determined in Article 487 paragraph (5) of this Law.
(2) A fine in the amount of Euro 500 to 1,000 in MKD counter-value shall be imposed for the misdemeanour referred to in paragraph (1) of this Article and the responsible person in the company.

Article 599-a  
(1) Misdemeanour sanction Prohibition of performing activity for one to three years counting from the day the legality of the decision becomes effective, shall be imposed on the company for the misdemeanour referred to in Article 599 paragraph (1) items 1, 3, 5, 6 and 7 of this Law.
(2) A misdemeanour sanction prohibition of performing a duty for a period of one to three years, counting from the day the decision becomes effective, shall be imposed on the responsible person in the company for the misdemeanour referred to in Article 599 paragraph (1) items 1, 3, 5,

Article 601  

(1) A fine in the amount of 1,500 to 3,000 euros in MKD counter-value shall be imposed for a misdemeanour of the limited liability company if:
1) the costs and rewards for participation in the establishment of the company are not paid out of the profit in accordance with Article 180 paragraph (3) of this Law;
2) does not register any change in the data, any accession and expulsion of a partner from the company, for registration in the Trade Registry with an application (Article 182 paragraph (4));
3) the property of the company, which is required for the maintenance of the basic capital, is paid to the co-owner (Article 192 paragraph (2));
4) does not keep a book of shares, in accordance with Article 195 paragraph (1) of this Law, ie it does not keep the book of shares diligently and accurately (Article 195 paragraph (2));
5) on the basis of a decision of the court, within three days from the day of receipt of the decision, fails to execute the decision and does not enter the entry in the share book (Article 196 paragraph (4));
6) fails to submit the audit report from certified auditors to the shareholders' meeting (Article 230, paragraph (3));
7) the management body is composed contrary to Article 231 of this Law;
8) do not prepare annual account, financial report and annual report on the operation of the company from the
previous business year or if they are prepared and not submitted at the meeting of the partners or the assembly
within the deadlines stipulated by this Law (Article 240, paragraph 2);
9) the supervisory board or the controller is composed contrary to Article 246 of this Law;
10) mentions in its business announcements and regulations the increase in the basic capital before the
announcement of the decision in the trade register (Article 257, paragraph (4));
11) make payment of the partners on the basis of reduction of the basic capital before the entry of the amendments
to the contract for the company in the trade register (Article 264 paragraph (1));
12) fails to register for the registration in the trade register termination of the company (Article 269 paragraph (1))
and
13) fails to file an application for entry in the trade register of the transformation of the company from one form to
another (Article 514, paragraph (1));

(2) A fine in the amount of EUR 1,000 in MKD counter-value shall be imposed for the misdemeanour referred to in
paragraph (1) of this Article to the responsible person in the company.

Article 601-a

(1) Misdemeanour sanction Prohibition of performing activity for one to three years counting from the day the decision
becomes effective, shall be imposed on a limited liability company for a misdemeanour referred to in Article 601 paragraph
(1) items 2, 6, 8 and 12 of this Law;

(2) Misdemeanour sanction Prohibition of performing activity for one to three years counting from the day the decision
becomes effective, shall be imposed on the responsible person in the company for misdemeanour referred to in Article 601
paragraph (1) items 2, 6, 8 and 7 of this Law 6 and 7 of this Law.

Article 602

(1) A fine in the amount of 1,500 to 3,000 euros in MKD counter-value shall be imposed for a misdemeanour of a joint
stock company if:
1) before the registration of the incorporation of the company in the trade register issued shares (Article 302 paragraph (1));
2) fails to keep the acts and documents in the company's headquarters, provided for in Article 319 of this Law;
3) deprives the shareholders of the right to information (Article 320);
4) promise or pay interest to the shareholders (Article 328 paragraph (2));
5) the notification on the redemption of the shares is not published in the "Official Gazette of the Republic of Macedonia"
(Article 339 paragraph (5)); 6) it does not declare the decision of the assembly for election of a board of directors or a
supervisory board for registration in the trade register (Article 344 paragraph (5));
7) it fails to perform the obligation in the event of loss, reimbursement or incapacity for payment in accordance with
Article 354, paragraph 4 of this Law;
8) does not submit an application for entry in the trade register of recalled or elected members of the board of directors or
supervisory board (Article 363 paragraph (5));
9) the management board did not submit an application for entry in the trade register of members of the management board
authorized to represent the company (Article 377 paragraph (3));
10) the managing body does not submit to the court the final decision for registration in the trade register (Article 415
paragraph (1));
11) fails to report the increase in the basic capital due to the entry in the trade register (Articles 433 paragraph (1), 435
paragraph (2), 438 paragraphs (1) and (2) and 441 paragraph (1));
12) fails to report the decision for reduction of the basic capital and the reduction of the basic capital for entry in the trade
register (Article 444 paragraph (1) and 451 paragraph (1));
13) fails to file an application for the entry in the trade register of the decision for termination of the company (Article 453,
paragraph (1)); and
14) failed to file an application for entry in the trade register of the transformation of the company from one form to
another (Article 514 paragraph (1)).

(2) A fine in the amount of EUR 1,000 in MKD counter-value shall be imposed for
the offense referred to in paragraph (1) of this Article and the responsible person in the company.

Article 602-a

(1) A misdemeanour sanction prohibition for performing an activity for a period of one to three years counting from the
day the decision becomes final, shall be imposed on a limited liability company for a misdemeanour referred to in Article
602 paragraph 1 items 1, 2, 3, 4, 7, 13 and 14 of this Law.

(2) A misdemeanour sanction ban on performing an activity for a period of six months to one year counting from the day
the decision becomes effective shall be pronounced to the responsible person of the company for misdemeanour referred to
in Article 602 paragraph (1) items 1, 2, 3, 4, 7, 13 and 14 of this Law.

Article 605-c
(1) A fine in the amount of Euro 2,500 to 5,000 in MKD counter value shall be imposed on the joint stock company that has realized a transaction with an interested party before receiving an opinion from a certified auditor for the same, contrary to the provisions of Article 460-a paragraph (3) of this Law. The Securities and Exchange Commission may file a request for initiation of a misdemeanor procedure for the misdemeanor referred to in this Article.”

Relevant provisions of the Criminal Code:
“Chapter six-a
SENTENCING A LEGAL ENTITY
Main sentence
Article 96-a
(1) A fine shall be imposed as main sentence for crimes of legal entities.
(2) The fine shall be imposed in an amount that cannot be less than 100,000 MKD nor more than 30 million MKD.
(3) For crimes committed out of covetousness, as well as from crimes wherefore benefit is acquired or damage to greater extent is caused, a fine double the amount of the maximum of this fine can be imposed or in proportion with the amount of the caused damage, i.e. acquired benefit, but at most up to ten times their amount.

Secondary sentences
Article 96-b
Under the conditions determined by this Code, the court, as soon as it assesses that the legal entity has abused its activity and that there is risk for it to repeat the crime in the future, it can impose one or more of the following secondary sentences:
1) prohibition to obtain a permit, license, concession, authorization or other right determined by separate law;
2) prohibition to participate in procedure for open calls, awarding public procurement agreements and agreements for public and private partnership;
3) prohibition to founding new legal entities;
4) prohibition to use subventions and other favourable loans;
5) prohibition to use the funds from the Budget of the Republic of Macedonia for financing political parties;
6) revoking of a permit, license, concession, authorization or other right determined by separate law;
7) temporary prohibition to perform certain activity;
8) permanent prohibition to perform certain activity and
9) termination of the legal entity.

Conditions for imposing secondary sentences
Article 96-c
(1) If it assesses that imposing of one or more secondary sentences corresponds to the gravity of the committed crime and by that the legal entity will be prevented to commit such crimes in the future, the court can impose the sentences referred to in Article 96-b items 1 through 5 of this Code, in addition to the fine.
(2) The court shall determine the duration of the sentences referred to in paragraph (1) of this Article which cannot be shorter than one, or longer than five years.
(3) If the circumstances of the crime results in abuse of the given permit, license, concession, authorization or other right for its commission, the court shall impose revoking of the permit, license, concession, authorization or other right determined with separate law in addition to the fine.
(4) If during the performance of the activity of the legal entity, a crime has been committed wherefore a fine or imprisonment sentence up to three years has been prescribed for the natural person, and from the manner of committing the act comes a risk of repeated commission of such or similar act, the court shall impose temporary prohibition for performing certain activity in duration of one to three years, in addition to the fine.
(5) If a crime wherefore an imprisonment sentence of at least three years is prescribed for the natural person, and from the manner of committing the act comes a risk of repeated commission of such or similar crime, the court shall impose permanent prohibition for performing certain activity from among the activities performed by the legal entity, in addition to the fine.
(6) The court shall impose the sentence referred to in paragraph (5) of this Article also when a crime is committed after previous legally valid verdict wherefore the legal entity has been imposed temporary prohibition for performing activity.
(7) If a crime has been committed wherefore an imprisonment sentence of minimum five years is imposed against the natural person, and from the manner of committing the act comes a risk of repeated commission of such or similar crime, the court shall impose a sentence termination of the legal entity, in addition to the fine.
(8) The court shall impose a sentence referred to in paragraph (7) of this Article also when a crime is committed after previous legally valid verdict wherefore the legal entity has been imposed permanent prohibition for performing certain activity.
(9) The sentence temporary or permanent prohibition to perform certain activity and termination of the legal entity cannot be imposed to a legal entity founded by law, as well as to a political party.
(10) Based on a legally valid verdict wherefore a sentence termination of the legal entity has been imposed, the court shall by a law initiate a procedure for dissolution of the legal entity in a period of 30 days as of the day of the legal validity of the verdict.
Abuse of a public call procedure, procedure for awarding public procurement agreement or public and private partnership

Article 275-c

(1) Whosoever knowingly violates the regulations on public call procedure, procedure for awarding public procurement agreement or public and private partnership, by submitting untrue documents, by dealing with other possible participants for the purpose of manipulating the procedure for awarding public procurement agreements, by not fulfilling the obligations from the agreement with the intent to manipulate it or in any other manner to intentionally violate the rights of such procedure, and thus obtains greater property benefit for himself or for another, or causes significant damage, shall be fined or sentenced to imprisonment of up to three years, unless the characteristics of other more grave crime are met.

(2) If the offender, by committing the crime referred to in paragraph (1) of this Article, has obtained for himself or for another significant property benefit or has caused significant damage, he shall be sentenced to imprisonment of at least four years.

(3) If the offender, by committing the crime referred to in paragraph (1) of this Article, has obtained for himself or for another property benefit, of greater extent or has caused damage of greater extent, he shall be sentenced with at least five years of imprisonment.

(4) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(5) The attempt of the crime from paragraph (1) of this Article is punishable.

(6) The court shall impose the offender, referred to in paragraphs (1), (2) and (3) of this Article, prohibition to perform profession, activity or duty, under the conditions from Article 38-b of this Code.

(7) Apart from the fine, the court shall impose the legal entity prohibition to participate in procedures for awarding public procurement agreements.

Abuse of authorization in the economy

Article 287

(1) A responsible person who with the intent to acquire unlawful property benefit for the legal entity where he works or for some other legal entity: creates or keeps non-allowed funds in the country or abroad or composes a document with false contents, with a false financial statement, evaluation or inventory, or with some other false presentation or by covering up facts shows untruthfully the situation and the flow of funds and the results from work, therefore misleading the management bodies in the legal entity when making decisions, shall be sentenced to imprisonment of one to five years.

(2) The sentence stipulated in paragraph 1 shall be imposed to the responsible person in the legal entity which has a contract for housing of the reserves, which uses the goods without authorization, or transfers them or changes their purpose or the warehouse, or in other way disposes the goods, contrary to the provisions of the contract.

(3) If a significant property benefit was acquired through the crime referred to in paragraph 1, the offender shall be sentenced to imprisonment of one to ten years.

Several web-applications are available to simplify and improve transparency of administrative procedures

E-concessions system of the Ministry of Economy provides quality, provides a high-quality, fast, transparent and unified way for granting concessions for detailed geological exploration and exploitation of mineral resources.

In this way, the procedures for granting concessions are enabled to run electronically in all its phases after the adoption of a Decision by the Government of the Republic of Macedonia for publishing a public call. Electronic collection of tender documentation, electronic preparation and submission of necessary documentation as well as participation in the electronic bidding of all involved entities. For each phase, participants are notified at the same time via an automated and independent email delivery system. (<http://e-koncesii.mk/Account/Login?ReturnUrl=%2f>)

http://www.exim.gov.mk/EILWeb/startPageForExim.jsf - one stop shop system for permits for import, export and transit of goods and tariff quotas - exim
e-cadastre services:
https://ossp.katastar.gov.mk/OSSP/
http://status.katastar.gov.mk/Login.jsp (track the status of the submission for a service
http://web01.katastar.gov.mk/prebmkzel/ (electronic view of cadastre parcels)
https://najava.fzo.org.mk/ - services of the health insurance fund
https://www.gradezna-dozvola.mk/Account/Login?ReturnUrl=%2f - e-construction permit
http://www.deloven-prostor.mk/ - electronic bidding for business space sales and lease
https://www.e-urbanizam.mk/najava.nspx - The system for electronic procedures for urban plans
aims to facilitate the process for adopting procedures for urban plans. Depending on the role in which the user is logged, there is an opportunity to review the opinions given for a given procedure by a selected external institution, as well as an overview of the process for making a strategic assessment.

http://etax.ujp.gov.mk/eTaxServices/ (e-tax services)
http://customs.gov.mk/index.php/mk/e-carina (e-customs services)
http://www.deloven-prostor.mk/ - electronic bidding for business space sales and lease
https://www.e-urbanizam.mk/najava.nspx - The system for electronic procedures for urban plans aims to facilitate the process for adopting procedures for urban plans. Depending on the role in which the user is logged, there is an opportunity to review the opinions given for a given procedure by a selected external institution, as well as an overview of the process for making a strategic assessment.

http://etax.ujp.gov.mk/eTaxServices/ (e-tax services)
http://customs.gov.mk/index.php/mk/e-carina (e-customs services)

Guidance: You may wish to refer to any relevant information provided on article 39 of the Convention in the previous self-assessment report.

In relation to paragraph 1, information sought may include:

- Standards and procedures designed to prevent corruption in the private sector, such as anti-corruption and corporate governance related laws, regulations, policies, procedures and guidance, internal controls, codes of conduct and corporate manuals;
- Accounting and auditing standards for the private sector which promote transparency, compliance, integrity in business transactions and the detection of misconduct;
- Civil, administrative and/or criminal penalties that may be imposed by the government against private sector entities for failure to comply with the measures outlined above. Such penalties may include the following:
  1. Financial penalties;
  2. Debarment;
  3. Suspension;
  4. Loss of privileges or preferred status;
  5. Suspension or revocation of professional accreditation for attorneys or accountants;
  6. Criminal prosecution of individuals and legal entities.

In relation to paragraph 2, information sought may include:

- Description of any measures aimed at promoting and encouraging cooperation between law enforcement agencies and relevant private entities, including the following:
  - Mechanisms for internal reporting of corruption and whistle-blower protection;
  - Legal or other incentives that encourage private entities to report instances of corruption to regulatory and/or law enforcement agencies;
  - Mechanisms and procedures used by law enforcement to strengthen cooperation with the private sector, including outreach, points of contact and confidential reporting lines;
- Description of measures aimed at promoting the development of standards and procedures designed to safeguard the integrity of private sector entities, including through the distribution of models, guidance, good practices and/or training on the
following:

- Codes of conduct for private entities in the performance of business activities, including for relevant professions (legal, medical, construction, etc.) and in the prevention of conflicts of interest; and
- Standards representing good business practices, both among businesses and in any contractual relations they may have with the State;

- Description of any measures aimed at promoting transparency among private entities, such as through public corporate registration requirements, including the identities of legal and natural person involved in the establishment and management of corporate entities; and requirements as to transparency of beneficial ownership of legal entities, including availability and accessibility of the beneficial ownership information by relevant competent authorities;
- Description of any measures aimed at providing public oversight of the use of subsidies by private entities and licenses granted by public authorities for commercial activities, including appropriate sanctions and penalties for their misuse;
- Description of any measures aimed at preventing conflicts of interest concerning former public officials in private entities, such as through the following:
  - Restrictions, for a reasonable period of time, on the professional activities of former public officials;
  - Restrictions, for a reasonable period of time, on the employment of former public officials by the private sector after resignation or retirement;
- Description of any requirements for private enterprises to establish internal auditing controls sufficient (based on their structure and size) to assist in preventing and detecting acts of corruption. Such measures may include the following:
  - Mandatory periodic disclosure to government audit or oversight bodies of financial statements of private enterprises;
  - Random and/or regular government audit and certification procedures for financial records of private enterprises;

Promulgation of standards for the establishment internal auditing controls in private enterprises, including recordkeeping, financial management reporting and compliance with applicable laws and regulations.

3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

  Initiatives for initiating a criminal prosecution proceedings, initiated in accordance with Article 49, paragraph 1, line 6 of the Law on Prevention of Corruption:
  
  1. Pursuant to Article 49, paragraph 1, line 6 of the Law on Prevention of Corruption, the Electoral Code of the Republic of Macedonia and the Law on financing political parties, the State Commission for Prevention of Corruption to the Basic Public Prosecutor's Office for Prosecuting Organized Crime and Corruption- Skopje and the Public Prosecutor of the Republic of Macedonia submitted an Initiative for the initiation of a proceedings for criminal prosecution of one (1) responsible person - manager with unlimited powers in the internal and external revenue of the legal entity – a private TV because there is reasonable doubt that on the occasion of the early parliamentary elections held in the Republic of Macedonia on 5 June 2011 in accordance with a Decision on the announcement of early elections for Members of the Assembly of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia" no. 55 of 15 April 2011) committed the crime of abuse of funds for financing the election campaign of Article 165 paragraph 2 and paragraph 3 of the Criminal Code of the Republic of Macedonia. The abovementioned person has committed the crime as a responsible person - manager and has abused its powers stipulated by law, by providing incomplete and false data on given donations and by providing illicit funds for the election campaign.77

2. Pursuant to Article 49, paragraph 1, line 6 of the Law on Prevention of Corruption, the Electoral Code of the Republic of Macedonia and the Law on financing political parties, the State Commission for Prevention of Corruption to the Basic Public Prosecutor's Office for Prosecuting Organized Crime and Corruption - Skopje and the Public Prosecutor of the Republic of Macedonia submitted an initiative for initiating a proceedings for criminal prosecution of one (1) responsible person - manager with unlimited powers in the internal and external revenue of a legal entity - private production, because there is reasonable doubt that on the occasion of the early parliamentary elections held in the Republic of Macedonia on 5 June 2011 in accordance with a Decision on the announcement of early elections for Members of the Assembly of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia " no. 55 of 15 April 2011 committed the crime of abuse of funds for financing the election campaign referred to in Article 165 paragraph 2 and paragraph 3 of the Criminal Code of the Republic of Macedonia, and the above mentioned person has committed the crime as a responsible person - manager, and has abused its powers stipulated by law, by providing incomplete and false data on given donations and by providing illicit funds for the election campaign. 78

3. Pursuant to Article 49, paragraph 1, line 6 of the Law on Prevention of Corruption, acting on cases formed in relation to the privatization of one (1) legal entity, the State Commission for Prevention of Corruption concluded before the Public Prosecutor's Office of the Republic of Macedonia and the Basic Public Prosecutor's Office for Prosecuting Organized Crime and Corruption - Skopje to submit: An initiative to initiate a proceedings for prosecution of - responsible parties - members of the management bodies of a legal entity in the period 2005-2012, as well as against that persons conducted works of public interest, officials and others because there is reasonable doubt that by abusing his official authority and by using his official position and authority in the process of transformation and privatization, in lease and sale of the capital of the legal person for himself or for another person, he obtained significant material gain at the expense of funds - the capital of the Republic of Macedonia in this trade company, with which he committed criminal acts Abuse of official position and authorization referred to in paragraphs 3, 4 and 5 of Article 353 and Reckless operation in the service referred to in paragraph 4 in conjunction with Paragraph 1 of Article 353 of the Criminal Code of the Republic of Macedonia. 79

4. Pursuant to Article 49, paragraph 1, item 6 of the Law on Prevention of Corruption, acting on a case formed on the basis of the final report by the authorized state auditor for the audit of financial statements together with a compliance audit of one (1) legal entity in state ownership in 2010 the State Commission for Prevention of Corruption concluded before the Basic Public Prosecutor's Office for Organized Crime and Corruption and the Public Prosecutor’s Office of the Republic of Macedonia to submit an initiative for the initiation of a procedure for criminal prosecution of officials - Chairman of the Board - General Director, members of the Management Board and Supervisory Board members, President and members of the Committees for public procurement that acted in the conducting of public procurement procedures for the legal entity during 2010 and other responsible - officials, employees of the same because there is reasonable doubt that during 2010 they have committed crimes Abuse of official position and authorization referred to in Article 353, paragraph 3 and paragraph 5 in connection with paragraph 1 of the same article and Reckless operation in the service referred to in Article 353 of the Criminal Code of the Republic of Macedonia, whereby in the management and disposition of company funds through the financial transactions carried out during the period audited, in management and in the supervision and implementation of public procurement procedures for the legal entity by exploiting their official position and powers they have caused significant damage to the legal person and to the Budget of the Republic Macedonia and created the opportunity to obtain for themselves or for another, a considerable profit. 80

In this case the initiative for initiating a criminal procedure is based on the conclusions and findings contained in the report of the State Audit Office that showed abuse and improper conduct, above all, privileging of economic operators, enabling proceeds of operators who do not meet the requirements or enabling operators proceeds without conducting public procurement procedures.

In fact, in 2010, contrary to the Public Procurement Law, the legal person – of the economic operator acting as a service provider, after the signing of three contracts that do not contain provisions for the provision of a bank guarantee by the economic operator in the amount of the approved advance, has paid advances that exceed the legally prescribed limit of 20% of the contract value, so that it paid advances in the amount of 32,561,000.00 MKD more than the legally permitted ones, that is:

- under contract „X„, from 10.03.2010, approved an advance in the amount of 13,000,000.00 MKD, which is 9,932,000.00 MKD more than the legally permitted 3,068,000.00 MKD;
- under contract „XX“ from 23.09.2010, approved an advance of 12,000,000.00 MKD, which is 8,596,000.00 MKD more than the legally permitted 3,404,000.00 MKD

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In the implementation of the procurement procedures, ie the realization of the concluded public procurement contracts, with a total amount of the purchases of 81,000,000.00 MKD, it was acted against the legal person a contrary to the provisions of the Public Procurement Act in different ways and on different grounds, namely: a procurement procedure was not conducted for the procurement of services insurance of passengers and insurance against accidents and a contract was concluded and payments were made on invoices in the total amount of 728,000.00 MKD, and at the end of 2010 a procurement procedure was conducted for insurance of passengers which refers to 2011; In an open public procurement procedure for 2010, contrary to the Public Procurement Act, a contract was selected as the most favourable and concluded, that is, a contract was realized in the amount of 944,000.00 MKD with a bidder whose document referring to the economic and financial capacity was expired. With this selection and implementation, instead of the offer from the bidder is deemed unacceptable because it fulfilled the requirements for the full capability of the bidder has been committed serious violation of the law, from the evaluation of the offer remain; in an open public procurement procedure for 2010, contrary to the Public Procurement Act, was selected as the best and was concluded, and that agreement was implemented, the amount of 2,000,000.00 MKD, the bidder who had submitted one of the mandatory documents determining the technical capability - a list of main deliveries in the last three years. With this selection and implementation of the procurement actions were contrary to the provisions of the Public Procurement Act under which the contracting authority shall select the winning bid if the bidder whose offer is the best meets the prescribed criteria for determining the ability, and in this particular case because of the absence of a mandatory documents was not possible to determine; in several procurement procedures - the procedures were carried out in some parts of procurement without tender documents to be defined the necessary amounts of goods that they had been given a single measure, and in so undefined conditions in parts of the supplies were contracts worth 8,153,000.00 MKD with twelve (12) economic operators from the private sector. and in this particular case because of the absence of one of the mandatory documents it was not possible to determine; in several procurement procedures - the procedures were carried out in some parts of procurement without tender documents to be defined the necessary amounts of goods that they had been given a single measure, and in so undefined conditions in parts of the supplies were contracts worth 8,153,000.00 MKD with twelve (12) economic operators from the private sector. and in this particular case because of the absence of one of the mandatory documents it was not possible to determine; in several procurement procedures - the procedures were carried out in some parts of procurement without tender documents to be defined the necessary amounts of goods that they had been given a single measure, and in so undefined conditions in parts of the supplies were contracts worth 8,153,000.00 MKD with twelve (12) economic operators from the private sector. and in this particular case because of the absence of one of the mandatory documents it was not possible to determine; in several procurement procedures - the procedures were carried out in some parts of procurement without tender documents to be defined the necessary amounts of goods that they had been given a single measure, and in so undefined conditions in parts of the supplies were contracts worth 8,153,000.00 MKD with twelve (12) economic operators from the private sector. and in this particular case because of the absence of one of the mandatory documents it was not possible to determine; in several procurement procedures - the procedures were carried out in some parts of procurement without tender documents to be defined the necessary amounts of goods that they had been given a single measure, and in so undefined conditions in parts of the supplies were contracts worth 8,153,000.00 MKD with twelve (12) economic operators from the private sector. and in this particular case because of the absence of one of the mandatory documents it was not possible to determine; in several procurement procedures - the procedures were carried out in some parts of procurement without tender documents to be defined the necessary amounts of goods that they had been given a single measure, and in so undefined conditions in parts of the supplies were contracts worth 8,153,000.00 MKD with twelve (12) economic operators from the private sector. and in this particular case because of the absence of one of the mandatory documents it was not possible to determine; in several procurement procedures - the procedures were carried out in some parts of procurement without tender documents to be defined the necessary amounts of goods that they had been given a single measure, and in so undefined conditions in parts of the supplies were contracts worth 8,153,000.00 MKD with twelve (12) economic operators from the private sector. and in this particular case because of the absence of one of the mandatory documents it was not possible to determine; in several procurement procedures - the procedures were carried out in some parts of procurement without tender documents to be defined the necessary amounts of goods that they had been given a single measure, and in so undefined conditions in parts of the supplies were contracts worth 8,153,000.00 MKD with twelve (12) economic operators from the private sector. and in this particular case because of the absence of one of the mandatory documents it was not possible to determine; in several procurement procedures - the procedures were carried out in some parts of procurement without tender documents to be defined the necessary amounts of goods that they had been given a single measure, and in so undefined conditions in parts of the supplies were contracts worth 8,153,000.00 MKD with twelve (12) economic operators from the private sector. and in this particular case because of the absence of one of the mand
In relation to paragraph 1, information sought may include:

- Internal or external reports regarding the adoption and implementation of guidelines in the private sector, procedures or policies to prevent corruption promulgated by the government;

- Internal or external reports or other efforts promoting the adoption and
implementation of risk-based, tailored guidelines, procedures or policies aimed at preventing corruption in the private sector;

- Statistics regarding the number of complaints received on corruption in the private sector, including types of corruption reported, number of follow-up investigations and their outcomes;

- Statistics and cases regarding the application of civil, administrative and/or criminal penalties against private sector entities or their managers or officers for corruption and violations of accounting and auditing standards.

**In relation to paragraph 2, information sought may include:**

- Cases and/or statistics regarding the cooperation between law enforcement agencies and relevant private entities, including cases referred by private entities to law enforcement of suspected acts of corruption;

- Statistics regarding the number of private entities adopting standards and procedures to safeguard integrity, including codes of conduct and the prevention of conflicts of interest;

- Statistics regarding the number of private entities registering with the State that disclose the identity of legal and natural persons involved in the establishment and management of the business;

- Information as to the availability and accessibility of beneficial ownership information of legal entities and legal arrangements in so far as they are used to conduct business or carry out transactions, or act as directors and/or shareholders of legal entities;

- Cases and/or statistics regarding sanctions or penalties imposed for the misuse of procedures for granted subsidies or licenses;

- Cases regarding the prohibition of former public officials from participating in professional activities or private sector employment based on a potential conflict of interest;

- Statistics regarding the number of private entities adopting internal auditing controls in compliance with standards set by the State;

- Cases and/or statistics on criminal fraud relating to the private sector.

**Article 12, paragraph 3**

3. In order to prevent corruption, each State Party shall take such measures as may be necessary, in accordance with its domestic laws and regulations regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards, to prohibit the following acts carried out for the purpose of committing any of the offences established in accordance with this Convention:

(a) The establishment of off-the-books accounts;

(b) The making of off-the-books or inadequately identified transactions;

(c) The recording of non-existent expenditure;

(d) The entry of liabilities with incorrect identification of their objects;

(e) The use of false documents; and
(f) The intentional destruction of bookkeeping documents earlier than foreseen by the law.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Relevant provisions are covered by the Company Law:

"Appointment certified auditor

Article 229

(1) A Shareholder, that is, the co-partners whose contributions together comprise at least one tenth of the basic capital, have the right to appoint a certified auditor to perform a special audit on the last annual account and the financial reports.

(2) If the company refuses to perform the audit referred to in paragraph (1) of this Article by the certified auditor, the court may, at the proposal of any shareholder of the company, appoint a certified auditor to perform a special audit.

SECTION 6-a

Internal Audit Service

Article 415-a

(1) The supervisory body of the joint stock company that is a major trader in accordance with the provisions of this Law, as well as the company whose shares are listed on a stock exchange, or a company that, according to the Securities Law, has special reporting obligations, is obliged to organize internal audit service as an independent organizational unit in the company.

Tenth PART

Misdemeanour Sanctions

Article 598

(1) Fine in the amount of 500 to 1,000 euros in MKD counter-value shall be imposed for a misdemeanour to a sole proprietor if:

1) registers more than one company (Article 14 paragraph (4));
2) the transfer of the firm to a third party is conducted contrary to the provisions of this Law (Article 16 paragraph (2)) and it does not register it in the Trade Registry (Article 16 paragraph (4));
3) does not report the termination of the work to the public revenue authority (Article 17 paragraph (1)) and does not submit an application for deleting the entry in the trade register (Article 18 paragraph (2));
4) start performing an activity before being registered in the trade register (Article 14 paragraph (1));
5) start performing the activity before receiving approval from the competent authority for the fulfilment of the prescribed conditions for performing the activity (Article 63 paragraph (1));
6) undertake legal affairs and activities outside the scope of work, registered in the trade register (Article 64 paragraph (1));
7) fails to keep or keep the trading books in proper manner (Articles 471 paragraph (1) and 472 paragraph (3));
8) does not keep the trade and other documents in an appropriate and proper manner (Article 474) and
9) does not compile, publish or submit annual accounts (Articles 476 paragraph (1) and 477 paragraphs (1), (4) and (5)).

Article 598-a

Misdemeanour sanction Prohibition of performing activity for one to three years, counting from the day the decision becomes final, the sole proprietor will be pronounced for the misdemeanour referred to in Article 598 paragraph (1) items 5, 6, 7, 8 and 9 of this Law.

Article 599

(1) A fine in the amount of 1,500 to 3,000 euros in MKD counter-value shall be imposed for a misdemeanour to a trade company if:

1) commence business activity prior to enrolling in the trade register and before receiving an approval from a competent body for fulfilling the prescribed conditions for performing that activity, if it is determined by law (Article 63);
2) does not make the information available in accordance with Article 10 of this Law;
3) does not use the firm in its operations as it is registered in the trade register (Article 52, paragraph (1)) or uses the abbreviated name of the firm, and it is not registered in the trade register (Article 52 paragraph (3));
4) without the explicit consent of the exit partner or his successors, use the old firm (Article 53);
5) fails to report the change of the head office in the trade register (Article 61 paragraph (3)) and
6) does not compile, not publish and submit annual accounts, that is, consolidated annual accounts, financial statements and consolidated financial statements when they have an obligation to do so with this Law (Articles 476 paragraph (1), 477 paragraph (1), (4) and (6), 482 paragraphs (1) and (2), 504 and 506 of paragraphs (4) and (5));
7) does not pay dividend within the deadline determined in Article 487 paragraph (5) of this Law.

(2) A fine in the amount of Euro 500 to 1,000 in MKD counter-value shall be imposed for the misdemeanour referred to in paragraph (1) of this Article and the responsible person in the company.

Article 599-a

(1) Misdemeanour sanction Prohibition of performing activity for one to three years counting from the day the legality of the decision becomes effective, shall be imposed on the company for the misdemeanour referred to in Article 599 paragraph (1) items 1, 3, 5, 6 and 7 of this Law.
(2) A misdemeanour sanction prohibition of performing a duty for a period of one to three years, counting from the day the decision becomes effective, shall be imposed on the responsible person in the company for the misdemeanour referred to in Article 599 paragraph (1) items 1, 3, 5,

Article 601

(1) A fine in the amount of 1,500 to 3,000 euros in MKD counter-value shall be imposed for a misdemeanour of the limited liability company if:
1) the costs and rewards for participation in the establishment of the company are not paid out of the profit in accordance with Article 180 paragraph (3) of this Law;
2) does not register any change in the data, any accession and expulsion of a partner from the company, for registration in the Trade Registry with an application (Article 182 paragraph (4));
3) the property of the company, which is required for the maintenance of the basic capital, is paid to the co-owner (Article 192 paragraph (2));
4) does not keep a book of shares, in accordance with Article 195 paragraph (1) of this Law, ie it does not keep the book of shares diligently and accurately (Article 195 paragraph (2));
5) on the basis of a decision of the court, within three days from the day of receipt of the decision, fails to execute the decision and does not enter the entry in the share book (Article 196 paragraph (4));
6) fails to submit the audit report from certified auditors to the shareholders' meeting (Article 230, paragraph (3));
7) the management body is composed contrary to Article 231 of this Law;
8) do not prepare annual account, financial report and annual report on the operation of the company from the previous business year or if they are prepared and not submitted at the meeting of the partners or the assembly within the deadlines stipulated by this Law (Article 240, paragraph 2);
9) the supervisory board or the controller is composed contrary to Article 246 of this Law;
10) mentions in its business announcements and regulations the increase in the basic capital before the announcement of the decision in the trade register (Article 257, paragraph (4));
11) make payment of the partners on the basis of reduction of the basic capital before the entry of the amendments to the contract for the company in the trade register (Article 264 paragraph (1));
12) fails to register for the registration in the trade register termination of the company (Article 269 paragraph (1)) and
13) fails to file an application for entry in the trade register of the transformation of the company from one form to another (Article 514, paragraph (1));
(2) A fine in the amount of EUR 1,000 in MKD counter-value shall be imposed for the misdemeanour referred to in paragraph (1) of this Article to the responsible person in the company.

Article 601-a

(1) Misdemeanour sanction Prohibition of performing activity for one to three years counting from the day the decision becomes effective, shall be imposed on a limited liability company for a misdemeanour referred to in Article 601 paragraph (1) items 2, 6, 8 and 12 of this Law.
(2) Misdemeanour sanction Prohibition of performing activity for one to three years counting from the day the decision becomes effective, shall be imposed on the responsible person in the company for misdemeanour referred to in Article 601 paragraph (1) items 2, 6, 8 and 12 of this Law 6 and 7 of this Law.

Article 602

(1) A fine in the amount of 1,500 to 3,000 euros in MKD counter-value shall be imposed for a misdemeanour of a joint stock company if:
1) before the registration of the incorporation of the company in the trade register issued shares (Article 302 paragraph (1));
2) fails to keep the acts and documents in the company's headquarters, provided for in Article 319 of this Law;
3) deprives the shareholders of the right to information (Article 320);
4) promise or pay interest to the shareholders (Article 328 paragraph (2));
5) the notification on the redemption of the shares is not published in the "Official Gazette of the Republic of Macedonia" (Article 339 paragraph (5));
6) it does not declare the decision of the assembly for election of a board of directors or a supervisory board for registration in the trade register (Article 344 paragraph (5));
7) it fails to perform the obligation in the event of loss, reimbursement or incapacity for payment in accordance with Article 354, paragraph 4 of this Law;
8) does not submit an application for entry in the trade register of recalled or elected members of the board of directors or supervisory board (Article 363 paragraph (5));
9) the management board did not submit an application for entry in the trade register of members of the management board authorized to represent the company (Article 377 paragraph (3));
10) the managing body does not submit to the court the final decision for registration in the trade register (Article 415 paragraph (1));
11) fails to report the increase in the basic capital due to the entry in the trade register (Articles 433 paragraph (1), 435 paragraph (2), 438 paragraphs (1) and (2) and 441 paragraph (1));
12) fails to report the decision for reduction of the basic capital and the reduction of the basic capital for entry in the trade register (Article 444 paragraph (1) and 451 paragraph (1));
13) fails to file an application for the entry in the trade register of the decision for termination of the company (Article 453, paragraph (1)); and
14) failed to file an application for entry in the trade register of the transformation of the company from one form to another (Article 514 paragraph (1)).

(2) A fine in the amount of EUR 1,000 in MKD counter-value shall be imposed for the offense referred to in paragraph (1) of this Article and the responsible person in the company.

Article 602-a
(1) A misdemeanour sanction prohibition for performing an activity for a period of one to three years counting from the day the decision becomes final, shall be imposed on a limited liability company for a misdemeanour referred to in Article 602 paragraph 1 items 1, 2, 3, 4, 7, 13 and 14 of this Law.
(2) A misdemeanour sanction ban on performing an activity for a period of six months to one year counting from the day the decision becomes effective shall be pronounced to the responsible person of the company for misdemeanour referred to in Article 602 paragraph (1) items 1, 2, 3, 4, 7, 13 and 14 of this Law.

Article 605-c
(1) A fine in the amount of Euro 2,500 to 5,000 in MKD counter value shall be imposed on the joint stock company that has realized a transaction with an interested party before receiving an opinion from a certified auditor for the same, contrary to the provisions of Article 460-a paragraph (3) of this Law.
The Securities and Exchange Commission may file a request for initiation of a misdemeanour procedure for the misdemeanour referred to in this Article.”

Also relevant provisions are stipulated by the Criminal Code:

“Chapter six-a
SENTENCING A LEGAL ENTITY
Main sentence
Article 96-a
(1) A fine shall be imposed as main sentence for crimes of legal entities.
(2) The fine shall be imposed in an amount that cannot be less than 100,000 MKD nor more than 30 million MKD.
(3) For crimes committed out of covetousness, as well as from crimes wherefor benefit is acquired or damage to greater extent is caused, a fine double the amount of the maximum of this fine can be imposed or in proportion with the amount of the caused damage, i.e. acquired benefit, but at most up to ten times their amount.

Secondary sentences
Article 96-b
Under the conditions determined by this Code, the court, as soon as it assesses that the legal entity has abused its activity and that there is risk for it to repeat the crime in the future, it can impose one or more of the following secondary sentences:
1) prohibition to obtain a permit, license, concession, authorization or other right determined by separate law;
2) prohibition to participate in procedure for open calls, awarding public procurement agreements and agreements for public and private partnership;
3) prohibition to founding new legal entities;
4) prohibition to use subventions and other favourable loans;
5) prohibition to use the funds from the Budget of the Republic of Macedonia for financing political parties;
6) revoking of a permit, license, concession, authorization or other right determined by separate law;
7) temporary prohibition to perform certain activity;
8) permanent prohibition to perform certain activity and
9) termination of the legal entity.
Conditions for imposing secondary sentences
Article 96-c
(1) If it assesses that imposing of one or more secondary sentences corresponds to the gravity of the committed crime and by that the legal entity will be prevented to commit such crimes in the future, the court can impose the sentences referred to in Article 96-b items 1 through 5 of this Code, in addition to the fine.
(2) The court shall determine the duration of the sentences referred to in paragraph (1) of this Article which cannot be shorter than one, or longer than five years.

(3) If the circumstances of the crime results in abuse of the given permit, license, concession, authorization or other right for its commission, the court shall impose revoking of the permit, license, concession, authorization or other right determined with separate law in addition to the fine.

(4) If during the performance of the activity of the legal entity, a crime has been committed wherefore a fine or imprisonment sentence up to three years has been prescribed for the natural person, and from the manner of committing the act comes a risk of repeated commission of such or similar act, the court shall impose temporary prohibition for performing certain activity in duration of one to three years, in addition to the fine.

(5) If a crime wherefore an imprisonment sentence of at least three years is prescribed for the natural person, and from the manner of committing the act comes a risk of repeated commission of such or similar crime, the court shall impose permanent prohibition for performing certain activity from among the activities performed by the legal entity, in addition to the fine.

(6) The court shall impose the sentence referred to in paragraph (5) of this Article also when a crime is committed after previous legally valid verdict wherefore the legal entity has been imposed temporary prohibition for performing activity.

(7) If a crime has been committed wherefore an imprisonment sentence of minimum five years is imposed against the natural person, and from the manner of committing the act comes a risk of repeated commission of such or similar crime, the court shall impose a sentence termination of the legal entity, in addition to the fine.

(8) The court shall impose a sentence referred to in paragraph (7) of this Article also when a crime is committed after previous legally valid verdict wherefore the legal entity has been imposed permanent prohibition for performing certain activity.

(9) The sentence temporary or permanent prohibition to perform certain activity and termination of the legal entity cannot be imposed to a legal entity founded by law, as well as to a political party.

(10) Based on a legally valid verdict wherefore a sentence termination of the legal entity has been imposed, the court shall by a law initiate a procedure for dissolution of the legal entity in a period of 30 days as of the day of the legal validity of the verdict.

**Tax evasion**

*Article 279*

(1) Whosoever with the intent, for himself or for another, to avoid the complete or partial payment of tax, contribution, or some other fee, which he is bound to by law, gives false information about his revenues, or the revenues of the legal entity, objects or other facts of influence on the determination of the amount of this type of obligations, or whosoever with the same intent in case of mandatory application does not report the income, that is an object or some other fact of influence for determination of such obligations, and the amount of the obligation is of greater value, shall be sentenced to imprisonment of six months to five years and shall be fined.

(2) If the amount of the obligation referred to in paragraph 1 is significant, the offender shall be sentenced to imprisonment of at least four years and shall be fined.

(3) If the crime stipulated in paragraph 1 is performed by a legal entity, it shall be fined.

**Counterfeiting or destructing of business books**

*Article 280*

(1) Whosoever enters false data or does not enter some important data in a business document, trade book, financial report, book or paper, which he is obliged to maintain based on a law or some other regulation, or who with his signature or stamp verifies a business document, book or paper with false contents, or who with his signature or stamp makes it possible to prepare a document, book or paper with false contents, shall be fined or sentenced to imprisonment of up to three years.

(2) The sentence referred to in paragraph 1 shall also be imposed to whosoever uses a false business document, trade book, financial report, book or paper as if it were real, or whosoever destroys, covers up, damages or in some other way makes unusable a business document, book or paper.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

**Customs fraud**

*Article 278-a*

(1) Whosoever with the intent for himself personally or for another to avoid complete or partial payment of fees and taxes paid at import or export being bound to by law, gives the customs body false data on goods and other facts that influence the calculation for payment or return of the fees and taxes, or does not fulfil an obligation according to a law that has influence on the calculation of the fees and taxes paid during import or export or in other way misleads the customs body, and the amount of the fees and taxes paid during import and export is of greater value, shall be sentenced to imprisonment of six months to three years and shall be fined.

(2) If the amount of the duties and taxes paid at import or export are of significant value, the offender shall be sentenced to imprisonment of one to ten years.

(4) The attempt of the crime stipulated in paragraph (1) is punishable.

(5) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

Covering of goods that are subject to smuggling and customs fraud
Article 278-b

(1) Whosoever buys, sells, disseminates, receives as a gift, hides, receives for keeping, uses or accepts storing goods with greater value on any basis and for which he knows or was obliged to know that are subject to the crime stipulated in Article 278 and Article 278-a, shall be fined or sentenced to imprisonment of up to three years.

(2) The attempt of the crime stipulated in paragraph 1 is punishable.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

Fraud in receiving credit or some other benefit

Article 249

(1) Whosoever with the intent to obtain credit, investment funds, subvention or other benefit for himself or for another to perform an activity as creditor, or who provides the competent person for approving such benefit with untruthful or incomplete data regarding the property state or other data relevant for approving credit or other benefit, shall be fined or sentenced to imprisonment of up to three years.

(2) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

Fraud to the detriment of the European Community funds

Article 249-a

(1) Whosoever by using or showing false, incorrect and incomplete statements or documents, or by omitting to give data, unlawfully adopts, keeps or causes damage to the European Community funds, to the funds managed by the European Community or to funds managed on its behalf, shall be sentenced to imprisonment of six months to five years.

(2) The sentence referred to in paragraph (1) of this Article shall be imposed to whosoever uses the funds from paragraph (1) of this Article against the approved purpose.

(3) The sentence referred to in paragraph (1) of this Article shall be imposed to whosoever uses or shows false, incorrect and incomplete statements or documents, or by omitting to give data, unlawfully decreases the funds of the European Community, the funds managed by the European Community or the funds managed on its behalf.

(4) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

Insurance fraud

Article 250

(1) Whosoever, with the intention of collecting insurance from an insurance company, destroys or damages an insured object, shall be fined or sentenced to imprisonment of up to three years.

(2) The sentence referred to in paragraph 1 shall also be imposed to a person who, with the intent to collect insurance from the insurance company for bodily damage, bodily injury or damage to the health, causes such a damage, body injury or damage to the health.

(3) Prosecution shall be undertaken upon a proposal.

(4) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

Money laundering and other income from crimes

Article 273

(1) Whosoever brings into circulation or trade, receives, takes over, exchanges or changes money or other property being obtained through a punishable crime or whosoever is aware it has been obtained through a crime, or whosoever by conversion, exchange, transfer or in any other manner covers up their origin from such source or its location, movement or ownership, shall be sentenced to imprisonment of one to ten years.

(2) The sentence stipulated in paragraph (1) of this Article shall be imposed to whosoever holds or uses property of object being aware to have been obtained by commission of a punishable crime or by forging documents, by not reporting facts or to whosoever in any other manner covers up their origin from such source, or covers up their location, movement and ownership.

(3) If the crime stipulated in paragraphs 1 and 2 is performed in banking, financial or other type of business activity or if he, by splitting of the transaction, avoids the obligation for reporting in the cases determined by law, the offender shall be sentenced to imprisonment of at least three years.

(4) Whosoever performs the crime stipulated in paragraphs 1, 2 and 3, yet he was obligated and in position to know that the money, the property and the other incomes from a punishable act were obtained through a crime, shall be fined or sentenced to imprisonment of up to three years.

(5) Whosoever commits the crime stipulated in paragraphs 1, 2 and 3 as a member of a group or other association that is dealing with money laundering, illegal obtaining of property or other incomes from a punishable act, or with the assistance of foreign banks, financial institutions or persons, shall be sentenced to imprisonment of at least five years.

(6) Official person, responsible person in a bank, insurance company, company for organization of games of chance, exchange office, stock exchange or other financial institution, attorney-at-law, except when in role of an attorney, notary or other person performing public authorizations or activities of public interest, who shall enable or allow transaction or business relation against his legal obligation or who shall perform transaction against a prohibition pronounced by a competent body or a temporary measure appointed in court or who shall fail to report laundering money, property or property benefit, for which he became aware during the performance of his function or duty, shall be sentenced to imprisonment of at least five years.
(7) Official person, responsible person in a bank or other financial institution, or a person performing activities of public interest, who according to law is an authorized entity for applying measures and activities for prevention of money laundering and other incomes from a punishable act, who shall without authorization reveal to a client or to an uninvited person data referring to the procedure for examining suspicious transactions or to applying other measures and activities for prevention of money laundering, shall be sentenced to imprisonment of three months to five years.

(8) If the crime is committed out of covetousness or for the purpose of using data abroad, the offender shall be sentenced to at least one year imprisonment.

(9) If the crime referred to in paragraph (7) of this Article is committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to three years.

(10) If there are factual or legal obstacles for confirming a previously punishable act and prosecuting its offender, the existence of such act shall be confirmed based on the factual circumstances of the case and the existence of well-founded suspicion that the property has been obtained through such crime.

(11) The awareness of the offender, i.e. the duty and possibility to know that the property has been obtained through a punishable act can be confirmed based on the objective factual circumstances of the case.

(12) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(13) The income from a punishable crime shall be seized, and if seizing it from the offender is not possible, other property corresponding to its value shall be seized."

**Guidance:** You may wish to refer to any relevant information provided on other parts of this article and article 9 of the Convention in the present self-assessment report.

Information may, in particular, include the following:

- Rules, regulations and procedures for private entities regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards. In describing these measures, please make reference to those that aim to prohibit the following acts:
  - The establishment of off-the-books accounts;
  - The making of off-the-books or inadequately identified transactions;
  - The recording of non-existent expenditure;
  - The entry of liabilities with incorrect identification of their objects;
  - The use of false documents;
  - The intentional destruction of bookkeeping documents earlier than foreseen by the law.

- Description of possible sanctions or penalties the government may impose on private entities for failure to comply with such rules, regulations and procedures.

3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

**Guidance:** You may wish to refer to information provided in relation to other parts of this article and article 9. Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:

- Studies and/or statistics on levels of compliance by private entities with rules, regulations and procedures established by the State;
- Examples of measures implemented by private entities to prohibit the acts listed above;
- Cases and/or statistics regarding the imposition of sanctions or penalties the government has imposed on private entities for failure to comply with relevant rules, regulations and procedures, including any remedial action that was taken.
Article 12, paragraph 4

4. Each State Party shall disallow the tax deductibility of expenses that constitute bribes, the latter being one of the constituent elements of the offences established in accordance with articles 15 and 16 of this Convention and, where appropriate, other expenses incurred in furtherance of corrupt conduct.

2. Is your country in compliance with this provision?

Yes.

3. Please describe (cite and summarize) the measures/ steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Material tax regulations do not allow tax deductibility of expenses that constitute bribes. Provisions of material laws regulating tax deductibility will be provided in Annex. Bribery is incriminated and in accordance with Article 97, paragraph (1) of the Criminal Code, no one may retain the indirect or direct property benefit obtained through a crime.

Guidance: Information sought may include:

- Description of the legislation or other requirements that disallow the tax deductibility of expenses that constitute bribes, consistent with articles 15 and 16 of the Convention;
- Description of the legislation or other requirements that disallow the tax deductibility of expenses incurred in furtherance of corrupt conduct.

3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision. Information sought may, in particular, include statistics and/or cases where tax deductibility was denied by the tax authorities based on the expenses constituting a bribe or otherwise in furtherance of corrupt conduct.

Technical assistance

1. Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Guidance: Required actions could include the passing of a law and a time frame to do this. Related challenges could include inter-agency coordination, specificities in the legal system, competing priorities, limited capacity (e.g. technological, institutional, other), limited resources for implementation (e.g. human, financial, other), lack of a policy framework, and limited expertise and skills. In describing these issues, please be as specific as possible.

2. Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

No assistance would be required
Guidance: Please tick this box if you do not require any technical assistance in the implementation of the article under review.

**Legislative assistance: Please describe the type of assistance**

*Guidance:* The forms of legislative assistance should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of legislative assistance might include e.g. model arrangements and agreements, legal drafting and/or advisory support.

**Institution-building: Please describe the type of assistance**

*Guidance:* The forms of institution-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article, including domestic coordination issues. Specific forms of assistance in the area of institution-building might include e.g. summary of good practices and lessons learned, model arrangements and agreements, on-site assistance by a relevant expert and/or mentoring, as well as the development of an action plan for implementation.

**Policymaking: Please describe the type of assistance**

*Guidance:* The forms of policymaking should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of policymaking might include e.g. summary of good practices and lessons learned, sensitization of decision-making bodies, on-site assistance by a relevant expert and/or mentoring.

**Capacity-building: Please describe the type of assistance**

*Guidance:* The forms of capacity-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of capacity-building might include e.g. case-related assistance, on-site assistance by a relevant expert and/or mentoring, strengthening the operational and/or institutional capacities of relevant authorities through training and online learning, development of an action plan for implementation.

**Research/data-gathering and analysis: Please describe the type of assistance**

*Guidance:* The forms of research, data-gathering and analysis should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of research, data-gathering and analysis might include e.g. expert advice on data-gathering and storage systems, statistical advice or sample studies.
Facilitation of international cooperation with other countries: Please describe the type of assistance

Guidance: The forms of facilitation of international cooperation with other countries should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of facilitation of international cooperation might include e.g. case-related assistance, model legislation or model treaties.

Others: Please specify

3. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

Guidance: If you are receiving or have received such assistance, please provide details, including on the assistance provider, description of core objectives, duration, budget, results and impact. Please include information on technical assistance being provided in the most generic way so as to also capture projects that do not directly fit into the anti-corruption category but that address aspects relevant for the implementation of the Convention against Corruption. Please also indicate whether the extension and/or expansion of such assistance would help your country to adopt the measure(s) described in the article under review.

Article 13 – Participation of society

Article 13, paragraph 1

1. Each State Party shall take appropriate measures, within its means and in accordance with the fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:

(a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes;
(b) Ensuring that the public has effective access to information;
(c) Undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula;
(d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption. That freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:
   (i) For respect of the rights or reputations of others;
   (ii) For the protection of national security or ordre public or of public health or morals.

1. Is your country in compliance with this provision?

Yes.
2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

(a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes;

Sovereignty in the Republic of Macedonia derives from the citizens and belongs to the citizens. The citizens of the Republic of Macedonia exercise their authority through democratically elected Representatives, through referendum and through other forms of direct expression (Article 2 of the Constitution of the Republic of Macedonia).

The Law on Referendum and other forms of direct expression of the citizens regulates the manner and procedure on the announcing and conducting referendum, initiating civil initiative, calling for and holding a meeting of citizens, as well as other issues related to the direct expression of the citizens.

Public consultation on regulatory measures is mandatory and is conducted in accordance with the Rules of Procedure of the Government, the Rules of Procedure of the Assembly of the Republic of Macedonia and the Regulatory Impact Assessment Methodology, as well as Codex on good practices for participation of the Civil Sector in the process of policy making (MK).

Public consultations are conducted on development of strategies and policies, such as the State Programme for Prevention and Repression of Corruption and Prevention and Reduction of Conflict of Interest, reform strategies (such as Strategy on Judicial Reforms, Strategy on Public Administration reform etc.), as well as on development of the governmental policies. Within the General Secretariat of the Government of the Republic of Macedonia, an organizational unit is established specially dedicated to cooperation with NGOs. (Unit for cooperation with NGOs: http://www.nvosorabotka.gov.mk/)

Proposals for new or amendments to governmental polices by CSOs are published online (as originally submitted) at http://www.nvosorabotka.gov.mk/?q=node/77

Council do cooperation between the Government the Civil Sector is established, pursuant to the Decision establishing the Council for cooperation between the Government of the Republic of Macedonia and the Civil Sector

The Government has adopted a Strategy for cooperation of the Government with the Civil Society 2012-2017 (EN)

Relevant codices and guidelines are adopted:

Codex on good practices for participation of the Civil Sector in the process of policy making (MK)
Codex on good practices for financial support of associations of citizens and foundations (MK)
Manual for stake-holders - Consultations in the process of policy making of the Government of the Republic of Macedonia (MK)

Information on Project E-citizens' measures and activities can be found here.

Links to relevant citizens discussion and information portals:
e-democracy (MK)
services info. (MK)
SNERR portal (MK)

Brochure Regulations Governing Regulatory Impact Assessment (EN) is published (please note that pursuant to resent amendments to the Rules of Procedures of the Government, in order to obtain the views, suggestions and positions from all parties concerned, ministries shall publish the draft report and the draft text of the proposed legislation on the Single National Electronic Register of Regulations (SNERR), within 20 days (extended from previously 10 days) prior to the submission of the report to the Ministry of Information Society and Administration. Upon receipt of the view by the Ministry of Information Society and Administration, the reporting ministry shall prepare a proposal report signed by the respective minister thus guaranteeing the accuracy and the quality of the implemented RIA. Together with the proposed legislation, the ministry shall submit the proposal RIA report and other papers to the General Secretariat of the Government of the Republic of Macedonia.)

(b) Ensuring that the public has effective access to information;

Constitutional guaranties are established, as follows:

"Article 16 of the Constitution of the Republic of Macedonia

The freedom of personal conviction, conscience, thought and public expression of thought is guaranteed.

The freedom of speech, public address, public information and the establishment of institutions for public information is guaranteed.

Free access to information and the freedom of reception and transmission of information are guaranteed.

The right of reply via the mass media is guaranteed.

The right to a correction in the mass media is guaranteed.

The right to protect a source of information in the mass media is guaranteed.

Censorship is prohibited."

Legal guarantees for access to public information are in place.

Any legal entity or individual without discrimination on any ground (gender, racial, religious, national, sexual orientation or political opinion) may file a Request for access to public information. Macedonian law also allows this right to foreign legal and natural persons. The request shall be submitted on a form determined by the Commission for Protection of the
Right to Free Access to Public Information (available at www.komspi.mk). A request may be submitted on a blank sheet of paper, but the applicant is obliged to state that it is a Request on the basis of the Law on Free Access to Public Information. Such Request shall include the name of the information holder, name and surname of the applicant, the firm or legal entity, data on a possible representative / proxy, the information with which he / she wishes to become acquainted, the way in which he / she wishes to receive the information. The address should also include the address, tel. Contact, or email to the information requester. The applicant has the right to submit an oral request.

Relevant information (standard forms for a request for access to public information and appeal, the regulations, brochures, lists of public information holders with contact information of the designated officials for information mediation) is published on the web-page of the Commission for Protection of the Right to Free Access to Public Information.

If the submitter of a written request for access to information of public character considers that the holder acted contrary to the Law, he can lodge an appeal to the Commission for Protection of the Right to Free Access to Public Information. The submitter has the right to file an appeal against a decision by which the holder completely or partially refused the request; if the information holder within 30 or 40 days in cases when the deadline has been extended, or within 10 days at the repeated request, did not enable the submitter to access the information and if he did not deliver and did not provide the applicant with a complete solution or partial denial of access (silence of administration). An appeal may also be filed against the conclusion of the holder for termination of the procedure (when the holder finds that he does not have the requested information); as well as against the decision to reject the request. The appeal is submitted directly to the Commission, but it can also be submitted through the information holder.

The independent Commission for Protection of the Right to Free Access to Public Information (the Commission) supervises implementation of the right to access public information, and its 2016 annual report shows a sharp increase in requests for public information from information holders (7,365 requests, 50% more than in 2015); at the same time, granting access has risen from 93% to 98%. According to the 2017 Balkan Barometer survey, 47% of citizens and 60% of businesses are satisfied with the timeliness of responses to public information requests, while 50% of citizens and 60% of businesses are satisfied with the pertinence and completeness of the information. The figures for citizen satisfaction are close to the average for Western Balkan countries, while those for business satisfaction are high for the region. The Law on Free Access to Information of Public Character (LFAI) specifies ways of realising this right and the responsibility of state organs to give or offer public information to interested parties. Public information is defined broadly in the LFAI, and entities classified as “public information holders” include not only public bodies but private bodies that perform public functions. Each public information holder is required to designate an official for information mediation to facilitate the process of requesting public information. Applicants do not need to provide a reason for seeking public information, and the information must be disclosed in the requested format. There are no monetary barriers to accessing information, as it is generally supposed to be provided free of charge. However, if fulfilling the request requires additional work or expense on the part of the government body, fees will be calculated to take this into account. Overall, the 2017 Balkan Barometer survey indicates that 43% of citizens and 49% of businesses agree that public information is provided at a reasonable cost. The Commission for Protection of the Right to Free Access of Public Information (the Commission) plays a major role in protecting the right to public information access: it has the authority to review decisions of information holders and acts as the internal administrative appellate board. If a party to the review is not satisfied with the Commission’s judgement, the case may go to the administrative court for judicial review. It is also responsible for organising and providing training for civil servants in the field of public information access, and for promoting proactive disclosure of public information. The LFAI’s prescribes the scope of exceptions to the rule that information held by public bodies is public, example, access to information may be refused if it concerns “information related to commercial and other economic interests, including the interests of monetary and fiscal policies” or “information related to environment protection which is not available to the public due to human health and environmental protection”. Public information requests may also be rejected if they concern documents that are still under preparation – that may confuse the public.

The LFAI contains provisions that promote the publication of public information:

“Article 10
(1) The holder of information is obligated to inform the public about:
- the elementary contact information for the holder of information: name, address, telephone number, fax number, e-mail address and web page address;
- the procedure for submitting request for access to information;
- the provisions which concern the authorization of the holder of information, connected to the register of provisions published in the Official gazette;
- the proposal - programmes, programmes, strategies, positions, opinions, studies and other similar documents, which concern the authorization of the holder of information;
- all of the public announcements in the procedure for public procurements and the tender documentation as established by law;
- the information about its competencies established by law;
- the organization and the expenses of working, as well as of providing services to the citizens in the administrative procedure and about their activities;
- the issuing of information bulletins and other forms of informing and
- web-page where decisions, acts and measures that have an effect on the life and work of the citizens are published, and other information that emerge from the competencies and the work of the holder of information.
Every holder of information is obligated to enable a cost-free access to information from paragraph 1.

As means of informing the public about its work, information holders need to:
- publish the laws and by-laws on the official website of the institution,
- issue press releases to the public about the activities undertaken by them in accordance with the legal competences,
- publish statistical data on their work,
- publish the reports on the work they submit to the authorities competent for the implementation of control and supervision; and
- otherwise envisaged by law to make available all public information.”

The LFAI prescribes imposing fines for violation of article 10 paragraph 2 and for violation of article 11. In line with the Macedonian Open Government Partnership Action Plan the Commission issued a recommendation and published guidelines for pro-active approach of the institutions in provision of public information.

To improve transparency and standards in the publication of information by the ministries, the Government obliged all ministries and agencies reporting to the Government to publish and regularly update information under listed specific categories.

Electronic submission of a request for access to public information is possible via this electronic portal (Imam Pravo da znam/I have a right to know): http://www.slobodenpristap.mk/

All holders of public information are legally obliged to publish a list of public information, the form of the request and the contact information of the designated person to communicate the requested information.

The Law on the Use of Public Sector Data supports the provision of datasets to the public, has resulted in 154 datasets being provided by 27 institutions that can be downloaded from the Ministry of Information Society and Administration operated central webpage. http://www.otvorenipodatoci.gov.mk/Templates/Pages/BoxPage.aspx?page=51

The State Programmes 2016-2019 adopted by SCPC envisage activities directed to improvement of the access to public information. Analyses of the current system is ongoing and drafting amendment to the LFAI is planned to further align the Law with international standards in terms of scope of exceptions and the competencies of the Commission.

Relevant incriminations (provisions of the Criminal Code):

“Prevention of access to a public information system

Article 149-a

(1) Whosoever without authorization prevents or limit another’s access to a public information system shall be fined or sentenced to imprisonment of up to one year.

(2) If the crime stipulated in paragraph 1 is committed by an official person while performing the duty or a responsible person within a public information system, this person shall be fined or sentenced to imprisonment from three months to three years.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(4) The prosecution shall be undertaken on the basis of a private lawsuit.”

(c) Undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula;

Project "Anti-corruption education of the pupils"

SCP in cooperation with the Center for Civil Communications and Financial Support of the Royal Norwegian Embassy in Macedonia since the beginning of 2012 started the implementation of the project "Anti-corruption education of the pupils." Based on the project goals and the secured positive expert opinion from the Bureau for Development of Education, the Ministry of Education and Sciences supported and gave consent to the implementation of the project. The project aimed to develop an anti-corruption program for the education of pupils and to affirm the need to introduce these programs into regular classes in education.

After the successful implementation of the project, first in 6 elementary schools, then in the whole country in and outside of the school curriculum for the subject Civic Education a report entitled "Policy paper" has been prepared and submitted to the Ministry of Education and Sciences with recommendations for the introduction of anti-corruption content, in all schools in the regular classes. The program of anti-corruption education of pupils and the Manual stemming from this project are published on the website of the SCPC.

Project "Anticorruption education of secondary school students"

The purpose of this project is to raise awareness of young people about corruption and to strengthen their knowledge of corruption, forms of corruption and tools for combating corruption and strengthening the knowledge about the importance of building personal and institutional integrity. The funding for the implementation of the project is ongoing.

https://www.dksk.mk/fileadmin/Antikorupciska_edukacija/Programa_za_antikorupciska_edukacija_na_ucenici_od_OU.pdf

The importance of the introduction of anti-corruption content in secondary education is recognized as a need in the State Programme for Prevention and Repression of corruption and prevention and reduction of conflict of interest 2016-2019, Area 4.4. Importance of the education in combating corruption, Activity: Implementation of a pilot project of anti-corruption education of students in secondary education as part of extracurricular activities.

The State Commission for Prevention of Corruption in January 2016 held a working meeting with representatives from the Ministry of Education and Sciences on the subject of establishing cooperation for implementation of the "anti-corruption education of secondary school students."84

On 24.02.2017, SCPC signed a Memorandum of Cooperation with University "Goce Delchev"-Shtip. The purpose of the Memorandum is to establish cooperation for providing practical training for students, planning and joint organization of scientific meetings, conducting public debates, workshops, conferences and campaigns to raise public awareness of corruption.

On 16.03.2017, SCPC signed a Memorandum on cooperation with the University "Ss. Kliment Ohridski"-Bitola, aimed at improving and expanding the cooperation with scientific and educational institutions in the country.

SCPC launched a procedure for signing Memorandum of Cooperation with the Faculty of Law "Iustinianus Primus"-Skopje.

A positive example of the efforts undertaken by Law faculties is creating a legal clinic for anti-corruption that will function as a modern and innovative program incorporated in the curriculum of the Law Faculty under the Higher Education Act and internal regulations. This project is supported by the OSCE Mission.

4 Macedonian representatives from academic society (3 professors, one of which is a resource person; and 1 PhD. candidate) are members of the ACAD initiative and actively participated in the related events held in Qatar, Tirana and Moscow. As a result, cooperation between universities of the Region increased in matters of finding solutions for awareness rising at universities.

Macedonian universities work initiatives for developing new courses or lecture contents related to International and National Anti-corruption policies and legal measures.

At the Faculty of Security - Skopje, the course "Corruption and organized crime" is a separate academic discipline. During 2015 and 2016 the Faculty adopted the initiatives for accreditation of new study programs and re-accreditations of old programs for the first and second cycle, so now the subject "Corruption and organized crime" is a compulsory course within three study programs of the first cycle and is envisaged as one of the elective course of all study programs of the second and third cycle of studies. A new study program in Criminology and Criminal Policy is proposed for accreditation within which the subject "Corruption and organized crime" is envisaged as a separate module within study programme. Additionally, a new textbook has been prepared and published on the theme "Systemic Corruption and Crime".

Within the State Programme with Action Plan 2011-2015, as a strategic anti-corruption document, a special focus was for the first time put on the problems and risk factors of corruption and conflict of interests in education and sports, which were separated as a special sector with direct and specifically targeted intervention measures and activities. The perceived risks of corruption and conflicts of interest in education and sports are generally expressed through the lack of a system of regular inspections that should be carried out by the competent institutions, insufficient transparency and influence in the employment and selection of teaching academic titles, and insufficient education and technical assistance; lack of system controls in the procedures of licensing and accreditation of providers of educational services and lack of a system of licenses in the field of sports; insufficient application and transparency standards for the preparation and the procedure for selection of textbooks; lack of transparency in the allocation of beds in dormitories; selling textbooks to students as a condition for taking the exam; insufficient public awareness of the need for involvement in the fight against corruption in education and sports and the absence of transparency in the financing of sports clubs and "purchase and sale" of athletes.85

Within the State Program with an Action Plan 2016-2019, the area "Meaning of education in the fight against corruption" was envisaged in order to strengthen the level of awareness of the need and opportunities for promoting good governance and integrity, as components of the fight against corruption. This requires creating and establishing of educational contents in the educational system.86

In October 2013, the Government of the Republic of Macedonia started the implementation of the concept "Menadzhement etika" (Management ethics) that represents a model of mobilization of all heading (management) structures in the administration by which all members of the administration as a whole will be covered in order to achieve promotion of the intensity of the reforms in this area, unification of information regarding the measures, activities, visions and goals that are achieved or envisioned, all for the purposes of promotion of the quality of the services provided by the state to the citizens and companies. The implementation of the concept started with an event - meeting of the President of the Government of the Republic of Macedonia with 3000 head officials of administration, including ministers, directors of state and public

84 https://www.dksk.mk/index.php?id=93


institutions, managers of public enterprises, trade companies, and members of steering and supervisory boards and heads of departments in institutions. On this event the willingness to focus upon ethics, openness, transparency and sharing ideas for advanced results and achievement of productivity, efficiency and effectiveness was publicly expressed. Managerial principles such as service oriented administration; commitment, honour and respect in conduct were emphasized as values that guarantee success in prevention and combating corruption. Special meetings were held with representatives of the private sector and business communities. The main goal of the model of the concept Management ethics is to raise awareness, to encourage commitment to the aforementioned values, to encourage resistance to and intolerance for unethical, illegal and corruptive behaviour, and to promote joint action of the public and private sector to continue reforms for continuous general development in the country.

The Government determines and publishes its annual strategic priorities. Prevention and fight against corruption and organised crime consistently remains as one of the top strategic priorities.

In October 2013, the Government of the Republic of Macedonia started the implementation of the concept “Menadžment etika” (Management ethics) that represents a model of mobilization of all heading (management) structures in the administration by which all members of the administration as a whole will be covered in order to achieve promotion of the intensity of the reforms in this area, unification of information regarding the measures, activities, visions and goals that are achieved or envisioned, all for the purposes of promotion of the quality of the services provided by the state to the citizens and companies. The implementation of the concept started with an event - meeting of the President of the Government of the Republic of Macedonia with 3000 head officials of administration, including ministers, directors of state and public institutions, managers of public enterprises, trade companies, and members of steering and supervisory boards and heads of departments in institutions. On this event the willingness to focus upon ethics, openness, transparency and sharing ideas for advanced results and achievement of productivity, efficiency and effectiveness was publicly expressed. Managerial principles such as service oriented administration; commitment, honour and respect in conduct were emphasized as values that guarantee success in prevention and combating corruption. Special meetings were held with representatives of the private sector and business communities. The main goal of the model of the concept Management ethics is to raise awareness, to encourage commitment to the aforementioned values, to encourage resistance to and intolerance for unethical, illegal and corruptive behaviour, and to promote joint action of the public and private sector to continue reforms for continuous general development in the country.

In 2009, the Government of the Republic of Macedonia started a wide anti-corruption campaign for public officials, business and civil society on the negative impact of corruption and on actions to protect the rights and interests of individual citizens without resorting to bribery; Billboards were set, video and radio spots broadcasted on national and local media; printed campaign materials were published and disseminated (leaflets, posters, stickers, etc.).

The Customs Administration runs continuous campaign against corruption and online survey on the quality of customs services is available on its web-page http://www.customs.gov.mk/index.php/en/anketi-km-2

Billboards and information about the free hot-line for reporting corruption is available at cross-border terminals.

Cooperation with civil society

SCPC established cooperation with the Platform of NGOs to fight corruption in which a total of 15 civil society organizations take part.

- The civil organizations actively participated in the preparation and implementation of the State programmes for the prevention and repression of corruption and prevention and reduction of the appearance of a conflict of interest.

In December 2010 the SCPC signed a Memorandum of cooperation for the prevention of corruption and conflict of interest with 17 civil society organizations. The memorandum of cooperation regulated the manner of cooperation, the coordination and conducting of joint activities agreed between the signatories, in order to more effectively prevent corruption and conflicts of interest in the country.87 Another 5 civil organizations joined by February 2014 with the signing of the Agreement on Accession to the Memorandum. The Memorandum covers the cooperation between the signatories towards the exchange of available information and initiatives in the field of corruption and conflict of interest, holding work meetings, cooperation in the implementation of public debates, workshops, conferences and campaign for raising the public awareness, analysis and research of corruption and conflicts of interests, mutual professional cooperation in the process of anti-corruption education, mutual expert cooperation in the drafting of the regulation that refers to this topic, as well as cooperation in the realization of joint projects of interest for the fight against corruption and conflict of interest.

SCPC established cooperation with the NGO Macedonian center for international cooperation (MCMS) in a project funded by the British Embassy - Monitoring of the operation of SCPC

Also, SCPC established cooperation with the Center for Civil Communications - the "anti-corruption education of the pupils"

SCPC established cooperation with Transparency International - Macedonia, by signing a Memorandum of cooperation on specific projects in order to implement activities of common interest that will be the result of the program for mutual collaboration through the project "Strengthening of the national integrity system in the Western Balkans and Turkey and monitor the development of anti-corruption reforms ", supported by the European Union and the Dutch Embassy in

Macedonia. The cooperation in particular focuses on activities for strengthening the effective application of the Law on Whistleblower Protection.

(d)Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption.

Information concerning corruption is regularly published within the annual reports of the SCPC, the annual report of the Public Prosecutor’s Office of the Republic of Macedonia, the reports published by the Public Security Bureau and open data-sets published by the Ministry of Interior. Most of the information published is in form of statistics and analysis of statistical data. Information about specific incidents (for example information published in the daily bulletin of the Ministry of Interior and reviling information with due concern for presumption of innocence, provisions of the Criminal Code and the Law on Criminal Procedure, national security or order public or of public health or morals.

Access to public information concerning corruption may be provided in compliance with the LFAI, within permissible scope.

LFAI prescribes exceptions, as follows:

“Article 6

(1) The holders of information can reject a request for access to information in accordance to law, if the information concerns:
1. information which according to a law represents a classified information with a certain degree of secrecy;
2. personal data which revealing would represent damage to the protection of private information;
3. information on the archival working which has been determined as confidential;
4. information who’s issuing would represent damage to the confidentiality of the tax procedure;
5. information obtained or constructed for aims of investigation, criminal or infringement procedure, executive and civil procedure, and which issuing would have harmful consequences for the process of the procedure;
6. information concerning commercial and other economic interests, including the interests of the monetary and fiscal politics and which issuing would have harmful consequences in the fulfilment of the function;
7. information from a document which is still in preparation procedure and is still in process of harmonization by the holder of information, and which issuing would generate misunderstanding of the content;
8. information on protection of the environment, which is not available to the public on reasons of protection of the people’s health and of the environment;
9. information that endangers the rights to industrial or intellectual property (patent, model, scheme, production and service stamp, feature for the origin of the product).

(2) The information contained in paragraph (1) of this Article becomes available when the reasons for the unavailability seize to exist.

(3) As an exclusion from paragraph (1) of this Article, the holders of information will approve access to the information, only when by the publishing of the information the consequences to the protected interest are smaller than the public interest that would be achieved by the publishing of the information.

6. Partial access

Article 7

If the document or one of its parts contains information from Article 6, paragraph (1) of this Law that can be separated from the document, without jeopardizing its safety, the holder of information separates those information from the document and informs the applicant about the content of the rest of the document.”

It is important to note that, in accordance with article 38 of the LFAI, an employee in the state administration will not be held responsible if he/she issues classified information, if that information is important for determination of abuse of official position and corruptive behaviour, as well as for stopping serious threats to the health of the people and to the endangering of the environment. The Law on Classified Information contains a similar provision (article 20), as such information cannot be considered as classified information under the provisions of the Law on Classified Information.

Guidance: You may wish to refer to any relevant information provided on article 10 of the Convention in the present self-assessment report. Information sought may include:

In relation to subparagraph 1 (a), information sought may include:

- Description of citizen and stakeholder involvement in decision-making processes, such as through large-scale consultations, online platforms, working groups, task forces, citizen referenda and community meetings, and measures to promote such involvement;
- Description of any measures adopted to promote an institutional culture of transparency, open data, open-door policies and regular communication between government and civil society;
- Description of any measures adopted to allow members of the public to decide or contribute
to decisions on how to allocate parts of the public budget in specific institutions;

- Description of any measures adopted to provide opportunities to individuals and groups outside the public sector to be consulted during legislative drafting processes;
- Requirement for public consultations before issuing regulations or other administrative policies and any consequences in the case of failure to adhere to this public participation requirement.

In relation to subparagraph 1 (b), information sought may include:

- Legislation, regulations, policies and procedures regarding public access to information, including details regarding:
  - Means by which requests may be submitted (in writing, via internet, via telephone);
  - The types of bodies required to publish information; – The scope of the published information;
  - Any information that must be submitted by the requester as part of the request for information;
  - Costs charged to submit a request;
  - Applicable time limits within which the government must respond to the request;
  - Grounds on which a request for information from the public may be denied;
  - Right to apply for a review or an appeal of a decision denying access to information;
- Description of staff or entity responsible for administering the access to information requests;
- Description of steps taken to ensure that all public officials are aware of obligations to
provide information to the public upon request;

- Description of steps taken to ensure that the existing laws, regulations, policies and procedures regarding access to information are widely known and accessible to the public;

- Description of the means by which the public is informed on how to access information.

**In relation to subparagraph 1 (c), information sought may include:**

- Description of public information (education and awareness-raising) activities, including specific initiatives targeting groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations which contribute to non-tolerance of corruption;

- Description of various means and/or technologies have been used for the purposes of undertaking public information activities;

- Description of educational courses or modules that have been introduced in primary and secondary schools that include aspects related to corruption or related issues such as ethics, civic rights or governance;

- Description of educational course or modules that have been introduced in universities that include aspects related to corruption or related issues such as public administration, public procurement, ethics, criminal law or corporate governance.

**In relation to subparagraph 1 (d), information sought may include:**

- Outlines of the procedures or regulations that ensure the freedom of the public to seek and receive information concerning corruption. You may wish to include the following information, if applicable:
  - The extent to which such information is proactively and systematically published by the government;
  - The extent to which such information is available upon request for access to information by a member of the public;

- Outlines of the legislation or procedures that ensure the freedom to publish and disseminate information concerning corruption;

- Any restrictions to the exercise of the freedom to seek, receive, publish and disseminate this information, including:
  - Restrictions for the respect of the rights or reputation of others (libel and defamation laws, etc.);
  - Restrictions for the protection of national security or *ordre public* or of public health or morals;

- Description of how such restrictions are applied in practice;

- Description of procedures that allow for a member of the public to apply for a review or appeal of the application of such a restriction by the government.
3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

**Guidance** You may wish to refer to any relevant information provided on article 10 of the Convention in the present self-assessment report. Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

**In relation to subparagraph 1 (a), information sought may include:**

- Strategic plans that include elements of public participation plans;
- Relevant press releases, online information and other publications inviting individuals and groups outside the public sector to participate in government decision-making processes;
- Minutes of meetings, copies of agreements reached through or with public participation and similar publications;
- Number of regulations/policies issues following the required notice and participation process;
- Data on processing applications from the public for participation in these procedures.

**In relation to subparagraph 1 (b), information sought may include:**

- Statistics regarding the number of requests received, the number of responses provided and the average time for providing a response;
- Statistics and/or examples regarding any requests for information that were denied, including the grounds for denial;
- Statistics and/or cases regarding the review or appeal of a decision denying access to information and the decisions taken in this regard.

**In relation to subparagraph 1 (c), information sought may include:**

- Posters, flyers, handouts, brochures, publications and other awareness-raising material;
- Internal or external evaluation reports or other means of measuring the impact of the public education or awareness-raising programmes;
- Training manuals, curricula, syllabi, course packets, websites and/or other educational material;
- Statistics on number of students or members of the general public participating in anti-corruption education programmes or public information campaigns.

**In relation to subparagraph 1 (d), information sought may include:**

- Research or studies on the exercise of the freedom to seek, receive, publish and disseminate information on corruption;
- Websites, libraries, archives or other locations where information on the work of government is proactively and systematically made available to the public;
- Statistics regarding number of public requests received for information concerning
Article 13, paragraph 2

2. Each State Party shall take appropriate measures to ensure that the relevant anti-corruption bodies referred to in this Convention are known to the public and shall provide access to such bodies, where appropriate, for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with this Convention.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

According to the competences stipulated by the Law on Prevention of Corruption, in the area of prevention of corruption in politics, in the exercise of public authorities in the exercise of activities of public interest, the SCPC handles specific cases in which there is suspicion of corruption, initiated by applications from citizens or institutions, ex officio or upon reports from relevant institutions and information published in the media. SCPC handles the formed cases without exception, and informs the applicants on the outcome of their actions. In cases of established grounds for suspicion, the SCPC initiates the instigation of proceedings before the competent authorities for determining criminal, disciplinary and other liability.

The SCPC submits an initiative for initiating criminal prosecution proceedings to the Public Prosecutor of the Republic and the Public Prosecutor's Office for Organized Crime and Corruption, based on the findings of the existence of grounds for suspicion of an act of corruption being committed.

In order to determine the factual situation in the present cases, the SCPC collects the necessary information and documents from all relevant institutions that are obliged to submit the requested information and documents in written form within short deadlines.

According to the competences specified in Article 49, paragraph 1, item 5 of the Law on Prevention of Corruption, the SCPC initiates proceedings before the competent authorities for dismissal, reassignment, replacement or implementation of other measures of accountability of elected or appointed officials, official or responsible persons in public enterprises and other legal entities that dispose of state capital.

Data on all initiatives raised by the SCPC are published in the annual reports on the work of the SCPC. Data on the initiatives taken by the SCPC, by mid-2013 are published on the website of the SCPC.


This law regulates protected reporting, the rights of the whistleblowers, as well as the actions and responsibilities of the institutions or legal entities related to the protected reporting and the provision of protection for the whistleblowers.

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The protected reporting is performed as protected internal reporting, protected external reporting or protected public application. The whistleblowers carries out the protected internal reporting in the institution or legal entity, for where there is a suspicion or knowledge that an offense has been done, is done or will be done or other unlawful or unacceptable conduct that infringes or threatens the public interest. The whistleblower carries out a protected external reporting by reporting to the Ministry of Interior, the competent Public Prosecutor’s Office, the State Commission for Prevention of Corruption, the Ombudsman of the Republic of Macedonia or other competent institutions or legal entities in cases provided by law.

The authorized, or managers of institutions, or legal entities in the public sector to which the reporting is made, are obliged to submit semi-annual reports to the State Commission for Prevention of Corruption on the received reports from whistleblowers. The State Commission for Prevention of Corruption and the Ministry of Justice submit special reports for received applications from whistle blowers to the Assembly of the Republic of Macedonia. (Article 15, paragraph 2)

In November 2017, SCPC submitted an annual report on received applications from whistleblowers in 2016 to the Assembly of the Republic of Macedonia.

Whistleblowers are protected from any harmful or disadvantaged action in retaliation for a protected disclosure. or Information about reporting channels and protection of reporting persons is provided in the responses related to article 8 paragraph 4 of the Convention.

Furthermore provisions are Law on Prevention of Corruption cover protection of anti-corruption professionals, collaborators to justice and witnesses

“Protection of persons involved in eradication of corruption

Article 20

(1) Persons working in the bodies for detection and eradication of corruption shall be provided with full protection and independence, with a view to efficient execution of their authority and duty and no pressure whatsoever may be exerted on them in their work or in their undertaking of concrete actions.

(2) About any event of exerted pressure in work or in undertaking concrete actions, the persons referred in paragraph (1) of this article inform the State Commission.

(3). About any event of exerted pressure in their work or in undertaking concrete actions the members of the State Commission inform the Assembly of the Republic of Macedonia.

Protection of collaborators to justice and witnesses

Article 19

(1) A person that has discovered data that suggest existence of corruption cannot be criminally prosecuted or held liable in any manner.

(2) A person that has given a statement or testimony in a procedure for an act of corruption shall be given protection in accordance with law. The person shall have the right to compensation of damage he/she or other member of his/her family may suffer due to the given statement or testimony.

(3) The request for compensation of damage referred to in paragraph (2) of this Article shall be filed with the competent body.

(4) The compensation referred to in paragraph 2 of this Article shall be paid from the Budget of the Republic of Macedonia.”

A mechanism for monitoring the work of the State Commission for Prevention of Corruption through the implementation of the project “Monitoring the work of the State Commission for Prevention of Corruption by the public”, implemented by MCIC, and with financial support from the British Embassy was established. The project aims to monitor the implementation of the legal obligations, performance, transparency and accountability of SCPC in the fight against corruption. Period of implementation - September 1, 2016 - March 31, 2018. The overall objective is to contribute to the increase of the transparency, accountability and raising public awareness of the effects of the SCPC.

The expected results after the completion of this project are: 1. Developed methodology and matrix with indicators for monitoring the transparency, accountability and work of the SCPC and its effectiveness in the fight against corruption; 2. Established mechanism for monitoring the transparency, accountability, efficiency and effectiveness of the SCPC; 3. Increased public awareness of the work of the SCPC.

The SCPC has held 15 public meetings that were attended by journalists and representatives of the media and which in the form of a press conference were allowed to ask questions which were immediately answered by the President of the SCPC and SCPC members.

The decisions made at the public sessions are published on the website of the SCPC and are publicly available. The SCPC regularly sends press releases to the media and they are publicly available on our website www.dksk.mk in the section Information for the public> Announcements.

In the course of 2016, 62 information articles on the current operation of the SCPC on cases of corruption and conflict of interest were published on the website of the SCPC. Also, one press conference was held, 3 interviews of the President of the SCPC were made, 3 statements for the media were given by the spokesman of the SCPC, 25 answers were provided to the questions of the journalists via e-mail, in relation corruption, conflict of interests, as well as monitoring the assets of the officials. In 2016 the SCPC held three conferences and 3 workshops that were covered by the media and in addition to his speeches, the President of the SCPC likewise gave statements for the media.
In the course of 2017, 57 information on the current operation of the SCPC were published on the website of the SCPC. During this current year the SCPC attended 3 workshops, 3 conferences, 1 round table, 1 forum and 1 debate show. In order to enhance transparency, SCPC seeks to immediately respond to all asked questions by journalists and to inform the public.

The SCPC is a publicly accessible institution for every citizen. A complaint can be filed to the SCPC in three manners: by mail, personal delivery to the archives or sent electronically via e-mail.

Data on the employees in the Secretariat of the SCPC are published on the website and they maintain a daily contact with the citizens.

**Guidance:** You may wish to refer to any relevant information provided on article 8, paragraph 4 of the Convention in the present self-assessment report, as well as information provided on articles 32 and 33 of the Convention in your previous self-assessment report.

Information sought may include:

- Description of public information campaigns which promote knowledge of the existence of these bodies;
- Description of the means of access to these bodies to report acts of corruption by the public;
- Description of the operational mechanism and applicable procedures for such reporting channels, including reporting obligations, information to be provided and whether reports may be made anonymously;
- Information relating to protection for members of the public to report acts of corruption, including physical protection as well as protection from workplace or other retaliation.

3. **Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.**

**Guidance:** You may wish to refer to any relevant information provided on article 8, paragraph 4 of the Convention in the present self-assessment report, as well as information provided on articles 32 and 33 of the Convention in your previous self-assessment report. Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:
Examples of public information campaigns and any studies on their effectiveness;
Statistics on the number and substance of reports of acts of corruption made by members of the public;
Statistics on the number of resultant investigations and their outcomes;
Cases illustrating the effectiveness of the measures taken;
Statistics on the number of reporting persons receiving some form of protection, including the type of protection administered.

Technical assistance

1. Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

**Guidance:** Required actions could include the passing of a law and a time frame to do this. Related challenges could include inter-agency coordination, specificities in the legal system, competing priorities, limited capacity (e.g. technological, institutional, other), limited resources for implementation (e.g. human, financial, other), lack of a policy framework, and limited expertise and skills. In describing these issues, please be as specific as possible.

2. Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

No assistance would be required

**Guidance:** Please tick this box if you do not require any technical assistance in the implementation of the article under review.

Legislative assistance: Please describe the type of assistance

**Guidance:** The forms of legislative assistance should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of legislative assistance might include e.g. model arrangements and agreements, legal drafting and/or advisory support.

Institution-building: Please describe the type of assistance

**Guidance:** The forms of institution-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article, including domestic coordination issues. Specific forms of assistance in the area of institution-building might include e.g. summary of good practices and lessons learned, model arrangements and agreements, on-site assistance by a relevant expert and/or mentoring, as well as the development of an action plan for implementation.
Policymaking: Please describe the type of assistance

**Guidance:** The forms of policymaking should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of policymaking might include e.g. summary of good practices and lessons learned, sensitization of decision-making bodies, on-site assistance by a relevant expert and/or mentoring.

Capacity-building: Please describe the type of assistance

**Guidance:** The forms of capacity-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of capacity-building might include e.g. case-related assistance, on-site assistance by a relevant expert and/or mentoring, strengthening the operational and/or institutional capacities of relevant authorities through training and online learning, development of an action plan for implementation.

Research/data-gathering and analysis: Please describe the type of assistance

**Guidance:** The forms of research, data-gathering and analysis should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of research, data-gathering and analysis might include e.g. expert advice on data-gathering and storage systems, statistical advice or sample studies.

Facilitation of international cooperation with other countries: Please describe the type of assistance

**Guidance:** The forms of facilitation of international cooperation with other countries should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of facilitation of international cooperation might include e.g. case-related assistance, model legislation or model treaties.

Others: Please specify

3. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

**Guidance:** If you are receiving or have received such assistance, please provide details, including on the assistance provider, description of core objectives, duration, budget, results and impact. Please include information on technical assistance being provided in the most generic way so as to also capture projects that do not directly fit into the anti-corruption category but that address aspects relevant for the implementation of the Convention against Corruption. Please also indicate whether the extension and/or expansion of such assistance would help your country to adopt the measure(s) described in the article under review.
B. Money-laundering (arts. 14, 52 and 58)

Article 14: Measures to prevent money-laundering

Article 14, subparagraph 1(a)

1. Each State Party shall:

   (a) Institute a comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions, including natural or legal persons that provide formal or informal services for the transmission of money or value and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to deter and detect all forms of money-laundering, which regime shall emphasize requirements for customer and, where appropriate, beneficial owner identification, record-keeping and the reporting of suspicious transactions;

1. Is your country in compliance with this provision?

   Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Law on Prevention of Money Laundering and Financing of Terrorism (AML/CFT Law) determines the measures and activities for detection and prevention of money laundering, associated predicate offences and financing of terrorism (hereinafter: ML/FT) and determine the competence of the Financial Intelligence Office (FIO).

Measures and activities for ML/FT prevention prescribed by the AML/CFT Law are implemented by entities, such as:

- Financial institutions and subsidiaries, branch offices and business units of foreign financial institutions performing activity in Republic of Macedonia in accordance with law (banks; saving houses, exchange offices, brokerage houses, fast money transfer services providers and subagents, insurance companies, investment funds management companies, mandatory and voluntary pension funds management companies and other legal entities and natural persons perform activities related to credit approvals, electronic money issuance, credit cards issuance and administration, financial leasing, factoring, forfeiting, providing services of investment advisor, mediation in micropayment and other financial activities);
- Legal entities and natural persons who perform the following services: real estate trading, audit and accounting services, notary public’s, attorney’s and other legal services which refer to: sale and purchase of movable objects, real estate, shares or stocks, money and securities trade and management, opening and disposing with bank accounts, safe-deposit boxes and other financial products, establishing or participating in legal entities’ management and operation, representation of clients in financial transactions etc., providing advice in the field of taxes; providing consulting services, and providing services of investment advisor;
- Organizers of games of chance in gaming house (casino) and Internet casinos;
- Services providers for legal entities;
- Central securities depositary, and
- Legal entities who receive movable objects and real estate as pledge.

Measures and activities for ML/FT prevention prescribed by the AML/CFT Law are:

- client due diligence,
- monitoring of certain transactions,
- collecting, keeping and data about the transactions and clients that perform them, and
- introduction and application of programmes.

Reporting obligation is prescribed in article 30 of the AML/CFT Law and refers on following cases:

- when they have suspicions and grounds to suspect that: it has been or was performed money laundering and/or financing terrorism or there was or there is an attempt for money laundering or financing terrorism, regardless the amount of the transaction; the property is a proceed of crime and the property is related to financing terrorist act, terrorist organization or terrorist or person who finance terrorism;
- in case of cash transaction in the amount of EUR 15,000 or more, in MKD counter value, and
- in case of related cash transactions in the amount of EUR 15,000 or more in MKD counter value.

The supervision over the implementation of the AML/CFT measures and actions are performed by:

- The National Bank of Republic of Macedonia for the banks, saving houses, exchange offices, and the fast money transfer services providers.
• Agency for Supervision on Insurance for insurance companies, insurance brokerage companies, representing companies for insurance, insurance brokers and insurance agents.
• The Securities Commission of Republic of Macedonia for the brokerage companies, the persons giving services to investment advisers and companies for managing with investment funds.
• The Agency for Supervision of Fully Funded Pension Insurance for the companies managing voluntary pension funds;
• The Public Revenue Office for the organizers of games of chance in a gaming house (casino), internet casinos, as well as for the legal and natural persons performing the following services: real-estate turnover, audit and accounting services, giving advices from the field of taxes or giving consultant services, legal persons receiving pledged movables and real-estates and
• The Postal Agency for the post offices and the legal persons performing telegraphic transfers or delivery of valuable packages.
• Commissions within Bar and Notary Chambers for their members.

As well as, in cooperation with the abovementioned authorities or independently the FIO performs supervision.


The AML/ CFT Law imposes obligation for obliged entities to conduct client due diligence (CDD) in the following cases:

a) when establishing business relationship;

b) when executing one or more related transactions in the amount of EUR 15,000 or more in MKD equivalent;

c) when there is suspicion for money laundering or financing of terrorism, regardless of any exception or amount of assets, and

d) when there is a suspicion for the veracity or adequacy of previously received data for the client’s identity.

The CDD includes:

a) identification of a client and verification of his/her identity using documents, data and information from reliable and independent sources;

b) identification of the principal and verification of his/her identity using documents, data and information from reliable and independent sources;

c) identification of beneficial owner and undertaking reasonable measures to verify his/her identity, such that the entity is satisfied that it knows who the beneficial owner is, by using documents, data and information from reliable and independent sources;

d) obtaining information on the purpose and intended nature of the business relationship, and

e) ongoing monitoring of the business relationship and the transactions undertaken throughout the course of the established business relationship with the client, to ensure that these transactions are consistent with the client’s risk profile and business, including, where necessary, the sources of funds.

(2)When the client is a legal entity, the entity shall be obliged to undertake measures in order to determine the nature of its business activity and the ownership and management structure of that client.

(3)The entities shall apply each measure of the client due diligence procedure, and its volume depends on the risk assessment of the client, business relationship, product and transaction.

In relation to the “Holders of public functions” the AML/CFT Law defines all natural persons who are not citizens of Republic of Macedonia, who are or have been entrusted with public function in Republic of Macedonia or in other state, such as:

a) presidents of states and governments, ministers and deputy or assistant ministers,
b) members of the Assembly of the Republic of Macedonia,
c) elected and appointed public prosecutors and judges in the courts,
d) members of management bodies in state audit institution and members of the highest board of central bank,
e) ambassadors,
f) high rank officers in armed forces (ranks higher than colonel),
g) elected and appointed persons pursuant to law and members of the management bodies of state-owned enterprises,
h) persons holding functions in political parties (members of the political parties’ bodies) and
i) persons who are or have been entrusted with prominent function in international organization, such as: directors, deputy directors, members of management and supervisory boards or other equivalent functions;

The term “holders of public functions” shall also include:

a) family members in accordance with the Family Law, and
b) persons who are considered as close associates:
   - business partners (any natural person for who is known to have joint ownership of a legal entity, has concluded agreements or established other close business relations with “holder of public function”), and
   - persons who established legal entity for the benefit of the holders of public functions.
The persons under the items a) to i) shall be considered as holders of public functions for at least one year after the termination of the public function, based on previously conducted risk assessment by the entities; When the entities execute transactions or enter into business relationship with holders of public functions, they shall be obliged to undertake the following enhanced due diligence measures:

- a) based on previously established procedure for risk assessment to determine whether the client and/or the owner is/are holder/s of public function or, if it is not possible, to provide a statement given by them;
- b) to provide an approval from the management structures for establishing business relationship with the client and/or the real owner adopted by the entities management structure, as well as to provide a consent for extending the business relationship with an existing client who became a holder of public function;
- c) to undertake appropriate measures in order to determine the client’s and/or real owner’s source of assets and wealth who is a holder of public function, and
- d) to perform increased monitoring of the business relationship.

Guidance: You may wish to include information on the legal provisions, regulations, policies or other forms of guidance issued by regulatory or supervisory bodies (including for monitoring and detecting money-laundering), advisories, compliance reviews and sanctions for non-compliance, as well as whether you have conducted a money-laundering risk assessment.

Information may, in particular, include the following:
- Information on anti-money-laundering regulatory and supervisory regimes;
- Description of the relevant sectors and types of institutions or persons subject to the regimes;
- Description of the anti-money-laundering requirements.

4. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

In 2016, the FIO conducted regular supervision over the implementation of the measures and actions at 54 entities and afterwards conducted education procedure at 4 entities (3 accountants and 1 real estate agency) because of an irregularity (referred to in Article 114 and 115 of the AML / CFT Law) made by the entity for the first time. In 2017, the FIO conducted regular supervision over 23 entities and afterwards conducted education procedure at 4 entities (1 real estate agency, 2 exchange offices, 1 notary).

Regarding implementation of AML/ CFT provisions in relation to the reporting of suspicious activities, in the table below number of STR divided by entities is presented.

<table>
<thead>
<tr>
<th>ENTITIES</th>
<th>No. of submitted STR in 2016</th>
<th>No. of submitted STR in 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banks</td>
<td>124</td>
<td>179</td>
</tr>
<tr>
<td>Car dealers</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Notaries</td>
<td>25</td>
<td>21</td>
</tr>
<tr>
<td>Lawyers</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Casinos</td>
<td>2</td>
<td>/</td>
</tr>
<tr>
<td>Agents and subagents for fast money transfer</td>
<td>64</td>
<td>83</td>
</tr>
<tr>
<td>Accountants</td>
<td>1</td>
<td>/</td>
</tr>
<tr>
<td>Real estate agencies</td>
<td>1</td>
<td>/</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>228</strong></td>
<td><strong>287</strong></td>
</tr>
</tbody>
</table>
Regarding implementation of the AML/ CFT provisions in relation to the analysis of the received STRs, the table below presents the number of reports with suspicion for ML/ FT or notifications for other criminal act disseminated to the Macedonian competent authorities by the FIO.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>Reports for ML/ FT</th>
<th>Notification for criminal act for other</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>28</td>
<td>212</td>
</tr>
<tr>
<td>2017</td>
<td>9</td>
<td>131</td>
</tr>
<tr>
<td>Total</td>
<td>37</td>
<td>343</td>
</tr>
</tbody>
</table>

The table below presents data of submitted criminal charges, indictments, convictions and final convictions for ML/ FT.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>cases</td>
<td>persons</td>
</tr>
<tr>
<td>Criminal charges</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>Indictments</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Convictions</td>
<td>2</td>
<td>12</td>
</tr>
<tr>
<td>Final convictions</td>
<td>2</td>
<td>6</td>
</tr>
</tbody>
</table>

According NRA Report in the table below are presented key findings:

<table>
<thead>
<tr>
<th>Treats:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal acts with high ML. risk:</td>
</tr>
<tr>
<td>• Misuse of official position</td>
</tr>
<tr>
<td>• Tax evasion</td>
</tr>
<tr>
<td>• Illegal drug trade</td>
</tr>
<tr>
<td>• Illegal trade with migrants</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Vulnerability:</th>
</tr>
</thead>
<tbody>
<tr>
<td>National vulnerabilities:</td>
</tr>
<tr>
<td>• Informal economy</td>
</tr>
<tr>
<td>• International cooperation in criminal matters</td>
</tr>
<tr>
<td>• International cooperation for confiscation</td>
</tr>
<tr>
<td>• Transparency of legal entities</td>
</tr>
<tr>
<td>Financial sector:</td>
</tr>
<tr>
<td>• Banking sector</td>
</tr>
<tr>
<td>Nonfinancial sector:</td>
</tr>
<tr>
<td>• Accountants</td>
</tr>
</tbody>
</table>

On the grounds and key findings of the NRA Report Government adopted National Strategy Against ML and FT in November, 2017. Strategic objective of the Strategy is that AML/CFT system for the prevention of money laundering and financing of terrorism, harmonized with the FATF Recommendations (from 2012) and the provisions of the IV EU AML/ CFT Directive, effectively protects the integrity of the financial sector and economy from the ML/ FT threats and contributes to strengthening national security and security. The strategic goal will be reached by implementation of 11 specific objectives, such as:

- The Government formulates the policies and the competent institutions undertake coordinated measures adequate to the ML/ FT risks
- Strengthening international co-operation
- Establishing system for maintaining statistical data at the national level
- The legal framework for the prevention and prosecution of ML/ FT harmonized with international standards
- Supervision of the system for ML/ FT prevention is adequate to the ML/ FT risk
- Increased efficiency in implementation of measures for ML/FT prevention
- Protection of the system from the misuse of the legal persons for ML/FT purposes
- The FIO prepares reports and notifications which competent law enforcement use in prosecution of ML/FT cases
- Increased efficiency in detection, prosecution and sanctioning of ML perpetrators
- Proceeds of crime and instrumentalities are confiscated
- Increased efficiency in the detection, prosecution and sanctioning of FT perpetrators

**Guidance:** Information sought may include:

- Compliance reviews (scope and frequency);
- On-site and off-site supervision by financial sector regulators;
- Sanctions issued for non-compliance, including enforcement actions, prosecutions, regulatory or supervisory fines or sanctions (statistics for the past 3 years).

If available, you may wish to provide statistical information, including the number of suspicious transaction reports received by the Financial intelligence Unit (FIU) or similar body, the number of suspicious transaction reports forwarded to law enforcement after analysis by the FIU, as well as information on whether those reports led to investigations and/or prosecutions.
You may also wish to provide the full text or key findings and recommendations of a national or sectoral money-laundering and terrorist financing risk assessment.

**Article 14, subparagraph 1 (b)**

1. Each State Party shall:

   (b) Without prejudice to article 46 of this Convention, ensure that administrative, regulatory, law enforcement and other authorities dedicated to combating money-laundering (including, where appropriate under domestic law, judicial authorities) have the ability to cooperate and exchange information at the national and international levels within the conditions prescribed by its domestic law and, to that end, shall consider the establishment of a financial intelligence unit to serve as a national centre for the collection, analysis and dissemination of information regarding potential money-laundering.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The AML/CFT Law determines the competence of the FIO, including competences of the FIO to exchange information domestically and internationally.

The FIO cooperates with the entities, Ministry of Interior, Financial Police Office, State Foreign Exchange Inspectorate, Securities and Exchange Commission of Republic of Macedonia, National Bank of republic of Macedonia, Agency for Supervision of Fully Funded Pension Insurance, State Commission for Prevention of Corruption and other state authorities and institutions as well as other organizations, institutions and international bodies for combating money laundering and financing terrorism.

To perform its competencies, the FIO requests data or documents from the state authorities, the financial institutions or other legal entities or natural persons. The requested persons are obliged to submit to the FIO the requested data within ten business day of the date of receipt of the request. If the FIO requests for data immediately, the requested persons are obliged to provide the data within four hours. FIO can exchange information with the authorities for conducting an investigation and with the supervision authorities due to prevention of money laundering and financing terrorism. The FIO drafts and submits a report to the state authorities which decide for the further actions whenever exist reasonable grounds for suspicion for committed ML and/or FT. The FIO drafts and submits written notification to the state authorities when grounds for suspicion exist for committed another crime except ML and/or FT.

For promoting the inter-institutional cooperation, the Government of Republic of Macedonia formed a Council for Combating Money Laundering and Financing Terrorism. The work of the Council is led by the Director of the FIO and its members are managing and responsible persons from the Ministry of Interior, the Ministry of Justice, the Ministry of Finance, the Public Prosecutor Office for prosecuting organized criminal and corruption, the Financial Police, the Customs, the Public Revenue Office, National bank of Republic of Macedonia, the Commission for securities, the Supervision Agencies for Insurance, The Agency for supervision of the capital financed pension insurance, the Agency for post offices, as well as representatives of the Bar Chamber and Notary Chamber.

In respect of international cooperation, the FIO exchanges data spontaneously or upon request and on condition of reciprocity with authorised bodies and organizations of other states, as well as to international organizations concerning ML/FT prevention. As well as, the FIO concludes agreements for cooperation with authorised bodies of other states as well as with international organizations included in the ML/ FT combat. The FIO has signed 59 MoUs with FIUs of 54 states. The FIO is member of the EGOMNT Group.

The Financial Police has the authority to detect and conduct criminal investigations of criminal offenses prosecuted ex officio such as money laundering and other proceeds of a criminal offense from Article 273, illicit trafficking referred to in Article 277, smuggling referred to in Article 278, tax evasion from Article 279 of the Criminal Code and other criminal offenses of unlawful property gain of significant value, as well as the apprehension and reporting of their perpetrators, providing evidence, other measures and activities that they can use for the smooth conduct of criminal or by order of the public prosecutor through the enforcement of the competencies in the judicial police in accordance with the law.

The Financial Police Directorate collects and analysis data on cash transactions, undertakes pre-investigative and other
measures when there are grounds for suspicion of committed criminal offenses, monitors the money trail in order to
detect punishable acts determined by law, inspect and review accounting data and records in computer systems in the
presence of a responsible person or a person authorized by him and performs other activities in accordance with the law.
The Financial Police Directorate performs a forensic computer analysis of the temporarily seized, computer systems and
other electronic devices and submits criminal charges to the competent public prosecutor for criminal offenses under its
competence, which are prosecuted ex officio; submits an initiative for initiating a tax and other procedure for determining
and collecting public duties before the competent authority, coordinating, giving initiative, filing criminal charges,
exchanging information and organizing trainings for the persons involved in the system of irregularities in order to
protect the financial interests of the Republic of Macedonia and the European Union, drafts and submits a proposal for a
strategy for the protection of the financial interests of the Republic of Macedonia and the European Union and performs
other activities determined by law.
In performing the activities within its competence, the Financial Police cooperates with the Public Prosecutor's Office,
the Ministry of Interior, the Public Revenue Office, the Customs Administration, the Financial Intelligence Directorate,
the State Commission for Prevention of Corruption, the State Audit Office, the State Foreign Exchange Inspectorate, the
State Market Inspectorate and other state authorities.
The Financial Police Directorate has concluded cooperation agreements and protocols, and in 2005, the Protocol on
Cooperation for Prevention of Organized and Other Types of Financial Crimes in the Republic of Macedonia was signed
between the Customs Administration, Public Revenue Office, Financial Intelligence Directorate and the Financial
Department Police, in 2007, a Protocol for Cooperation in Preventing and Combating Organized Crime was signed
between the Ministry of Internal Affairs - the Public Security Bureau and the Ministry of Finance - the Directorate in
2011, a Memorandum of Cooperation was signed on the manner of achieving international cooperation with the Ministry
of Interior, the Ministry of Justice, the Customs Administration and the Public Prosecutor's Office, the Memorandum of
Cooperation, the exchange of data and information between the Intelligence Agency and the Financial Police
Department, Memorandum of cooperation with the Employment Agency of the Republic of Macedonia, Memorandum of
cooperation with the Pension and Disability Insurance Fund and Memorandum of cooperation between the Ministry of
Interior, Customs Administration, Financial Police Department and the National Bank of the Republic of Macedonia.

Guidance: Information sought may include:

- Information on how your country ensures it has the ability to cooperate in accordance with
  article 14;
- Whether your country has established a Financial Intelligence Unit and if so, information on
  - Which other bodies or agencies are responsible for combating money-
    laundering;
  - Whether the FIU has the ability to exchange information domestically and if so
    with which institutions;
  - Whether the FIU has the ability to exchange information internationally;
  - Whether your country’s FIU is a member of the Egmont Group or any other
    network of agencies for the purpose of information exchange and if it has
    signed Memoranda of Understanding or other agreements with other FIUS,
    including for the purpose of information exchange;
- You may wish to add a list of MoUs your FIU maintains with foreign FIUs.

Please describe the functioning of the system mainly in terms of domestic cooperation and
exchange of information.

3. Please provide examples of the implementation of those measures, including related court or other cases,
available statistics etc.
Guidance: You may wish to refer to any relevant information provided on articles 38 and 48 of the Convention in your previous self-assessment report.

Information may, in particular, include the following:

- Information on domestic coordination mechanisms;
- Information on protocols for the exchange of information;
- Information on participation in AML regional or international networks.

If applicable and available, please provide information on recent corruption-related money laundering cases prompted by your Financial Intelligence Unit, including data on investigations, prosecutions, convictions, as well as related freezing, seizure and confiscation orders.

Article 14, paragraph 2

2. States Parties shall consider implementing feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments across their borders, subject to safeguards to ensure proper use of information and without impeding in any way the movement of legitimate capital. Such measures may include a requirement that individuals and businesses report the cross-border transfer of substantial quantities of cash and appropriate negotiable instruments.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Guidance: Information sought may include:

- Whether your country has a cross-border cash declaration requirement, and if so, whether it covers: (i) incoming and outgoing cross-border transportation; and (ii) all physical cross-border transportation (by travellers, through mail, through cargo);
- Whether there is a reporting threshold or any other measures to detect and monitor the movements of cash and negotiable instruments;
- What the sanctions and other available measures are in case of false declaration or failure to declare.

The Law on Prevention of Money Laundering and Financing of Terrorism (AML/CFT Law) regulates issues related to detection and monitoring of the movement of cash and appropriate negotiable instruments across borders. More specifically regarding this provision of the Convention, article 19 of the AML/CFT Law prescribes the following obligations:

- The Customs Administration shall register each and every entry and exit of money and negotiable instruments through the customs line of Republic of Macedonia, if the amount, by law or other regulation, exceeds the allowed maximum.
- In the registers the Customs Administration collects data about:
  - the identity of the person who, for him/herself or for another person, enters or exits money and negotiable instruments on his/her name and surname, date and place of birth, passport number and nationality;
  - the identity of the owner of the money or the negotiable instruments;
  - the identity of the real owner;
  - the amount and currency of the money and negotiable instruments entered or exited through the customs
- origin statement of the money and negotiable instruments, signed by the person who exits or enters them;
- the purpose for entering or exiting the money and negotiable instruments, and
- the place and time of passing the customs line.

- The Customs Administration electronically or by telecommunication means (telephone, fax), and in case that is not possible, by other written means reports the entering and exiting of money or negotiable instruments for payment of over EUR 10,000 in MKD counter value, within three business days from the recording at the latest.

- The Customs Administration declares in written to the Financial Intelligence Office the entering and exiting money and negotiable instruments regardless the amount, any time when there is a suspicion for money-laundering or financing terrorism within 24 hours.

3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

<table>
<thead>
<tr>
<th>Guidance: Information sought may include:</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Statistics and other information on declared cross-border cash transfers;</td>
</tr>
<tr>
<td>□ Statistics and other information on detected undeclared cross-border cash transfers.</td>
</tr>
</tbody>
</table>
Article 14, paragraph 3

3. States Parties shall consider implementing appropriate and feasible measures to require financial institutions, including money remitters:

(a) To include on forms for the electronic transfer of funds and related messages accurate and meaningful information on the originator;

(b) To maintain such information throughout the payment chain; and

(c) To apply enhanced scrutiny to transfers of funds that do not contain complete information on the originator.

1. Is your country in compliance with this provision?

Yes,

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Law on Prevention of Money Laundering and Financing of Terrorism (AML/CFT Law) regulates issues related to detection and monitoring of the movement of cash and appropriate negotiable instruments across borders, including the measures that must be considered in accordance with this provision of the Convention, as follows:

Article 13

(1) The financial institutions shall be obliged in case of a payment of an amount exceeding EUR 1,000 in MKD counter value according to the middle exchange rate of the National Bank of Republic of Macedonia on the day of payment, for the purposes of wire transfer via the international payment operations, to provide data for the originator from which his/her identity may be determined and verified, such as: name and surname, i.e. the name of the originator, address and account number. If the data for the address is missing or may not be determined, the financial institution may replace them with: the date and place of birth or the personal identification number of the client or the identification, i.e. the reference number of the transaction.

(2) The financial institutions shall be obliged in case of a payment of an amount that exceeds EUR 1,000 in MKD counter value according to the middle exchange rate of the National Bank of Republic of Macedonia on the day of payment, for the purposes of wire transfer via the domestic payment operations, to provide data for the originator from which his/her identity may be determined and verified. If due to technical reasons, the provided data may not be accompanied, only the data for the account number or the identification number shall be accompanied.

(3) The financial institutions under paragraph (2) of this Article, on request of the financial institution that should execute the payment, or the competent authorities, shall be obliged to make available the data under paragraph (1) of this Article within three business days from the delivery of the request.

(4) The financial institutions that appear as mediators in the wire transfer for amounts exceeding EUR 1,000 in MKD counter value according to the middle exchange rate of the National Bank of Republic of Macedonia on the day of the transfer, in the international payment operations, shall be obliged to accompany the data for the originator under paragraph (1) of this Article to the financial institution that will perform the transfer payment.

(5) In performing payment of wire transfers in the international payment operations in an amount exceeding EUR 1,000 in MKD counter value according to the middle exchange rate of the National Bank of Republic of Macedonia on the day of payment, the financial institutions shall be obliged to provide data from the originator’s financial institution from which the originators identity can be determined and verified, and within their internal acts to set the manner on which they will determine whether a part of the data under the paragraphs (1), (2) and (4) of this Article is missing and the manner of handling such transfers. The entities should request for the missing data or to reject the transfer.

(6) The financial institutions may limit or terminate the business relationship with the financial institutions that do not provide or accompanied the data provided for in paragraphs (1), (2), (4) and (5) under this Article.

(7) The provisions under this Article do not refer to the following kinds of transfers:
- using cards for withdrawing assets from bank account or POS terminals and payments in retail,
- transfers and settlements in which the originator and recipient are banks that execute the transfer in their name and for their own account, and
- tax payments, fines and other public duties.

Guidance: Information sought may include:

- Details required to identify the originator (e.g. name, address, ID number, account number) and any existing requirements to maintain those details by the intermediary institution;
Details of requirements in case of incoming transfers without sufficient/complete information on the originator.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Please see previous answer.

<table>
<thead>
<tr>
<th>Guidance: Information sought may include:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Compliance guidance issued by regulatory/supervisory authorities including on how to enhance scrutiny measures when complete originator information is not included;</td>
</tr>
<tr>
<td>☐ Measures for supervisors to ensure compliance with those requirements;</td>
</tr>
<tr>
<td>☐ If available, statistics reflecting the level of compliance with those requirements, such as statistics pertaining to sanctions or other enforcement actions.</td>
</tr>
</tbody>
</table>

**Article 14, paragraph 4**

4. In establishing a domestic regulatory regime and supervisory regime under the terms of this article, and without prejudice to any other article of this Convention, States Parties are called upon to use as a guideline the relevant initiatives of regional, interregional and multilateral organizations against money-laundering.

1. Is your country in compliance with this provision?

Yes.
2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.


| Guidance: | You may wish to take into account, inter alia, the International Standards on Combating Money-Laundering and the Financing of Terrorism and Proliferation – FATF Recommendations, and provide information on whether your country has undergone evaluations by the FATF or a FATF-Style Regional Body, or another international organization that conducts assessments/evaluations on anti-money-laundering topics. Information sought may, in particular, include details on whether your country has used the relevant initiatives of regional, interregional and multilateral organizations against money-laundering as a guideline and if yes, information on how they are used. |

3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

| Guidance: | Information sought may include: |
| □ | Details on which body’s guidelines you have used; |
| □ | If available, statistics reflecting the level of compliance with those guidelines. |

Article 14, paragraph 5

5. States Parties shall endeavour to develop and promote global, regional, subregional and bilateral cooperation among judicial, law enforcement and financial regulatory authorities in order to combat money-laundering.

1. Is your country in compliance with this provision? Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Republic of Macedonia has put in place a regulatory and institutional framework and has concluded many bilateral agreements that provide for the international exchange of information for purposes of law enforcement. The national law enforcement authorities have channels of communication through inter alia INTERPOL and EUROPOL. Furthermore, the national Financial Intelligence Office is a member of the Egmont Group, Moneyval Committee and each year participates in regional conferences of the FIUs organized each year by different host between following countries: Slovenia, Bosnia and Herzegovina, Croatia, Serbia, Montenegro, Kosovo, Albania and Macedonia. Macedonia was host of the Regional Conference in 2014 and according to the schedule will be the host for the regional conference in 2019. The Financial Intelligence Office has signed 59 MoUs with FIUs of 54 states. The Republic of Macedonia is an observer in CARIN since July 2014. The Republic of Macedonia is also a member-State of the European Partnership against Corruption (EPAC) since 2009. The Public Revenue Office is a full member of the Intra-European Organization of Tax Administrations (IOTA) since 1997, and, as a tax authority, has concluded a number of bilateral agreements on avoiding double taxation and protection from fiscal evasion, that also serve as bases for exchange of relevant information. The Customs Administration actively participates in the work of all international organizations dealing in the area of customs operations: the World Customs Organization (WCO), including Regional Intelligence Liaison Offices (RILO), the World Trade Organization (WTO), UN working bodies, SELEC and other. The cooperation with foreign customs services to promote electronic exchange of customs data aimed to prevent customs fraud, smuggling and crime, improve cooperation between customs officers at operational level, facilitate trade and ensure security at regional and international...
level is based on signed agreements for bilateral cooperation on mutual assistance in customs matters with 24 countries.

**Guidance:** Please provide any additional information here that you have not provided under your response on article 14, subparagraph 1 (b) of the Convention.

Information sought may, in particular, include details on how your country develops and promotes the cooperation described in the provision, including information on membership, chairmanship, or other participation in international organizations, groups, regional networks, informal networks, or topical fora related to anti-money-laundering.

3. **Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.**

The Financial Intelligence Office has signed 59 MoUs with FIUs of 54 states.
List - agreements as of before the independency
List - bilateral agreements on international legal assistance
List - signed international conventions on mutual legal assistance
A list of international agreements on avoiding double taxation is published on the following web-page: [http://ujp.gov.mk/mk/regulativa/pregled/tr/md](http://ujp.gov.mk/mk/regulativa/pregled/tr/md)

**Guidance:** Information sought may include:

- MoUs your judicial, law enforcement and financial regulatory authorities maintain with their respective international counterparts in order to combat money-laundering:
Information on other initiatives promoting global, regional, subregional and bilateral cooperation among judicial, law enforcement and financial regulatory authorities, such as conferences, trainings, judicial exchanges, etc.;

If available, statistics reflecting the frequency of interactions of your judicial, law enforcement and financial regulatory authorities with their respective international counterparts on money-laundering issues.

Technical assistance

1. Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

**Guidance:** Required actions could include the passing of a law and a time frame to do this. Related challenges could include inter-agency coordination, specificities in the legal system, competing priorities, limited capacity (e.g. technological, institutional, other), limited resources for implementation (e.g. human, financial, other), lack of a policy framework, and limited expertise and skills. In describing these issues, please be as specific as possible.

2. Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

**No assistance would be required**

**Guidance:** Please tick this box if you do not require any technical assistance in the implementation of the article under review.

Legislative assistance: Please describe the type of assistance

**Guidance:** The forms of legislative assistance should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of legislative assistance might include e.g. model arrangements and agreements, legal drafting and/or advisory support.

Institution-building: Please describe the type of assistance

**Guidance:** The forms of institution-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article, including domestic coordination issues. Specific forms of assistance in the area of institution-building might include e.g. summary of good practices and lessons learned, model arrangements and agreements, on-site assistance by a relevant expert and/or mentoring, as well as the development of an action plan for implementation.
Policymaking: Please describe the type of assistance

**Guidance:** The forms of policymaking should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of policymaking might include e.g. summary of good practices and lessons learned, sensitization of decision-making bodies, on-site assistance by a relevant expert and/or mentoring.

Capacity-building: Please describe the type of assistance

**Guidance:** The forms of capacity-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of capacity-building might include e.g. case-related assistance, on-site assistance by a relevant expert and/or mentoring, strengthening the operational and/or institutional capacities of relevant authorities through training and online learning, development of an action plan for implementation.

Research/data-gathering and analysis: Please describe the type of assistance

**Guidance:** The forms of research, data-gathering and analysis should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of research, data-gathering and analysis might include e.g. expert advice on data-gathering and storage systems, statistical advice or sample studies.

Facilitation of international cooperation with other countries: Please describe the type of assistance

**Guidance:** The forms of facilitation of international cooperation with other countries should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of facilitation of international cooperation might include e.g. case-related assistance, model legislation or model treaties.

Others: Please specify

3. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

**Guidance:** If you are receiving or have received such assistance, please provide details, including on the assistance provider, description of core objectives, duration, budget, results and impact. Please include information on technical assistance being provided in the most generic way so as to also capture projects that do not directly fit into the anti-corruption category but that address aspects relevant for the implementation of the Convention against Corruption. Please also indicate whether the extension and/or expansion of such assistance would help your country to adopt the measure(s) described in the article under review.
Article 52 Prevention and detection of transfers of proceeds of crime

Article 52, paragraph 1

1. Without prejudice to article 14 of this Convention, each State Party shall take such measures as may be necessary, in accordance with its domestic law, to require financial institutions within its jurisdiction to verify the identity of customers, to take reasonable steps to determine the identity of beneficial owners of funds deposited into high-value accounts and to conduct enhanced scrutiny of accounts sought or maintained by or on behalf of individuals who are, or have been, entrusted with prominent public functions and their family members and close associates. Such enhanced scrutiny shall be reasonably designed to detect suspicious transactions for the purpose of reporting to competent authorities and should not be so construed as to discourage or prohibit financial institutions from doing business with any legitimate customer.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Law on Prevention of Money Laundering and Financing of Terrorism (AML/CFT Law) imposes obligation for Client due diligence (CDD) and enhanced CDD in relation to the persons entrusted with prominent public functions and their family members and close associates.

The AML/CFT Law imposes obligation for obliged entities to conduct CDD in the following cases:

a) when establishing business relationship;

b) when executing one or more related transactions in the amount of EUR 15,000 or more in MKD equivalent;

c) when there is suspicion for money laundering or financing of terrorism, regardless of any exception or amount of assets, and

d) when there is a suspicion for the veracity or adequacy of previously received data for the client’s identity.

The CDD includes:

a) identification of a client and verification of his/her identity using documents, data and information from reliable and independent sources;

b) identification of the principal and verification of his/her identity using documents, data and information from reliable and independent sources;

c) identification of beneficial owner and undertaking reasonable measures to verify his/her identity, such that the entity is satisfied that it knows who the beneficial owner is, by using documents, data and information from reliable and independent sources;

d) obtaining information on the purpose and intended nature of the business relationship, and

e) ongoing monitoring of the business relationship and the transactions undertaken throughout the course of the established business relationship with the client, to ensure that these transactions are consistent with the client’s risk profile and business, including, where necessary, the sources of funds.

(2) When the client is a legal entity, the entity shall be obliged to undertake measures in order to determine the nature of its business activity and the ownership and management structure of that client.

(3) The entities shall apply each measure of the client due diligence procedure, and its volume depends on the risk assessment of the client, business relationship, product and transaction.

In relation to the “Holders of public functions” the AML/CFT Law defines all natural persons who are not citizens of Republic of Macedonia, who are or have been entrusted with public function in Republic of Macedonia or in other state, such as:

a) presidents of states and governments, ministers and deputy or assistant ministers,

b) members of the Assembly of the Republic of Macedonia,

c) elected and appointed public prosecutors and judges in the courts,

d) members of management bodies in state audit institution and members of the highest board of central bank,

e) ambassadors,

f) high rank officers in armed forces (ranks higher than colonel),

g) elected and appointed persons pursuant to law and members of the management bodies of state-owned enterprises,

h) persons holding functions in political parties (members of the political parties’ bodies) and

i) persons who are or have been entrusted with prominent function in international organization, such as: directors, deputy directors, members of management and supervisory boards or other equivalent functions;

The term “holders of public functions” shall also include:
a) family members in accordance with the Family Law, and  
b) persons who are considered as close associates:  
- business partners (any natural person for who is known to have joint ownership of a legal entity, has concluded agreements or established other close business relations with “holder of public function”), and  
- persons who established legal entity for the benefit of the holders of public functions.

The persons under the items a) to i) shall be considered as holders of public functions for at least one year after the termination of the public function, based on previously conducted risk assessment by the entities;

When the entities execute transactions or enter into business relationship with holders of public functions, they shall be obliged to undertake the following enhanced due diligence measures:

a) based on previously established procedure for risk assessment to determine whether the client and/or the owner is/are holder/s of public function or, if it is not possible, to provide a statement given by them;  
b) to provide an approval from the management structures for establishing business relationship with the client and/or the real owner adopted by the entities management structure, as well as to provide a consent for extending of the business relationship with an existing client who became a holder of public function;  
c) to undertake appropriate measures in order to determine the client’s and/or real owner’s source of assets and wealth who is a holder of public function, and  
d) to perform increased monitoring of the business relationship.

**Guidance:** You may wish to refer to any relevant information provided on article 14, subparagraph 1 (a) of the Convention in the present self-assessment report.

Information may, in particular, include the following:

- Types of financial institutions and, where applicable, any other entities subject to customer due diligence requirements (e.g. banks, money service businesses, money transfer service providers, bureaux de change, brokerages, mutual funds, mortgage providers, insurance, casinos, trust and company services providers, independent legal professionals, accountants, etc.);

- Whether your country requires financial institutions and, where applicable, any other entities to apply a risk-based approach in their customer due diligence, recordkeeping and other preventive measures in order to identify and take appropriate steps to mitigate money-laundering risks, including as they relate to types of customers, accounts, and transactions;

- Whether the financial institutions and, where applicable, any other entities are required to conduct direct customer due diligence or may reasonably rely on customer due diligence conducted by third parties;

- Any specific customer due diligence requirements on identification and verification of beneficial ownership of accounts and related funds, including those accounts held under the names of legal entities and/or legal arrangements;

- Requirements relating to the monitoring of high value accounts;

- With regard to persons entrusted with prominent public functions and their family members and close associates (PEPs): the systems in place to identify PEPs;

- Requirements of enhanced scrutiny/enhanced due diligence of accounts maintained by or on behalf of PEPs;

- Whether your country differentiates between foreign and domestic PEPs, the measures applied to each.
3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

**Guidance:** Such examples may include relevant jurisprudence, regulations, policies and/or guidance notes, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to implement this provision in practice.

**Article 52, subparagraph 2 (a)**

2. In order to facilitate implementation of the measures provided for in paragraph 1 of this article, each State Party, in accordance with its domestic law and inspired by relevant initiatives of regional, interregional and multilateral organizations against money-laundering, shall:

(a) Issue advisories regarding the types of natural or legal person to whose accounts financial institutions within its jurisdiction will be expected to apply enhanced scrutiny, the types of accounts and transactions to which to pay particular attention and appropriate account-opening, maintenance and record-keeping measures to take concerning such accounts;

1. **Is your country in compliance with this provision?**

Yes.

2. **Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.**

In accordance with the AML/CFT Law, article 16, in case when there is a high risk of money laundering and financing terrorism determined on the basis of the risk analysis, the entities should apply enhanced client due diligence, such as:

- provision of additional costs for the client;  
- more frequent updating the clients’ documents and data;  
- provision of additional data about the nature of the client’s business relationship and transactions;  
- provision of additional data about the source of assets and wealth of the client;  
- provision of information about the reason of the planned and executed transactions;  
- provision of approval by the management board for establishing new business relationship;  
- increased monitoring of the business relationship, and/or  
- requiring the first payment to be made through client’s bank account in Republic of Macedonia.

(1) In case when there is a high risk of money laundering and financing terrorism determined on the basis of the risk analysis, the entities should apply enhanced client due diligence as addition to the measures for client due diligence provided by this Law, such as:

- provision of additional costs for the client;  
- more frequent updating the clients’ documents and data;  
- provision of additional data about the nature of the client’s business relationship and transactions;  
- provision of additional data about the source of assets and wealth of the client;  
- provision of information about the reason of the planned and executed transactions;  
- provision of approval by the management board for establishing new business relationship;  
- increased monitoring of the business relationship, and/or  
- requiring the first payment to be made through client’s bank account in Republic of Macedonia.

(2) Except in the cases under paragraph (1) of this Article, when the client is not physically present for the purposes of identification, the entities should undertake one or more of the following enhanced due diligence measures:

a) to determine the client’s identity with additional documents, data or information;  

b) additional measures that verify the provided documents or to ask other financial institution from Republic of Macedonia, from member-state of the European Union or country in which the regulations provide for almost the same criteria and standards for prevention of money laundering and financing terrorism as the requirement provided by this Law, to verify the documents, and  

c) to require the first payment to be made through client’s bank account in Republic of Macedonia.

(3) When the banks establish correspondent bank relationships with banks for which a simplified due diligence pursuant to Article 15 of this Law is not allowed, they shall be obliged to undertake the following enhanced due diligence measures:
a) to collect sufficient data about the correspondent bank in order to fully determine its activity and establish its reputation and supervision quality;
b) to collect information and on the basis of them to assess the correspondent bank’s system for protection of money laundering and financing terrorism;
c) to provide approval from the management board for establishing new correspondent relationship;
d) to prescribe the mutual rights and obligations precisely, and
e) to determine whether the correspondent bank performs the activities under Article 7 paragraph (1) items a), b) and c) of this Law, to the persons who have direct access to its correspondent accounts in the banks in Republic of Macedonia, at least in the extent and on a manner determined by this Law, as well as to determine whether the correspondent bank is ready to provide the data for identification and verification of the client’s and the real owner’s identity to the foreign bank and to deliver them to the bank upon request.

(4) When the entities execute transactions or enter into business relationship with holders of public functions, they shall be obliged to undertake the following enhanced due diligence measures:
   a) based on previously established procedure for risk assessment to determine whether the client and/or the owner is/are holder/s of public function or, if it is not possible, to provide a statement given by them;
   b) to provide an approval from the management structures for establishing business relationship with the client and/or the real owner adopted by the entities management structure, as well as to provide a consent for extending of the business relationship with an existing client who became a holder of public function;
   c) to undertake appropriate measures in order to determine the client’s and/or real owner’s source of assets and wealth who is a holder of public function, and d) to perform increased monitoring of the business relationship.

(5) The entities shall be obliged to undertake enhanced due diligence measures for transactions and business relationships with natural persons and legal entities from states which have not or insufficiently implemented the measures for prevention of money laundering and financing terrorism. The Office shall regularly publish the list of states which have not or insufficiently implemented the measures for prevention of money laundering and financing terrorism on its official webpage.

(6) The Government of Republic of Macedonia, on proposal of the Anti-Money Laundering Council, shall adopt a decision on application of enhanced due diligence measures or termination of a business agreement with clients from states which have not or insufficiently implemented the measures for prevention of money laundering and financing terrorism.

Guidance: Information sought may include:

- Whether your country issues advisories to financial institutions and, where applicable, any other entities on when and how to apply enhanced customer due diligence, recordkeeping and ongoing monitoring of accounts and transactions, including requirements that apply to different types of natural or legal persons and types of accounts and transactions;
- Whether the advisories issued are in accordance with domestic law;
- Any guidance, including training, provided to financial institutions on how to exercise enhanced scrutiny;
- To what extent the domestic legal requirements are inspired by relevant initiatives of regional, interregional and multilateral organizations against money-laundering.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision. You may wish to describe to what extent the measures are inspired by relevant initiatives of regional, interregional and multilateral organizations against money-laundering. Information sought may, in particular, include advisories, or similar documents, issued by the competent authorities of your country (such as the Central Bank or monetary/financial supervisory authority, Financial Intelligence Unit, the Banking Supervisory Authority, professional supervisory bodies, etc.).
Article 52, subparagraph 2 (b)

2. In order to facilitate implementation of the measures provided for in paragraph 1 of this article, each State Party, in accordance with its domestic law and inspired by relevant initiatives of regional, interregional and multilateral organizations against money-laundering, shall:

(b) Where appropriate, notify financial institutions within its jurisdiction, at the request of another State Party or on its own initiative, of the identity of particular natural or legal persons to whose accounts such institutions will be expected to apply enhanced scrutiny, in addition to those whom the financial institutions may otherwise identify.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Republic of Macedonia has a system to notify financial institutions of the identity of high-risk persons. There are legal provisions prescribing criteria used to determine to whose accounts such enhanced scrutiny should be applied. Financial institutions notified accordingly need to report on enhanced scrutiny to such accounts.

Relevant provisions are stipulated by the Law on Prevention of Money Laundering and Financing of Terrorism, as follows:

"Client due diligence

Article 6

The entities shall be obliged to conduct a procedure for client due diligence in the following cases:

a) when establishing business relationship;

b) when executing one or more related transactions in the amount of EUR 15,000 or more in MKD equivalent;

c) when there is suspicion for money laundering or financing of terrorism, regardless of any exception or amount of assets, and

d) when there is a suspicion for the veracity or adequacy of previously received data for the client’s identity.

Article 7

(1) The client due diligence procedure under Article 6 of this Law shall include:

a) identification of a client and verification of his/her identity using documents, data and information from reliable and independent sources;

b) identification of the principal and verification of his/her identity using documents, data and information from reliable and independent sources;

c) identification of beneficial owner and undertaking reasonable measures to verify his/her identity, such that the entity is satisfied that it knows who the beneficial owner is, by using documents, data and information from reliable and independent sources;

d) obtaining information on the purpose and intended nature of the business relationship, and e) ongoing monitoring of the business relationship and the transactions undertaken throughout the course of the established business relationship with the client, to ensure that these transactions are consistent with the client’s risk profile and business, including, where necessary, the sources of funds.

(2) When the client is a legal entity, the entity shall be obliged to undertake measures in order to determine the nature of its business activity and the ownership and management structure of that client.

(3) The entities shall apply each measure of the client due diligence procedure, and its volume depends on the risk assessment of the client, business relationship, product and transaction.

(4) The entities shall perform a risk assessment based on an internal risk assessment procedure which is an integral part of the programme, and based on the indicators prepared by the Office in cooperation with the entities and supervisory bodies.

(5) The entities shall be obliged to make available the risk assessment documents to the Office and the supervisory bodies in order to verify that the determined risk of money laundering and financing of terrorism is appropriate and that the volume of the undertaken measures is in accordance with the risk of the client, business relationship,
Identification and verification of the identity of the client

Article 8

(1) When the client is a natural person, he/she shall be identified and his/her identity shall be verified by submission of original and valid identification document, issued by a competent authority or a copy certified by a notary public.

(2) The name, surname, date and place of birth, place and address of living or residence, personal identification number or identification number, number of the identification document, the issuing body and the date of validity shall be determined from the document under paragraph (1) of this Article.

(3) When the client is a legal entity, it shall be identified and its identity shall be verified with an original document for registration or a copy certified by a notary public, issued by a competent authority of the state in which the legal entity is registered. The registration document shall be submitted in paper and/or electronic form. The registration documents issued by a competent authority of a foreign country should be translated into Macedonian language by certified court translator.

(4) The name, seat, tax identification number of the legal entity, founder/s, legal representative, managing body and the persons authorized for entering into business relationship on behalf of the client shall be determined from the document under paragraph (3) of this Article.

(5) The entities shall keep a copy in paper and/or electronic form, from the documents under paragraphs (1) and (3) of this Article, for identification purposes.

(6) The entities may also ask for other data, information and documents from reliable and independent sources in order to verify the client’s identity.

Identification and verification of the identity of the principal

Article 9

(1) The entities shall be obliged to determine whether the client acts on behalf of a third person.

(2) The entities shall be obliged to identify and verify the identity of the person who executes the transaction (proxy), holder of rights (principal) and the power of attorney in cases under paragraph (1) of this Article.

Identification and verification of the identity of the beneficial owner

Article 10

(1) The entities shall be obliged to identify the beneficial owner and on the basis of the risk assessment to verify his/her identity based on data and information from reliable and independent sources.

(2) The entities should verify the beneficial owner’s identity in order to be satisfied who the beneficial owner is.

(3) When the entity determined low risk from money laundering and financing of terrorism and undertook all activities for identification of the beneficial owner in accordance with Article 7 of this Law, but is not satisfied that it knows the person who is the beneficial owner, it may take a statement from the client and perform the verification of the identity based on data from reliable and independent sources.

(4) The entity may not identify and verify the identity of the beneficial owner if the client or the owner of the controlling interest is a state authority or legal entity whose securities are listed on domestic or foreign stock exchange and the data for their ownership and management structure are publicly available.

Article 11

(1) The entities shall be obliged to perform verification of the identity of the client, principal or beneficial owner before establishing a business relationship or before executing transaction for clients with whom the entity has not established a business relationship.

(2) By the way of derogation from paragraph (1) of this Article, the entities may verify the identity of the client, principal or the beneficial owner during establishing a business relationship in order not to interrupt the normal conduct of the business relationship and when there is a low risk of money laundering and financing of terrorism.

(3) By the way of derogation from paragraphs (1) and (2) of this Article, in the matters related to life insurance, the verification of the identity of the client, principal or the beneficial owner is allowed to be performed after the establishment of the business relationship. In this case, the verification of the identity should be performed before or during the payment of the insurance policy, or before or when the client is intending to exercise the rights arising from the policy.

Ongoing monitoring of the business relationship

Article 12

(1) The entities shall be obliged to monitor the transactions performed within the business relationship with the client, in
order to confirm that those transactions are performed in accordance with the purpose and the intention of the business
relationship, the client’s risk profile, his/her financial standing and of his/her source of funds, if necessary.

(2) The entities shall be obliged to perform a regular update of the documents and data for the existing clients with whom
they have established a business relationship.

**Article 13**

(1) The financial institutions shall be obliged in case of a payment of an amount exceeding EUR 1,000 in MKD counter
value according to the middle exchange rate of the National Bank of Republic of Macedonia on the day of payment, for
the purposes of wire transfer via the international payment operations, to provide data for the originator from which
his/her identity may be determined and verified, such as: name and surname, i.e. the name of the originator, address and
account number. If the data for the address is missing or may not be determined, the financial institution may replace
them with: the date and place of birth or the personal identification number of the client or the identification, i.e. the
reference number of the transaction.

(2) The financial institutions shall be obliged in case of a payment of an amount that exceeds EUR 1,000 in MKD
counter value according to the middle exchange rate of the National Bank of Republic of Macedonia on the day of
payment, for the purposes of wire transfer via the domestic payment operations, to provide data for the originator from
which his/her identity may be determined and verified. If due to technical reasons, the provided data may not be
accompanied, only the data for the account number or the identification number shall be accompanied.

(3) The financial institutions under paragraph (2) of this Article, on request of the financial institution that should execute
the payment, or the competent authorities, shall be obliged to make available the data under paragraph (1) of this Article
within three business days from the delivery of the request.

(4) The financial institutions that appear as mediators in the wire transfer for amounts exceeding EUR 1,000 in MKD
counter value according to the middle exchange rate of the National Bank of Republic of Macedonia on the day of the
transfer, in the international payment operations, shall be obliged to accompany the data for the originator under
paragraph (1) of this Article to the financial institution that will perform the transfer payment.

(5) In performing payment of wire transfers in the international payment operations in an amount exceeding EUR 1,000
in MKD counter value according to the middle exchange rate of the National Bank of Republic of Macedonia on the day of
payment, the financial institutions shall be obliged to provide data from the originator’s financial institution from
which the originator’s identity can be determined and verified, and within their internal acts to set the manner on which
they will determine whether a part of the data under the paragraphs (1), (2) and (4) of this Article is missing and the
manner of handling such transfers. The entities should request for the missing data or to reject the transfer.

(6) The financial institutions may limit or terminate the business relationship with the financial institutions that do not
provide or accompanied the data provided for in paragraphs (1), (2), (4) and (5) under this Article.

(7) The provisions under this Article do not refer to the following kinds of transfers:
- using cards for withdrawing assets from bank account or POS terminals and payments in retail,
- transfers and settlements in which the originator and recipient are banks that execute the transfer in their name
  and for their own account, and
- tax payments, fines and other public duties.

**Reliance on third parties**

**Article 14**

(1) In cases when the entities implement the measures under Article 6 of this Law, they, under the terms provided for in
this Law, may rely on third parties to perform the measures and activities under Article 7 paragraph (1) items a), b), c)
and d) from this Law.

(2) In the cases under paragraph (1) of this Article, the entities relying on third party should: a) immediately obtain the
necessary information in accordance with Article 7 paragraph (1) items a), b), c) and d) of this Law; b) to provide the
required documentation for the performed client due diligence, upon their request, without any delay, and c) to determine
that the third party is licensed and is subject of control by a competent authority and fulfils the measures for client due
diligence and record keeping in accordance with this Law.

(3) The entities may assign the execution of the measures and activities under Article 7 paragraph (1) items a), b), c) and
d) of this Law to third parties from same financial group, if the financial group applies the requests for client due
diligence, record keeping and internal programmes for prevention of money laundering and financing of terrorism,
enhanced due diligence of the holders of public functions pursuant to the international standards.

(4) The entity shall be obliged to previously check whether the third party under paragraphs (1) and (3) of this Article
meets the terms under Article 7 of this Law. In case when the third party is from other country, the entity should take into
consideration the level of risk of money laundering and financing of terrorism in the country. The performance of
measures and activities under Article 7 paragraph (1) items a), b), c) and d) of this Law shall not be assigned to a third party who originates from country which does not apply the standards for money laundering and financing of terrorism or to a shell bank.

(5) The responsibility for implementation of the measures for client due diligence in the cases under paragraph (1) of this Law, shall remain to the entity relying on third party in the performance of the measures and activities under Article 7 paragraph (1) items a), b), c) and d) of this Law.

Simplified client due diligence

Article 15

(1) The entities may apply simplified measures for client due diligence in the cases where they determined that there is low risk of money laundering and financing of terrorism.

(2) The entities, in the cases under paragraph (1) of this Article, may apply simplified measures for client due diligence when the clients are:

- financial institution in Republic of Macedonia which is licensed by the competent authority and has established adequate measures for prevention of money laundering and financing of terrorism;
- financial institution form European Union member-state which is established and operates in accordance with the legal regulations of the European Union;
- financial institution from third countries in which the regulations provide for at least the same requirements for undertaking measures for prevention of money laundering and financing of terrorism, as the requirements defined by this Law;
- domestic state bodies;
- public enterprises established in accordance with the Law on Public Enterprises, if the data about them and their audit and accounting reports are publicly available and transparent;
- holders of life insurance policies in which the annual premium does not exceed EUR 1,000 in MKD counter value or the individual premium does not exceed EUR 2,500 in MKD counter value;
- holders of pension insurance policies where there is no condition for transmission and the policy cannot be used as a pledge;
- legal entities whose shares are subject to trading on regulated capital markets, members of countries from the European Union or third countries whose requirements are the same as the ones of the European Union’s member-states.
- legal entities from European Union member-states which are established and operate in accordance with the legal regulations of the European Union, and if the registration data and their audit and accounting reports are publicly available and transparent.

(3) The measures of simplified client due diligence shall be as follows:

- client’s or beneficial owner’s identity verification after the establishment of the business relationship;
- reducing the frequency of updating the clients’ documents and data;
- reducing the degree of ongoing monitoring of the client’s business relationship and transactions, and
- determining the goal and intention of the business relationship based on the type of transactions performed by the client.

(4) The entities shall be obliged to provide an appropriate documentation based on which can be verified that the application of the simplified client due diligence under this Article is permitted, and to make that documentation available to the Office and the supervisory bodies.

Enhanced client due diligence

Article 16

(1) In case when there is a high risk of money laundering and financing terrorism determined on the basis of the risk analysis, the entities should apply enhanced client due diligence as addition to the measures for client due diligence provided by this Law, such as:

- provision of additional costs for the client;
- more frequent updating the clients’ documents and data;
- provision of additional data about the nature of the client’s business relationship and transactions;
- provision of additional data about the source of assets and wealth of the client;
- provision of information about the reason of the planned and executed transactions;
- provision of approval by the management board for establishing new business relationship;
- increased monitoring of the business relationship, and/or
- requiring the first payment to be made through client’s bank account in Republic of Macedonia.
(2) Except in the cases under paragraph (1) of this Article, when the client is not physically present for the purposes of identification, the entities should undertake one or more of the following enhanced due diligence measures:

a) to determine the client’s identity with additional documents, data or information;

b) additional measures that verify the provided documents or to ask other financial institution from Republic of Macedonia, from member-state of the European Union or country in which the regulations provide for almost the same criteria and standards for prevention of money laundering and financing terrorism as the requirement provided by this Law, to verify the documents, and c) to require the first payment to be made through client’s bank account in Republic of Macedonia.

(3) When the banks establish correspondent bank relationships with banks for which a simplified due diligence pursuant to Article 15 of this Law is not allowed, they shall be obliged to undertake the following enhanced due diligence measures:

a) to collect sufficient data about the correspondent bank in order to fully determine its activity and establish its reputation and supervision quality;

b) to collect information and on the basis of them to assess the correspondent bank’s system for protection of money laundering and financing terrorism;

c) to provide approval from the management board for establishing new correspondent relationship;

d) to prescribe the mutual rights and obligations precisely, and

e) to determine whether the correspondent bank performs the activities under Article 7 paragraph (1) items a), b) and c) of this Law, to the persons who have direct access to its correspondent accounts in the banks in Republic of Macedonia, at least in the extent and on a manner determined by this Law, as well as to determine whether the correspondent bank is ready to provide the data for identification and verification of the client’s and the real owner’s identity to the foreign bank and to deliver them to the bank upon request.

(4) When the entities execute transactions or enter into business relationship with holders of public functions, they shall be obliged to undertake the following enhanced due diligence measures:

a) based on previously established procedure for risk assessment to determine whether the client and/or the owner is/are holder/s of public function or, if it is not possible, to provide a statement given by them;

b) to provide an approval from the management structures for establishing business relationship with the client and/or the real owner adopted by the entities management structure, as well as to provide a consent for extending of the business relationship with an existing client who became a holder of public function;

c) to undertake appropriate measures in order to determine the client’s and/or real owner’s source of assets and wealth who is a holder of public function, and

d) to perform increased monitoring of the business relationship.

(5) The entities shall be obliged to undertake enhanced due diligence measures for transactions and business relationships with natural persons and legal entities from states which have not or insufficiently implemented the measures for prevention of money laundering and financing terrorism. The Office shall regularly publish the list of states which have not or insufficiently implemented the measures for prevention of money laundering and financing terrorism on its official webpage.

(6) The Government of Republic of Macedonia, on proposal of the Anti-Money Laundering Council, shall adopt a decision on application of enhanced due diligence measures or termination of a business agreement with clients from states which have not or insufficiently implemented measures for prevention of money laundering and financing terrorism.

Article 17

(1) The entities shall be obliged to pay particular attention to the complex, unusually large transactions or transactions executed in an unusual way, which have no evident economic justification or visible lawful purpose.

(2) The entities shall be obliged to pay particular attention to the business relationships and transactions with civil associations and foundations.

(3) The entities shall be obliged to determine the risk of money laundering and financing terrorism before introducing new technologies or developing technologies, new products, business practices or services.

(4) The entities in the cases under paragraph (3) of this Article should undertake measures appropriate to the determined risk in order to prevent the new technologies, developing technologies, new products, business practices or services to be used for money laundering or financing terrorism.

(5) The entities shall be obliged to perform analyse of the purpose and intention of the activities under paragraphs (1), (2) and (3) of this Article and to prepare written report about the performed analysis.

Rejection of business relationship and transaction
Article 18

(1) When the client due diligence measures cannot be implemented by the entity, the entity shall be obliged to reject to establish business relationship, not to carry out the transaction or to terminate the business relationship with the client.

(2) In cases under paragraph (1) of this Article, the entity shall be obliged to determine whether there are grounds for suspicion of money laundering and financing terrorism and to submit a report to the Office in accordance with Article 30 paragraph (1) item a) of this Law.

Financial Intelligence Office

Article 40

(1) For collection, processing, analysis, storage and submission of the data received from the entities which are not obliged to undertake measures and activities for detection and prevention of money laundering and financing terrorism shall be established an Office, as a body of the state administration and within the Ministry of Finance in capacity of legal entity.

(2) The Office shall have the following responsibilities:

- collecting, processing, analysing, storing and delivering data received from the entities pursuant to this Law;
- obtaining financial, administrative and other data and information, necessary to carry out its responsibilities;
- preparing and submitting reports to the competent state authorities always when there is a suspicion for committed offence of money laundering and financing terrorism;
- preparing and submitting a notification to the competent state authorities for any grounded suspicion of committing other offence;
- issuing a written order to the entity by which it temporarily withholds the transaction;
- submitting a request to the competent public prosecutor for proposal on determining provisional measures;
- submitting an order to the entity for monitoring of the business relationship;
- submitting a request for initiating a misdemeanour procedure before the competent court;
- cooperating with the entities under Article 3 of this Law, Ministry of Interior, Financial Police Office, State Foreign Exchange Inspectorate, Securities and Exchange Commission of Republic of Macedonia, National Bank of Republic of Macedonia, Agency for Supervision of Fully Funded Pension Insurance, State Commission for Prevention of Corruption and other state authorities and institutions as well as other organizations, institutions and international bodies for combating money laundering and financing terrorism.
- concluding cooperation agreements and exchanging data and information with competent bodies of other countries and international organizations, included in combating money laundering and financing terrorism;
- performing supervision of the entities regarding the application of measures and activities determined by this Law, independently or in cooperation with the supervisory bodies and the commissions stated under this Law.
- initiating initiatives or providing opinion regarding laws and bylaws which refer to prevention of money laundering and financing terrorism;
- assisting in the professional specialization of the authorized persons and employees in the Department for Prevention of Money Laundering and Financing Terrorism within the entities under Article 3 of this Law;
- determining lists of indicators for risk analysis and recognizing suspicious transactions in cooperation with the entities and bodies which supervise their operation;
- planning and implementing trainings for specialization and training of the employees in the Office;
- providing clarification on the application of the regulations for preventing money laundering and financing terrorism, and - performing other activities determined by law.

(3) The Office shall perform the matters within its competence pursuant to law, the ratified international agreements governing the prevention of money laundering and financing terrorism.

(4) The Office shall perform the matters in the area of surveillance in accordance with the inspection supervision regulation, unless this law stipulates otherwise.

(5) The personal data collected for the purposes of this Law shall be used in accordance with this Law and personal data protection regulations.

(6) The Office shall prepare a report on the matters within its competence and a working programme for the next year and shall submit them to the Minister of Finance and to the Government of Republic of Macedonia once a year. The Office may also submit other kind of report on a request of the Minister of Finance or the Government of Republic of Macedonia.

(7) The financial resources of the Office shall be provided by the Budget of Republic of Macedonia.
Entities
Article 3

Entities shall be the persons obliged to undertake the measures and activities for prevention of money laundering and financing of terrorism provided by this law (hereinafter: entities), such as:

1. Financial institutions and subsidiaries, branch offices and business units of foreign financial institutions performing activity in Republic of Macedonia in accordance with law;
2. Legal entities and natural persons who perform the following services:
   a) real estate trading,
   b) audit and accounting services,
   c) notary public’s, attorney’s and other legal services which refer to: sale and purchase of movable objects, real estate, shares or stocks, money and securities trade and management, opening and disposing with bank accounts, safe-deposit boxes and other financial products, establishing or participating in legal entities’ management and operation, representation of clients in financial transactions etc.
   d) providing advice in the field of taxes;
   e) providing consulting services, and
   f) providing services of investment advisor.
3. Organizers of games of chance in gaming house (casino);
4. Internet casinos;
5. Services providers for legal entities;
6. Central securities depositary, and
7. Legal entities who receive movable objects and real estate as pledge.

Submission of the data to the office
Article 30

(1) The entities shall be obliged to submit the collected data, information and documents to the Office in the following cases:
   a) when they have suspicions and grounds to suspect that:
      - it has been or was performed money laundering and/or financing terrorism or there was or there is an attempt for money laundering or financing terrorism, regardless the amount of the transaction;
      - the property is a proceed of crime;
      - the property is related to financing terrorist act, terrorist organization or terrorist or person who finance terrorism;
   b) in case of cash transaction in the amount of EUR 15,000 or more, in MKD counter value, and
   c) in case of related cash transactions in the amount of EUR 15,000 or more in MKD counter value.

(2) The entity shall be obliged to submit to the Office the data, information and documents within 24 hours in the form of a report regarding the suspicion under paragraph (1) item a) of this Article.

(3) If the Office will not notify the entity about any further activities within the deadlines from paragraph (4) of this article, the entity shall perform the transaction.

(4) The entity shall be obliged to immediately notify the Office regarding the suspicions from paragraph (1) item a) of this article and to retain the transaction:
   - maximum 2 hours from the notification to the Office, when the grounds for suspicion were detected before the execution of the transaction
   - maximum 4 hours from the notification to the Office, when the grounds for suspicion were detected during the execution of the transaction.

(5) If the submitted data under paragraph (2) of this Article are insufficient, the Office may ask from the entities for additional information and documentation.

(6) The entities shall be obliged to notify, in written, the competent supervisory body under Article 91 and 98 of this Law that they submitted to the Office the report under paragraph (2) of this Article, within three business days from the date of delivery of the report.

(7) The entities shall be obliged to deliver the Office the collected data, information and documents for the performed transactions under paragraph (1) items b) and c) of this Article, within three business days from the date of the performed transaction, in the form of report.

(8) The minister of finance shall prescribe the content of the report from paragraph (7) of this article.

Article 31

(1) The grounds of suspicion under Article 30 paragraph (1) item a) of this Law shall be determined by the entity based on immediate information, list of indicators for recognizing suspicious transactions determined by the Office, the entities and supervisory bodies and the international lists of terrorists and terrorist organizations as well as in accordance with the internal risk assessment acts of the entities.

(2) The Office shall have the obligation to update the indicators lists under paragraph (1) of this Article.
Article 89

(1) The Office can conclude agreements for cooperation with authorised bodies of other states as well as with international organizations included in the combat against money laundering and financing terrorism.

(2) The office within the international cooperation may request data and the data obtained on the basis of this law to submit at own initiative or at their request and on condition of reciprocity to the authorised bodies and organizations of other states, as well as to international organizations concerning prevention of money laundering and financing terrorism.

(3) The request for data exchange of the bodies and organizations referred to in paragraph (2) of this Article should be clarified with the appropriate relevant facts that suggest money laundering and financing terrorism and the purpose for which the requested data and information shall be used.

(4) The Office shall be obliged after the obtained request referred to in paragraph (3) of this Article to provide all of the appropriate data and information in accordance with the authorities determined with this Law.

(5) The Office can refuse the request for data exchange referred to in paragraph (2) of this Article if that is contrary to this Law or shall stop conducting the investigation of another state authority or the crime procedure against the person for which the data is requested. The office shall be obliged to explain the reasons for which the request was declined.

(6) The office is obliged to use the data and the information provided by authorities of other states for the purposes determined with this Law and under the conditions provided by the authority that submitted them.

(7) The office can exchange the information and the data with the authorities in charge of conducting investigation for money laundering and financing terrorism after providing their previous consent.

(8) The data and the information provided on the basis of this article shall be confidential in accordance with the Law.

(9) The office may request for information from the authorised bodies of other states for how the data submitted in accordance with this Article is being used.

Article 90

(1) The provisions of Articles 83, 84, 85 and 86 of this Law shall be implemented when an authority for preventing money laundering and terrorism financing of another state shall request for a denial or delay of a transaction.

(2) The request referred to in paragraph (1) of this Article needs to be explained and to refer to a transaction related to money laundering and/or financing terrorism and the refusal or the delay shall be realised if the transaction is an object of domestic suspicious transaction.

Article 104

The Office shall keep records on:
1) Persons for which is submitted a report for a suspicious activity;
2) Persons for which is submitted a report for cash transaction;
3) Persons for which is submitted a report for related cash transactions;
4) Persons for which it is submitted a report for paid credits;
5) Persons for which is submitted a notary report for certified legal act;
6) Persons for which is submitted a report for concluding life insurance policy in amount that exceeds 15,000 EUR in MKD counter-value;
7) Persons for which is submitted a report for purchase of vehicles with value that exceeds 15,000 EUR in MKD counter-value;
8) Persons for which is submitted a report for suspicion of money laundering and financing terrorism to the authorities;
9) Persons for which is submitted a notification to the authorities for another crime;
10) Persons for which is issued an order for monitoring a business relationship;
11) Persons for which is issued an order for implementation of provisional measures;
12) Persons for which is exchanged data with the authorities in Republic of Macedonia;
13) Persons for which is exchanged data with the authorities and organizations of other states and international organizations and
14) Persons that transferred money or transferable physical means of payment.

The records referred to in paragraph (1) of this Article contain personal data in accordance with the Articles 8 and 102 of this Law and other data and information for the entity of the personal data and for a third party.

Article 105

The records of article 104 of this Law may be structured and kept as:
- Record for applied reports for suspicious activity;
- Record for received reports for one or more related cash transactions;
- Record for received reports for transfer of money or transferable physical means of payment; - Record for applied reports of banks for paid credits;
- Record for received notary records for certified legal acts;
- Record for received reports from the insurance companies for concluding life insurance policy in amount that exceeds 15,000 EUR in MKD counter-value;
- Record for received reports from car dealers for purchase of vehicles with value that exceeds 15,000 EUR in MKD counter-value;
- Records for received and submitted requests for data exchange with the authorised bodies and organizations of other
states and international organizations;  
- Records for submitted reports and notifications to the authorities and - Record for issued orders for monitoring a  
  business relationship and for implementation of provisional measures.

**Article 106**

(1) The data for which the Office keeps records in accordance with Article 104 and Article 105 of this Law shall be  
  used for statistical and analytical purposes of the Office.

(2) Personal data may be submitted to the authorised bodies and organizations of other states and international  
  organizations in accordance with a Law and ratified international agreements."

The FIO is member of the EGMONT Group and actively participates in the Moneyval Committee.

<table>
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<tr>
<th>Guidance: Information sought may include:</th>
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| □ Whether your country has a system to notify financial institutions (and, where applicable,  
  any other entities) of the identity of high-risk persons and if yes:  
  - Whether it includes names of natural and legal persons received from another State  
    Party;  
  - Which criteria are being used to determine to whose accounts such enhanced  
    scrutiny should be applied;  
  - Whether financial institutions notified accordingly need to report on enhanced  
    scrutiny to such accounts;  
  - To what extent domestic measures are inspired by relevant initiatives of regional,  
    interregional and multilateral organizations against money-laundering. |

3. Please provide examples of the implementation of those measures, including related court or other cases,  
statistics etc.

| Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other  
relevant information which illustrates the measures your country has taken to effectively  
implement this provision. Specific information sought may also include examples of  
notifications/advisories with which your responsible authorities informed financial institutions  
and, where applicable, any other entities of the identity of particular natural or legal persons to  
whose accounts such institutions are expected to apply enhanced scrutiny. |

**Article 52, paragraph 3**

3. In the context of paragraph 2 (a) of this article, each State Party shall implement measures to ensure that its  
financial institutions maintain adequate records, over an appropriate period of time, of accounts and transactions  
involving the persons mentioned in paragraph 1 of this article, which should, as a minimum, contain information relating  
to the identity of the customer as well as, as far as possible, of the beneficial owner.
1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

In accordance with the Law on Prevention of Money Laundering and Financing of Terrorism, the entities (financial institution included) are obliged to store copies of the documents determining and verifying the identity of the client, authorizer and real owner, about the implemented client or real owner due diligence procedures and the realized or attempted transactions, client file and business correspondence, for at least five years following the executed transaction, as of the last transaction when it comes to several transaction which constitute a whole.

Relevant provisions of the Law are cited below:

“Data storage
Article 28

(1) The entities shall be obliged to store copies of the documents determining and verifying the identity of the client, authorizer and real owner, about the implemented client or real owner due diligence procedures and the realized or attempted transactions, client file and business correspondence, for at least five years following the executed transaction, as of the last transaction which constitutes a whole.

(2) The entities shall be obliged to store copies from the performed due diligence in accordance with Article 17 paragraph (5) of this Law for at least five years from the last transaction or introduction of new technology, business practice, service or product.

(3) The entities shall be obliged to store the data in a manner they delivered to the Office, for at least five years from the date of delivering.

(4) The data about the client with who is established longer business relationship in terms of this Law shall be stored for at least five years from the date of termination of the business relationship.

(5) The Customs Administration shall be obliged to store all data for entering or exiting money and physically transferable assets through the customs line for at least five years from the date of the performed transfer.

(6) The register under the Article 20, 21, 22, and 23 of the law Article shall be kept for at least five years since the last recorded data.

(7) The entities shall be obliged to keep copies from the documentation under Article 36 of this Law for at least five years.

(8) In case of termination of the entity’s existence, the obligation for data storage within the term determined in paragraph (1) under this Article shall be transferred to the legal successors of the entity.

(9) If there are no successors of the legal entity, the obligation for data storage under paragraph (1) of this Article shall be transferred to its founders.

(10) The entities shall be obliged to make available the documents under paragraph (1) of this Article on request of the Office or the bodies under Article 91 and Article 98 of this law.

(11) On request of the Office, the entities shall be obliged to store the data under paragraph (1) of this Article longer than five years.

Article 104

The Office shall keep records on:

1) Persons for which is submitted a report for a suspicious activity;
2) Persons for which is submitted a report for cash transaction;
3) Persons for which is submitted a report for related cash transactions;
4) Persons for which it is submitted a report for paid credits;
5) Persons for which is submitted a notary report for certified legal act;
6) Persons for which is submitted a report for concluding life insurance policy in amount that exceeds 15,000 EUR in MKD counter-value;
7) Persons for which is submitted a report for purchase of vehicles with value that exceeds 15,000 EUR in MKD counter-value;
8) Persons for which is submitted a report for suspicion of money laundering and financing terrorism to the authorities;
9) Persons for which is submitted a notification to the authorities for another crime;
10) Persons for which is issued an order for monitoring a business relationship;
11) Persons for which is issued an order for implementation of provisional measures;
12) Persons for which is exchanged data with the authorities in Republic of Macedonia;
13) Persons for which is exchanged data with the authorities and organizations of other states and international organizations and
14) Persons that transferred money or transferable physical means of payment.
The records referred to in paragraph (1) of this Article contain personal data in accordance with the Articles 8 and 102 of this Law and other data and information for the entity of the personal data and for a third party.

**Article 105**
The records of article 104 of this Law may be structured and kept as:
- Record for applied reports for suspicious activity;
- Record for received reports for one or more related cash transactions;
- Record for received reports for transfer of money or transferable physical means of payment;
- Record for applied reports of banks for paid credits;
- Record for received notary records for certified legal acts;
- Record for received reports from the insurance companies for concluding life insurance policy in amount that exceeds 15,000 EUR in MKD counter-value;
- Record for received reports from car dealers for purchase of vehicles with value that exceeds 15,000 EUR in MKD counter-value;
- Records for received and submitted requests for data exchange with the authorised bodies and organizations of other states and international organizations;
- Records for submitted reports and notifications to the authorities and
- Record for issued orders for monitoring a business relationship and for implementation of provisional measures.

**Article 106**
(1) The data for which the Office keeps records in accordance with Article 104 and Article 105 of this Law shall be used for statistical and analytical purposes of the Office.
(2) Personal data may be submitted to the authorised bodies and organizations of other states and international organizations in accordance with a Law and ratified international agreements.”

**Identification and verification of the identity of the beneficial owner**

**Article 10**
(1) The entities shall be obliged to identify the beneficial owner and on the basis of the risk assessment to verify his/her identity based on data and information from reliable and independent sources.
(2) The entities should verify the beneficial owner’s identity in order to be satisfied who the beneficial owner is.
(3) When the entity determined low risk from money laundering and financing of terrorism and undertook all activities for identification of the beneficial owner in accordance with Article 7 of this Law, but is not satisfied that it knows the person who is the beneficial owner, it may take a statement from the client and perform the verification of the identity based on data from reliable and independent sources.
(4) The entity may not identify and verify the identity of the beneficial owner if the client or the owner of the controlling interest is a state authority or legal entity whose securities are listed on domestic or foreign stock exchange and the data for their ownership and management structure are publicly available.

**Article 11**
(1) The entities shall be obliged to perform verification of the identity of the client, principal or beneficial owner before establishing a business relationship or before executing transaction for clients with whom the entity has not established a business relationship.
(2) By the way of derogation from paragraph (1) of this Article, the entities may verify the identity of the client, principal or the beneficial owner during establishing a business relationship in order not to interrupt the normal conduct of the business relationship and when there is a low risk of money laundering and financing of terrorism.
(3) By the way of derogation from paragraphs (1) and (2) of this Article, in the matters related to life insurance, the verification of the identity of the client, principal or the beneficial owner is allowed to be performed after the establishment of the business relationship. In this case, the verification of the identity should be performed before or during the payment of the insurance policy, or before or when the client is intending to exercise the rights arising from the policy.

**Guidance:** Information sought may include:

- The record keeping requirements in your country and their legal basis, i.e. specific provisions in anti-money-laundering legislation, laws and regulations governing banking and other financial institutions, where applicable, any other entities, or general provisions, e.g. in corporate law;
Record keeping requirements applicable to (i) customer related records (including documents and other pertinent information) and (ii) transaction related records (including documents and other pertinent information);

Requirements concerning the location of such records (including whether they are required to be held in the country and by the relevant institution or whether records are permitted to be held outside of the country by others, such as authorized third parties) and the duration that records are to be maintained;

Any required format for record keeping (hard copy, digital, etc.).

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Article 52, paragraph 4

4. With the aim of preventing and detecting transfers of proceeds of offences established in accordance with this Convention, each State Party shall implement appropriate and effective measures to prevent, with the help of its regulatory and oversight bodies, the establishment of banks that have no physical presence and that are not affiliated with a regulated financial group. Moreover, States Parties may consider requiring their financial institutions to refuse to enter into or continue a correspondent banking relationship with such institutions and to guard against establishing relations with foreign financial institutions that permit their accounts to be used by banks that have no physical presence and that are not affiliated with a regulated financial group.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.
Guidance: Information sought may include:

- Legal and regulatory provisions for preventing the establishment of shell banks (i.e., banks that have no physical presence and that are not affiliated with a regulated financial group);
- Legal and regulatory provisions for financial institutions to prevent them from entering into or continuing a correspondent banking business with such banks as well as with foreign financial institutions that permit their accounts to be used by such banks.

Financial institutions are prohibited to enter into or to extend the business relationship with a shell bank and to begin or continue correspondent business agreement with a bank for which they know that it allows opening and operation with accounts of a shell bank. As well as, the shell banks shall be prohibited to perform any financial activities in Republic of Macedonia.

Relevant provisions are stipulated by the Law on Prevention of Money Laundering and Financing of Terrorism, as follows:

Article 2 paragraph 1, item 20:

"Definitions

Article 2

Certain terms used in the law shall have the following meaning:

20. “Shell bank” shall be a financial institution which has no business premises, employees and managing bodies in the country it is registered in, and is not a member of banking or other Official Gazette of Republic of Macedonia, No. 130 dated 03.09.2014 type of group which is subject to supervision on consolidated basis;”

and Article 25

“(1) The financial institutions shall be prohibited to enter into or to extend the business relationship with a shell bank and to begin or continue correspondent business agreement with a bank for which they know that it allows opening and operation with accounts of a shell bank.

(2) The shell banks shall be prohibited to perform any financial activities in Republic of Macedonia.”.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:

- Cases in which licenses were denied to banks without physical presence and that are not affiliated with a regulated financial group;
- Cases in which your financial institutions were required to terminate a correspondent banking relationship with such institutions;
- Statistics on sanctions imposed on banks dealing with shellbanks.

Article 52, paragraph 5

5. Each State Party shall consider establishing, in accordance with its domestic law, effective financial disclosure systems for appropriate public officials and shall provide for appropriate sanctions for non-compliance. Each State Party shall also consider taking such measures as may be necessary to permit its competent authorities to share that
information with the competent authorities in other States Parties when necessary to investigate, claim and recover proceeds of offences established in accordance with this Convention.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Law on prevention or conflict of interest – regulates who (which categories) are obliged to submit a Statement of interest form:

“IX-a. STATEMENT OF INTERESTS

Article 20-a

The President of the Republic of Macedonia, the members of the Assembly of the Republic of Macedonia, the mayors, the ambassadors and the other persons appointed by the Republic of Macedonia abroad, the persons elected or appointed to or by the Assembly of the Republic of Macedonia and the Government of the Republic of Macedonia, the state administration authorities and other state authorities, the judicial authorities, the public enterprises, institutions and other authorities of the central government and the local authorities specified by law, when assuming the performance of public authorizations and duties, shall be obligated, within 30 days, to submit a statement referring to the existence or non-existence of a conflict of interest to the State Commission.

Article 20-b

The civil servants and employees in the state administration authorities and other state authorities, the judicial authorities, the public enterprises, institution, other legal entities of the central and local governments specified by law, as well as persons employed through agencies for temporary employment with authorization, shall be obligated, within 30 days, to submit a statement referring to the existence or non-existence of conflicts of interest, to the authorities where they perform their duties, i.e. where they are employed."

The Statement of Interest from requires the following data:

1. Personal engagements – “do you execute another public authorization or duty (elected, appointed, employed) beside the one you report in the point 2 of this form?”
2. Companies – Are you owner, founder, co-owner, member of assembly, supervisory board, management board or management in a company or are you an authorized person in a company?
   If the answer is “yes” than state the name of the company as well as the percentage of the state capital in the trade company
3. Are you a member of an association of citizens or foundation?
   If the answer is yes than state the name of the association or foundation as well as your function and the wage you receive?
4. Do your close persons execute public authorization or duty/ (as elected, appointed, employed officials). If the answer is yes, than state the name of the person, the name of the institution or body as well as the working position and the date of the election/appointment.
5. Are your close persons owners, founders, co-owners, members of association, of supervisory board or are authorized persons in trade companies?
   If the answer is yes than state the name of the person, the name of the company, the status of the person as well as the percentage of his/her capital in the company.
6. Are you close persons members of associations of citizens or foundations?
   If the answer is yes than state the name of the person, the name of the association or foundation, and your relation with the person named and his/her status in the association or foundation.

Some of the elements named above are required to be declared by the public officials with the Law on prevention of corruption.

The Law on prevention of corruption – regulates who (which categories) are obliged to submit an Asset declaration form:

“Obligation to declare assets

Article 33

(1) An elected or appointed official, responsible person in a public enterprise, public institution or other legal entity disposing of state capital, upon election or appointment and within a period of 30 days from the day of election or appointment the latest, shall fill in an asset declaration containing detailed description of the immovable property, movable property of higher value, securities, and claims and debts, as well as other property in his/her ownership or in ownership of members of his/her family, stating the grounds the reported assets have been acquired on, and shall deposit a statement, certified by a notary, renouncing the protection of banking secrecy with regard to all domestic and foreign bank accounts.

(2) The person referred to in paragraph (1) of this Article shall be obliged to fill in an asset declaration in a period of 30 days from the day of termination of the office.
Article 33-a

(1) An official shall fill in the asset declaration at employment in state bodies, municipality administration and administration of the City of Skopje within a period of 30 days from the day of employment giving a detailed description of the immovable property, movable property of higher value, securities, claims and debts, as well as other property in his/her ownership or in ownership of a member of his/her family, stating the grounds the reported assets have been acquired on.

(2) The person referred to in paragraph (1) of this Article shall be obliged to fill in an asset declaration within a period of 30 days from the day of termination of the employment in the bodies referred to in paragraph (1) of this Article.

(3) The official referred to in paragraph (1) of this Article shall submit the asset declaration referred to in paragraphs (1) and (2) of this Article to the body he/she is employed at.

(4) The body where the official is employed shall be obliged to submit the asset declaration to the State Commission upon its request.

(5) The Minister of Justice shall adopt a decision on the manner of treatment of the asset declaration referred to in this Article.

The Asset declaration form requires the following data:

I. THIS FORM IS FILLED:
   In the moment of appointment on the position/employment
   In the moment of termination of the function/employment

II. PERSONAL INFORMATION

III. FAMILY MEMBERS THAT OWN PROPERTY

IV. PROPERTY/REAL ESTATE

V. MOVABLE PROPERTY

VI. SECURITIES AND EQUITY

VII. RECEIVABLES

VIII. OTHER REVENUES

IX. BANK DEPOSITS

X. PAYABLES

XI. OTHER PROPERTY

According to Article 33 of the Law on Prevention of Corruption, the elected and appointed person, as well as responsible person of a public enterprise, public institution or other legal entity with state capital, must no later than 30 days from the date of election or appointment, fill the questionnaire with a detailed inventory of real estate, movable property of greater value, securities, claims and debts, as well as other property in his or her possession or ownership of his family members, by explaining the basis of title over the declared property, along with a statement certified by the notary public for revoking protection of banking secrecy with regard to all accounts in domestic and foreign banks. The mentioned persons are obliged to also fill out an asset declaration within 30 days after the termination of office. The asset declarations are submitted to the State Commission and the Public Revenue Office.

SCPC keeps a Register of elected and appointed officials (obliged to submit asset declarations to SCPC, in accordance with the same provision).

The same obligation applies to officials employed in state bodies, municipal administration and the administration of the City of Skopje (Article 33-a of the Law on Prevention of Corruption), which asset declarations are submitted to the body in which they are employed.

Elected or appointed person, official or responsible person in public enterprise or other legal entity with state capital is obliged to report changes in assets or within 30 days to report any increase in his property or the property of a member of his family, such as building a house or other buildings, the purchase of real estate, securities, cars or other moving objects in the value that exceeds twenty average net wages in the previous quarter.

Data from the asset declarations and the application for a change in assets represent public information and the declarations and applications submitted by elected and appointed officials are published on the website of the SCPC with the exception of information which is protected by law (Law on Personal Data Protection).

Against an elected or appointed person, as well as other official or responsible person in public enterprise, public institution or other legal entity disposing with state capital, on the basis of Article 36 of the Law on Prevention of Corruption may be initiated a procedure for examining the property, which is initiated by the Public Revenue Office. Request for initiation of procedure for examining the assets may be submitted by SCPC.

If a examination procedure of property and assets do not prove that the property was acquired or increased as a result of revenues that are reported and taxed, the Public Revenue Office will make a decision for tax personal income. The basis for calculating the tax is the difference between the value of the property at the time of acquisition and the proved amount of funds for its acquisition. The tax on undeclared earnings are calculated at the rate of 70%.

SCPC continuously and indiscriminately checks data from asset declarations in proceedings on reports/complaints of corruption, own its own finding the SCPC, through regular checks and through systematic examination of the content of
the asset declarations, as with prescribed by Criteria for the determination of asset declarations to be examined, by a certain ID number from the database.

A fine of 500 to 1,000 euros in MKD equivalent shall be imposed to a person who will not submit a binding asset declaration and information about property, business, employment or other data provided for in Articles 22, 23, 24, 26, 27, 28, 29, 32, 33 and 34 of this law. (Article 63 of Law on Prevention of Corruption)

Information about SCPC monitoring over the asset declarations of elected and appointed persons is published in the annual reports for the work of the SCPC.90

The website of the SCPC has a specially marked menu titled "Register of elected and appointed officials" and "Forms" and published data: Assets of elected and appointed officials (information about elected officials). Access to the web-application of the Register of elected and appointed officials is authorised to users who are nominated persons from state institutions responsible for verification and/or election and appointment of officials).91

According to Article 20 of the Law on Prevention of Conflict of Interest, "the President, MPs, mayors, ambassadors and other persons appointed by the Republic of Macedonia abroad; elected and appointed persons in the Assembly of the Republic of Macedonia and the Government, state administration and other state bodies, judiciary, public enterprises, institutions and other authorities of central and local government established by law, in taking the exercise of public powers and duties within 30 days are required to submit a statement on the existence of conflicts of interest to the State Commission.

Civil servants and employees in state administration and other state bodies, judiciary, public enterprises, institutions and other legal entities of the central and local government established by law, and persons employed by temporary employment agencies with the authority, within 30 days are required to submit a statement on the existence or non-existence of conflict of interests in the authorities/bodies where they perform their duties and where they are employed. (Article 20-b). The Law amending the Law on Prevention of Conflict of Interests from 2012 ("Official Gazette" No. 6/2012 from 13.01.2012 year) provides the competence for the SCPC has the authority to check the statements of interest.

Asset declarations of elected and appointed persons registered in the Register (obliged persons to submit asset declarations to SCPC) are publicly available. Access to asset declarations, in general, may be requested via request


submitted in accordance with the provisions of the Law on Free Access to Public Information. Data will be made available as permitted in accordance with the provisions of the aforementioned law and in accordance with the provisions of the Law on Private Data Protection.

Governmental authorities may access such information, including in order to share such information with competent authorities in other States parties, as requested or via instruments within their competencies.

The Public Revenue Office, as a tax authority, has concluded a number of bilateral agreements on avoiding double taxation and protection from fiscal evasion, that also serve as bases for exchange of relevant information.
http://ujp.gov.mk/mk/regulativa/pregled/tr/md

The Public Revenue Office is a full member of the Intra-European Organization of Tax Administrations (IOTA) since 1997.

Regarding the competencies of the Public Revenue Office in regards to checking asset declarations, please also see information provided on this web-page: http://ujp.gov.mk/en/vodic/category/530

The Republic of Macedonia, within the Regional Anti-corruption Initiative, is also considering (while participating in) the development of a International Treaty on Exchange of Data for the Verification of Asset Declarations, presented on this web-page http://rai-see.org/regional-data-exchange-on-asset-disclosure-and-conflict-of-interest/

**Guidance:** You may wish to refer to any relevant information provided on article 8, paragraph 5, article 7, paragraph 4 and article 9, subparagraph (1) (e) of the Convention in the present self-assessment report.

Information may, in particular, include the following:

- Categories of public officials subject to financial disclosure systems;
- Whether (and to what extent) financial disclosures by public officials are publicly available and if so, how they can be accessed or obtained, including by competent...
authorities in other States parties;
- If not, the reasons why financial disclosures are not made publicly available;
- Which governmental authorities may access such information, including in order to share such information with competent authorities in other States parties;
- Sanctions applicable to public officials for non-compliance as well as delayed, incomplete and/or false disclosure.

If your country has considered, but not adopted, any measures to implement this provision, please describe these measures and the process in which they were considered.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrate the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:
- Statistical information on compliance of public officials with financial disclosure requirements;
- Information on cases initiated based on the information contained or failed to be reported in asset declarations;
- Sanctions imposed for non-compliance, including delayed, incomplete and/or false disclosure.

Article 52, paragraph 6

6. Each State Party shall consider taking such measures as may be necessary, in accordance with its domestic law, to require appropriate public officials having an interest in or signature or other authority over a financial account in a foreign country to report that relationship to appropriate authorities and to maintain appropriate records related to such accounts. Such measures shall also provide for appropriate sanctions for non-compliance.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

SCPC is the competent authority to record and monitor the assets and changes in assets of elected and appointed officials and responsible persons in public enterprises and other legal entities managing with state capital, in the manner prescribed by the Law on Prevention of Corruption and to keep a Register of elected and appointed officials. More information about the system of recording and monitoring of assets and interests are provided under article 8, paragraph 5 of the Convention. In June 2015, the Law amending the Law on Prevention of Corruption introduces the Register of elected and appointed officials. The provisions relating to the Register began to be applied one year after the entry into force of this Act. For the implementation of the law, SCPC, on 14.7.2015, adopted the form of the data selected and the Guidelines for filling in the form. Also, in July 2015, SCPC adopted the Rulebook on the content, the form and manner of keeping of the Register of elected and appointed officials. In 2016, as part of software solution for the Register of elected and appointed officials within the IPA2010 Twinning Project "Support to efficient prevention and fight against corruption" a software solution for electronic filing and submission of the forms of assets was developed and will be put in function after the adoption of the necessary legislative changes.
According to Article 33 of the Law on Prevention of Corruption, the elected and appointed person, as well as responsible person of a public enterprise, public institution or other legal entity with state capital, must no later than 30 days from the date of election or appointment, fill the questionnaire with a detailed inventory of real estate, movable property of greater value, securities, claims and debts, as well as other property in his or her possession or ownership of his family members, by explaining the basis of title over the declared property, along with a statement certified by the notary public for revoking protection of banking secrecy with regard to all accounts in domestic and foreign banks. The mentioned persons are obliged to also fill out a asset declaration within 30 days after the termination of office. The asset declarations are submitted to the State Commission and the Public Revenue Office. The same obligation applies to officials employed in state bodies, municipal administration and the administration of the City of Skopje (Article 33-a of the Law on Prevention of Corruption), which asset declarations are submitted to the body in which they are employed. Elected or appointed person, official or responsible person in public enterprise or other legal entity with state capital is obliged to report changes in assets or within 30 days to report any increase in his property or the property of a member of his family, such as building a house or other buildings, the purchase of real estate, securities, cars or other moving objects in the value that exceeds twenty average net wages in the previous quarter. Data from the asset declarations and the application for a change in assets represent public information and the declarations and applications submitted by elected and appointed officials are published on the website of the SCPC with the exception of information which is protected by law (Law on Personal Data Protection). Against an elected or appointed person, as well as other official or responsible person in public enterprise, public institution or other legal entity disposing with state capital, on the basis of Article 36 of the Law on Prevention of Corruption may be initiated a procedure for examining the property, which is initiated by the Public Revenue Office. Request for initiation of procedure for examining the assets may be submitted by SCPC. If a examination procedure of property and assets do not prove that the property was acquired or increased as a result of revenues that are reported and taxed, the Public Revenue Office will make a decision for tax personal income. The basis for calculating the tax is the difference between the value of the property at the time of acquisition and the proved amount of funds for its acquisition. The tax on undeclared earnings are calculated at the rate of 70%. SCPC continuously and indiscriminately checks data from asset declarations in proceedings on reports/complaints of corruption, own its own finding the SCPC, through regular checks and through systematic examination of the content of the asset declarations, as with prescribed by Criteria for the determination of asset declarations to be examined, by a certain ID number from the database. A fine of 500 to 1,000 euros in MKD equivalent shall be imposed to a person who will not submit a binding asset declaration and information about property, business, employment or other data provided for in Articles 22, 23, 24, 26, 27, 28, 29, 32, 33 and 34 of this law. (Article 63 of Law on Prevention of Corruption) Information about SCPC monitoring over the asset declarations of elected and appointed persons is published in the annual reports for the work of the SCPC. Information about SCPC monitoring over the asset declarations of elected and appointed persons is published in the annual reports for the work of the SCPC.


SCPC as the competent institution for the implementation of the Law on Conflict of Interest acts upon cases from the area of conflict of interest. More information about the system for prevention of conflict of interest is provided under Article 7 paragraph 4 of the Convention. The procedure for determining conflict of interest is implemented by SCPC ex officio, at the request of an official, based on an application of another person or at the request of the head of the authority/body where the official is employed or on the basis of an anonymous report. The purpose of this procedure for the implementation of the Law on Conflict of Interest is to ensure the prevention of misuse of public powers and duties of the official for the exercise of private interest for themselves or close relatives and to ensure the prevention of the possibility for preventing the private interest of the official to jeopardize the public interest. The term "conflict of interests" in accordance with the Law on Conflict of interest means conflict of public powers and duties to the private interest of a public official, in which the official has a private interest that affects or may affect the exercise of its public powers and duties. According to Article 23 of the Law on Conflict of Interests, if SCPC finds conflict of interests it is obliged to inform the official and asked him/her, to remove the conflict of interest within 15 days of submission of the decision. If an officer is to act upon the recommendation, the State Commission shall stop the procedure and inform the official and the applicant. If an official fails to act in accordance with SCPC recommendation, SPCP shall decide on the measure of public reprimand, which shall be submitted to the official. If an official within 15 days of receipt of the decision did not take actions to remove the conflict of interest and to inform the State Commission, the State Commission before the competent authority shall initiate termination of public office or duties or an initiative for disciplinary procedure for determining disciplinary offense shall be initiated. Measures for public notice are published on the website of the SCPC.\footnote{https://www.dksk.mk/index.php?id=82}

According to Article 20 of the Law on Prevention of Conflict of Interest, "the President, MPs, mayors, ambassadors and other persons appointed by the Republic of Macedonia abroad; elected and appointed persons in the Assembly and the Government, state administration and other state bodies, judiciary, public enterprises, institutions and other authorities of central and local government established by law, in taking the exercise of public powers and duties within 30 days are required to submit a statement on the existence of conflicts of interest to the State Commission.\footnote{https://www.dksk.mk/fileadmin/PDF/izvestaj.pdf p.32, izjavi of interest}

Civil servants and employees in state administration and other state bodies, judiciary, public enterprises, institutions and other legal entities of the central and local government established by law, and persons employed by temporary employment agencies with the authority, within 30 days are required to submit a statement on the existence or non-existence of conflict of interests in the authorities/bodies where they perform their duties and where they are employed. (Article 20-b). The Law amending the Law on Prevention of Conflict of Interests from 2012 ( "Official Gazette" No. 6/2012 from 13.01.2012 year) provides the competence for the SCPC has the authority to check the statements of interest. In March 2012 the Government adopted Decree on checking the contents of Statements of Interest ( "Official. Gazette" no.42 / 2012 from 28.03.2012). Statements of interests to SCPC are submitted in accordance with Article 20 of the Law on Prevention of Conflict of Interests, SCPC examines the content and thus conclude that the officials usually are engaged in conflict of interest in the accumulation of functions, in example, the simultaneous execution of two or more functions and that is in violation of Article 9 of the Law on conflict of interest. Information collected by SCPC on specific conflict of interest cases is published in the annual reports for the work of SCPC.

The STATEMENT OF INTEREST form requires the following data:

1. Personal engagements – “do you execute another public authorization or duty (elected, appointed, employed) beside the one you report in the point 2 of this form?”
2. Companies – Are you owner, founder, co-owner, member of assembly, supervisory board, management board or management in a company or are you an authorized person in a company?
   If the answer is “yes” than state the name of the company as well as the percentage of the state capital in the trade company
3. Are you a member of an association of citizens or foundation?
If the answer is yes than state the name of the association of citizens or foundation as well as your function and the wage you receive?

4. Do your close persons execute public authorization or duty/ (as elected, appointed, employed officials). If the answer is yes, than state the name of the person, the name of the institution or body as well as the working position and the date of the election/appointment.

5. Are your close persons owners, founders, co-owners, members of association, of supervisory board or are authorized persons in trade companies?
   If the answer is yes than state the name of the person, the name of the company, the status of the person as well as the percentage of his/her capital in the company.

6. Are you close persons members of associations of citizens or foundations?
   If the answer is yes than state the name of the person, the name of the association or foundation, and your relation with the person named and his/her status in the association or foundation.

The Asset declaration form requires the following data:

I. THIS FORM IS FILLED:
   In the moment of appointment on the position/ employment
   In the moment of termination of the function/employment

II. PERSONAL INFORMATION

III. FAMILY MEMBERS THAT OWN PROPERTY

IV. PROPERTY/REAL ESTATE

V. MOVABLE PROPERTY

VI. SECURITIES AND EQUITY

VII. RECEIVABLES

VIII. OTHER REVENUES

IX. BANK DEPOSITS

X. PAYABLES

XI. OTHER PROPERTY

Guidance: You may wish to refer to any relevant information provided on article 8, paragraph 5, article 7, paragraph 4 and article 9, subparagraph (1) (e) of the Convention in the present self-assessment report.

Information may, in particular, include the following:

Whether such reporting obligations are generally applicable in your country or
whether they are applicable to public officials, or to certain categories of public officials;

- A description of the records that are required to be maintained by persons subject to this requirement;
- Whether declarations of such interests/relationships by public officials are publicly available and if so, how they can be obtained;
- If not, reasons why they are not made publicly available;
- Whether and how competent authorities may gain access to such information;
- Sanctions applicable for non-compliance with reporting obligations as well as delayed, incomplete and/or false declarations.

If your country has considered, but not adopted, any measures to implement this provision, please describe these measures and the process in which they were considered.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

**Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision. Information sought may also include:

- Statistical information on compliance and information on instances where sanctions have been imposed for non-compliance as well as delayed, incomplete and/or false disclosure;
- Cases in which the investigation of such accounts led to charges or convictions for offences established in accordance with this Convention, including Article 23, and/or to asset recovery.

**Technical assistance**

1. Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

**Guidance:** Required actions could include the passing of a law and a time frame to do this. Related challenges could include inter-agency coordination, specificities in the legal system, competing priorities, limited capacity (e.g. technological, institutional, other), limited resources for implementation (e.g. human, financial, other), lack of a policy framework, and limited expertise and skills. In describing these issues, please be as specific as possible.

2. Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

**No assistance would be required**

**Guidance:** Please tick this box if you do not require any technical assistance in the implementation of the article under review.
**Legislative assistance: Please describe the type of assistance**

**Guidance:** The forms of legislative assistance should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of legislative assistance might include e.g. model arrangements and agreements, legal drafting and/or advisory support.

**Institution-building: Please describe the type of assistance**

**Guidance:** The forms of institution-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article, including domestic coordination issues. Specific forms of assistance in the area of institution-building might include e.g. summary of good practices and lessons learned, model arrangements and agreements, on-site assistance by a relevant expert and/or mentoring, as well as the development of an action plan for implementation.

**Policymaking: Please describe the type of assistance**

**Guidance:** The forms of policymaking should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of policymaking might include e.g. summary of good practices and lessons learned, sensitization of decision-making bodies, on-site assistance by a relevant expert and/or mentoring.

**Capacity-building: Please describe the type of assistance**

**Guidance:** The forms of capacity-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of capacity-building might include e.g. case-related assistance, on-site assistance by a relevant expert and/or mentoring, strengthening the operational and/or institutional capacities of relevant authorities through training and online learning, development of an action plan for implementation.

**Research/data-gathering and analysis: Please describe the type of assistance**

**Guidance:** The forms of research, data-gathering and analysis should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of research, data-gathering and analysis might include e.g. expert advice on data-gathering and storage systems, statistical advice or sample studies.

**Facilitation of international cooperation with other countries: Please describe the type of assistance**

**Guidance:** The forms of facilitation of international cooperation with other countries should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of facilitation of international cooperation might include e.g. case-related assistance, model legislation or model treaties.
3. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

**Guidance:** If you are receiving or have received such assistance, please provide details, including on the assistance provider, description of core objectives, duration, budget, results and impact. Please include information on technical assistance being provided in the most generic way so as to also capture projects that do not directly fit into the anti-corruption category but that address aspects relevant for the implementation of the Convention against Corruption. Please also indicate whether the extension and/or expansion of such assistance would help your country to adopt the measure(s) described in the article under review.

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**Article 58. Financial intelligence unit**

*States Parties shall cooperate with one another for the purpose of preventing and combating the transfer of proceeds of offences established in accordance with this Convention and of promoting ways and means of recovering such proceeds and, to that end, shall consider establishing a financial intelligence unit to be responsible for receiving, analysing and disseminating to the competent authorities reports of suspicious financial transactions.*

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

According to the Law on Prevention of Money Laundering and Financing of Terrorism, the Financial Intelligence Office is as a body of the state administration and within the Ministry of Finance in capacity of legal entity for collection, processing, analysis, storage and submission of the data received from the entities which are not obliged to undertake measures and activities for detection and prevention of money laundering and financing of terrorism. The Financial Intelligence Office (FIO) has the following responsibilities:

- collecting, processing, analysing, storing and delivering data received from the entities pursuant to this Law;
- obtaining financial, administrative and other data and information, necessary to carry out its responsibilities;
- preparing and submitting reports to the competent state authorities always when there is a suspicion for committed offence of money laundering and financing of terrorism;
- preparing and submitting a notification to the competent state authorities for any grounded suspicion of committing other offence;
- issuing a written order to the entity by which it temporarily withholds the transaction;
- submitting a request to the competent public prosecutor for proposal on determining provisional measures;
- submitting an order to the entity for monitoring of the business relationship;
- submitting a request for initiating a misdemeanour procedure before the competent court;
- cooperating with the entities, Ministry of Interior, Financial Police Office, State Foreign Exchange Inspectorate, Securities and Exchange Commission of Republic of Macedonia, National Bank of republic of Macedonia, Agency for Supervision of Fully Funded Pension Insurance, State Commission for Prevention of Corruption and other state authorities and institutions as well as other organizations, institutions and international bodies for combating money laundering and financing of terrorism;
- concluding cooperation agreements and exchanging data and information with competent bodies of other countries and international organizations, included in combating money laundering and financing terrorism;
- performing supervision of the entities regarding the application of anti-money laundering and counter financing of terrorism (AML/CFT) measures and activities, independently or in cooperation with the supervisory bodies and the commissions;
- initiating initiatives or providing opinion regarding laws and bylaws which refer to prevention of money laundering and financing terrorism;
- assisting in the professional specialization of the authorized persons and employees in the Department for
AML/ CFT Prevention within the entities;
- determining lists of indicators for risk analysis and recognizing suspicious transactions in cooperation with
the entities and bodies which supervise their operation;
- planning and implementing trainings for specialization and training of the employees in the FIO;
- providing clarification on the application of the regulations for ML/ FT prevention.

The FIO prepares an annual report on the matters within its competence and submits it to the Minister of
Finance and to the Government of Republic of Macedonia.

Competences of the FIO in relation of the international cooperation are prescribed in articles 89 and 90 of the
aforementioned Law, as follows:

"Article 89
(1) The Office can conclude agreements for cooperation with authorised bodies of other states as well as
with international organizations included in the combat against money laundering and financing terrorism.
(2) The office within the international cooperation may request data and the data obtained on the basis of
this law to submit at own initiative or at their request and on condition of reciprocity to the authorised bodies
and organizations of other states, as well as to international organizations concerning prevention of money
laundering and financing terrorism.
(3) The request for data exchange of the bodies and organizations referred to in paragraph (2) of this
Article should be clarified with the appropriate relevant facts that suggest money laundering and financing
terrorism and the purpose for which the requested data and information shall be used.
(4) The Office shall be obliged after the obtained request referred to in paragraph (3) of this Article to
provide all of the appropriate data and information in accordance with the authorities determined with this
Law.
(5) The Office can refuse the request for data exchange referred to in paragraph (2) of this Article if that
is contrary to this Law or shall stop conducting the investigation of another state authority or the crime
procedure against the person for which the data is requested. The office shall be obliged to explain the reasons
for which the request was declined.
(6) The office is obliged to use the data and the information provided by authorities of other states for the
purposes determined with this Law and under the conditions provided by the authority that submitted them.
(7) The Office can exchange the information and the data with the authorities in charge of conducting
investigation for money laundering and financing terrorism after providing their previous consent.
(8) The data and the information provided on the basis of this Article shall be confidential in accordance
with the Law.
(9) The office may request for information from the authorised bodies of other states for how the data
submitted in accordance with this Article is being used.

Article 90
(1) The provisions of Articles 83, 84, 85 and 86 of this Law shall be implemented when an authority for
preventing money laundering and terrorism financing of another state shall request for a denial or delay of a
transaction.
(2) The request referred to in paragraph (1) of this Article needs to be explained and to refer to a
transaction related to money laundering and/or financing terrorism and the refusal or the delay shall be
realised if the transaction is an object of domestic suspicious transaction."

The FIO is member of the EGMONT Group and actively participates in the Moneyval Committee.

**Guidance:** You may wish to refer to any relevant information provided on article 14, paragraph 1
of the Convention in the present self-assessment report.

Information may, in particular, include the following:

- Information about applicable institutional arrangement(s) and measure(s);
- The mandate, powers and role of the FIU in cooperating with foreign counterparts and
  authorities;
- Participation in international and regional bodies and networks (e.g. the Egmont Group), as
  well as any other measures taken for promoting cooperation for the purpose of asset
  recovery.

If your country has considered, but not adopted, any measures to implement this provision, please
describe these measures and the process in which they were considered.
3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.
Guidance: You may wish to refer to any relevant information provided on article 14, paragraph 1 of the Convention in the present self-assessment report. Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

If applicable and available, please provide the website address of your financial intelligence unit, as well as reports or other documents published by it (or corresponding web links).

Web site of the FIO is www.ufr.gov.mk.

Technical assistance

1. Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Guidance: Required actions could include the passing of a law and a time frame to do this. Related challenges could include inter-agency coordination, specificities in the legal system, competing priorities, limited capacity (e.g. technological, institutional, other), limited resources for implementation (e.g. human, financial, other), lack of a policy framework, and limited expertise and skills. In describing these issues, please be as specific as possible.

2. Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

No assistance would be required

Guidance: Please tick this box if you do not require any technical assistance in the implementation of the article under review.

Legislative assistance: Please describe the type of assistance

Guidance: The forms of legislative assistance should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of legislative assistance might include e.g. model arrangements and agreements, legal drafting and/or advisory support.

Institution-building: Please describe the type of assistance

Guidance: The forms of institution-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article, including domestic coordination issues. Specific forms of assistance in the area of institution-building might include e.g. summary of good practices and lessons learned, model arrangements and agreements, on-site assistance by a relevant expert and/or mentoring, as well as the development of an action plan for implementation.
### Policymaking: Please describe the type of assistance

**Guidance:** The forms of policymaking should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of policymaking might include e.g. summary of good practices and lessons learned, sensitization of decision-making bodies, on-site assistance by a relevant expert and/or mentoring.

### Capacity-building: Please describe the type of assistance

**Guidance:** The forms of capacity-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of capacity-building might include e.g. case-related assistance, on-site assistance by a relevant expert and/or mentoring, strengthening the operational and/or institutional capacities of relevant authorities through training and online learning, development of an action plan for implementation.

### Research/data-gathering and analysis: Please describe the type of assistance

**Guidance:** The forms of research, data-gathering and analysis should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of research, data-gathering and analysis might include e.g. expert advice on data-gathering and storage systems, statistical advice or sample studies.

### Facilitation of international cooperation with other countries: Please describe the type of assistance

**Guidance:** The forms of facilitation of international cooperation with other countries should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of facilitation of international cooperation might include e.g. case-related assistance, model legislation or model treaties.

### Others: Please specify

4. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

**Guidance:** If you are receiving or have received such assistance, please provide details, including on the assistance provider, description of core objectives, duration, budget, results and impact. Please include information on technical assistance being provided in the most generic way so as to also capture projects that do not directly fit into the anti-corruption category but that address aspects relevant for the implementation of the Convention against Corruption. Please also indicate whether the extension and/or expansion of such assistance would help your country to adopt the measure(s) described in the article under review.
C. Asset recovery (arts. 51, 53-57 and 59)

Article 51: General provision

Article 51

The return of assets pursuant to this chapter is a fundamental principle of this Convention, and States Parties shall afford one another the widest measure of cooperation and assistance in this regard.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention, including identifying both any legal authorities/procedures for accepting requests for asset recovery and assessing that these requests are reasonably substantiated and supplemented as well as any time frame established under domestic laws and procedures for their execution, taking into account requests received from countries with similar or different legal systems and any challenges faced in this context.

In accordance with the Law on International Cooperation in Criminal Matters, the international cooperation shall be provided in accordance with the provisions of this Law unless otherwise specified by an international agreement ratified in accordance with the Constitution of the Republic of Macedonia or other legal act which governs the criminal proceedings of an international court whose jurisdiction is accepted by the Republic of Macedonia.

The Law on International Cooperation in Criminal Matters is a comprehensive special law on international cooperation in criminal matters with provisions on all modalities of international cooperation in criminal matters. In accordance with this Law, Article 15, the international legal assistance includes:

- enforcement of procedural actions such as delivery of documents, written evidence and acts related to the criminal proceedings in the sending state;
- delivery of spontaneous information;
- exchange of certain information and notifications;
- temporary transfer of persons deprived of freedom;
- cross-border observation;
- controlled delivery;
- using persons with hidden identity;
- joint investigation teams;
- monitoring communications;
- interrogation through video conference;
- interrogation through telephone conference;
- searching of premises and persons;
- temporary security of items, property or means related to the criminal offence;
- temporary freezing, confiscation and retention of assets, bank accounts and financial transactions or incomes from a criminal offence;
- confiscation of property and property benefits;
- deprivation of items;
- protection of personal data;
- criminal and civil liability of officials, and
- delivery of extracts from criminal records.

In the on International Cooperation in Criminal Matters, dedicated provisions that regulate disposal and transfer of seized and confiscated property and property benefits in a procedure of international legal assistance, are incorporated.

Article 27

(1) The confiscation of property and property benefits in a procedure of international legal assistance shall be
made in accordance with the provisions of the Criminal Code, Law on Criminal Proceedings and international agreements.

(2) The money obtained from the enforcement of the property confiscation order shall be at the disposal of the Republic of Macedonia as follows:
1) if the amount obtained from the enforcement of the confiscation order is lower than 10,000 EUR or equal to that amount, the amount shall flow into the Budget of the Republic of Macedonia, and
2) in all other cases the Republic of Macedonia shall transfer 50% of the amount obtained from the enforcement of the confiscation order to the foreign state.

(3) The other property apart from money obtained from the enforcement of the confiscation order shall be placed at disposal in one of the following ways upon decision of the domestic competent authority:
1) the property can be sold and in that case the income from the sales shall be placed at disposal in accordance with paragraph (2) of this article, and
2) the property can be transferred to a foreign state, and if the confiscation order includes money, the property can be transferred to the foreign state when it gives its consent.

Transfer of seized objects and property benefits
Article 28

(1) The objects and the property benefits seized in order to protect them can be transferred to the foreign competent authority at its request.

(2) The objects and the property benefits from paragraph (1) shall include the following:
1) objects the criminal offence was committed with;
2) objects that resulted from the committed criminal offence or their equivalent value, the incomes from the criminal offence or their equivalent value, and
3) the presents given in order to stimulate the committing of criminal offence, as well as the rewards for the criminal offence or their equivalent value

(3) The transfer of the objects and the property benefits from paragraph (1) of this article can be realised on the basis of an effective and enforceable decision by the foreign competent authority.

(4) The objects and the property benefits from paragraph (1) of this article shall be permanently kept in the Republic of Macedonia if:
1) those represent goods under temporary protection or cultural inheritance or if they are natural rarities of the Republic of Macedonia;
2) the injured party is has its residence or domicile in the Republic of Macedonia and they shall be returned to him/her;
3) the domestic competent authority emphasises the right of the Republic of Macedonia to them;
4) the person has his or her residence or domicile in the Republic of Macedonia and did not participate in committing the criminal offence, or proves that it didn’t know and couldn’t know that the object or the property benefits have been acquired through committing a criminal offence in the Republic of Macedonia or abroad;
5) they are required for the implementation of a criminal proceeding that is in progress in the Republic of Macedonia;
6) they are required for introduction of the measure for confiscation of property and property benefits and seizure of the objects, and
7) those represent objects that must be seizure according to the Criminal Code.

Temporary measures
Article 29

(1) At the request of the foreign competent authority the domestic judicial authority shall introduce temporary measures for collecting evidence material and for security of the collected evidence or for protection of the endangered legal interests.

(2) The domestic judicial authority can act partially upon the request from paragraph (1) of this article or it may temporary limit the implementation of the letter rogatory.”

In accordance with the Law on International Cooperation in Criminal Matters, article 25 - Delivery of spontaneous information, the domestic judicial authority has the right, under the principle of mutuality and without receiving previous letter rogatory, to deliver to the foreign competent authority information for crimes, which have been collected during its own investigations, if it considers that the delivery of such information might help to initiate or conduct an investigation or court proceeding or it might lead to sending letter rogatory for international legal assistance. The domestic judicial authority shall ask the foreign competent authority, to which the spontaneous information has been delivered, to submit a report on all activities that have been undertaken on the basis of this information, as well as to deliver transcript of all decisions that have been reached.

The conduct of joint investigation teams is regulated in article 38 of the on International Cooperation in Criminal Matters:

“Article 38 - Joint investigation teams

(1) The domestic competent authorities for detection and prosecution of organised crime and corruption can be part of the joint investigation teams with the foreign competent authorities, formed for a particular purpose and with limited
duration and possibility for its extension if both states that formed the team agree to the extension.

(2) The States that formed the team from paragraph (1) of this article shall determine the composition of the team by mutual consent and the team shall be formed in the territory of one of the states.

(3) The joint investigation team may be formed when within the investigative procedure complex investigative actions for mobilisation of significant resources have to be implemented, as well as when a coordinated action of the interested parties is necessary because of the complexity of the case.

(4) The joint investigation team shall implement its operations in accordance with the legislation of the State in whose territory the operations are implemented. The responsible person of the team shall be the representative of a competent authority which participates in the criminal investigation of the state in whose territory the team implements its operations. The required organisational conditions for the implementation of the operations of the team shall be provided by the state in whose territory the team operates.

(5) If the joint investigation team needs assistance from a state which didn’t participate in the forming of the team, the request for legal assistance may be sent to that state.”

The Republic of Macedonia has put in place a regulatory and institutional framework and has concluded many bilateral agreements that provide for the international exchange of information for purposes of law enforcement.

The national law enforcement authorities have channels of communication through inter alia INTERPOL and EUROPOL. Furthermore, the national Financial Intelligence Office is a member of the Egmont Group. The Republic of Macedonia is an observer in CARIN since July 2014. The Republic of Macedonia is also a member-State of the European Partnership against Corruption (EPAC) since 2009. The Public Revenue Office is a full member of the Intra-European Organization of Tax Administrations (IOTA) since 1997, and, as a tax authority, has concluded a number of bilateral agreements on avoiding double taxation and protection from fiscal evasion, that also serve as bases for exchange of relevant information.

**Guidance:** Information sought may include:

- Information on measures taken to ensure that no unaccounted money of foreign origin is deposited in banks, financial institutions etc.;
- Information on how co-operation in the dissemination of information on such unaccounted money is ensured, and how obstacles posed by bank secrecy laws can be overcome, as well as how information on whether or not such unaccounted money is attributable to any specific crime/tax crime or other offence can be disseminated;
- Information on bilateral and multilateral agreements or arrangements concluded to carry out or to enhance the effectiveness of cooperation in respect of unaccounted money.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics, etc.

Please see annexes:

- List - agreements as of before the independency
- List - bilateral agreements on international legal assistance
- List - signed international conventions on mutual legal assistance

A list of international agreements on avoiding double taxation is published on the following web-page: http://ujp.gov.mk/mk/legislation/pregled/tr/md


**General statistics:**

<table>
<thead>
<tr>
<th>Year</th>
<th>Judicial cooperation in criminal matters</th>
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<tbody>
<tr>
<td></td>
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<td></td>
<td>2,252</td>
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<tr>
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<td>2,856</td>
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</tbody>
</table>

**Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information sought may, in particular, include measures taken by your government to accept and process requests related to asset recovery, including respective guidelines, manuals, and other tools for domestic and foreign practitioners, as well as statistics.
Technical assistance

1. Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

**Guidance:** Required actions could include the passing of a law and a time frame to do this. Related challenges could include inter-agency coordination, specificities in the legal system, competing priorities, limited capacity (e.g. technological, institutional, other), limited resources for implementation (e.g. human, financial, other), lack of a policy framework, and limited expertise and skills. In describing these issues, please be as specific as possible.

2. Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

**No assistance would be required**

**Guidance:** Please tick this box if you do not require any technical assistance in the implementation of the article under review.

**Legislative assistance: Please describe the type of assistance**

**Guidance:** The forms of legislative assistance should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of legislative assistance might include e.g. model arrangements and agreements, legal drafting and/or advisory support.

**Institution-building: Please describe the type of assistance**

**Guidance:** The forms of institution-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article, including domestic coordination issues. Specific forms of assistance in the area of institution-building might include e.g. summary of good practices and lessons learned, model arrangements and agreements, on-site assistance by a relevant expert and/or mentoring, as well as the development of an action plan for implementation.

**Policymaking: Please describe the type of assistance**

**Guidance:** The forms of policymaking should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of policymaking might include e.g. summary of good practices and lessons learned, sensitization of decision-making bodies, on-site assistance by a relevant expert and/or mentoring.
Capacity-building: Please describe the type of assistance

**Guidance:** The forms of capacity-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of capacity-building might include e.g. case-related assistance, on-site assistance by a relevant expert and/or mentoring, strengthening the operational and/or institutional capacities of relevant authorities through training and online learning, development of an action plan for implementation.

Research/data-gathering and analysis: Please describe the type of assistance

**Guidance:** The forms of research, data-gathering and analysis should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of research, data-gathering and analysis might include e.g. expert advice on data-gathering and storage systems, statistical advice or sample studies.

Facilitation of international cooperation with other countries: Please describe the type of assistance

**Guidance:** The forms of facilitation of international cooperation with other countries should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of facilitation of international cooperation might include e.g. case-related assistance, model legislation or model treaties.

Others: Please specify

3. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

**Guidance:** If you are receiving or have received such assistance, please provide details, including on the assistance provider, description of core objectives, duration, budget, results and impact. Please include information on technical assistance being provided in the most generic way so as to also capture projects that do not directly fit into the anti-corruption category but that address aspects relevant for the implementation of the Convention against Corruption. Please also indicate whether the extension and/or expansion of such assistance would help your country to adopt the measure(s) described in the article under review.

**Article 53: Measures for direct recovery of property**

**Article 53, subparagraph (a)**

*Each State Party shall, in accordance with its domestic law:*

(a) *Take such measures as may be necessary to permit another State Party to initiate civil action in its courts to establish title to or ownership of property acquired through the commission of an offence established in accordance with this Convention;*
1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Relevant provisions are stipulated by the Law on International Cooperation in Criminal Matters, the Criminal Code, the Law on Criminal Procedure and the Law on ownership and other real rights:

Article 15 paragraph 1 subparagraphs 13, 14 and 15:

“- temporary security of items, property or means related to the criminal offence;
- temporary freezing, confiscation and retention of assets, bank accounts and financial transactions or incomes from a criminal offence;
- confiscation of property and property benefits; “

Also, relevant provisions are stipulated by the Criminal code:

Meaning of the terms in this code

Article 122 paragraph 6:

“(6) A legal entity shall refer to: the Republic of Macedonia, units of the local self-government, political parties, public enterprises, trade companies, institutions, associations, foundations, unions and organizational types of foreign organizations, sports associations and other legal entities in the field of sports, funds, financial organizations, and other organizations specified by law and registered as legal entities and other associations and organizations being recognized the capacity of a legal entity. A foreign legal entity shall refer to: a public enterprise, institution, fund, bank, trade company or any other form of organization in accordance with the laws of a foreign country pertaining to the performance of economic, financial, banking, trade, service or other activities, with head office in another country or a branch office in the Republic of Macedonia or founded as an international association, fund, bank or institution.”

Manner of confiscating

Article 98 paragraph 5
“(5) The confiscated goods are returned to the damaged party, and if there is no damaged party, they become the state property.”

Protection of the injured party

Article 99

(1) The injured party who has been referred to a litigation in the criminal procedure in regard to his property and legal claim, may demand to settle this from the confiscated value, if the litigation is initiated within six months after the day the decision with which he was referred to a litigation comes into effect, and if within three months from the day of coming into effect of the decision with which his claim was determined, he claims the settling of the confiscated value.

(2) The injured person who has not reported a legal and property claim in the criminal procedure, may demand the settling from the confiscated value if he has started a litigation for determining his claim within a time frame of three months as of the day he finds out about the sentence with which the property benefit is confiscated, and at the latest within two years after the decision for confiscating the property benefit comes into effect, and if within three months from the day the decision with which his claim was determined comes into effect he requests the settling of the confiscated value.

Relevant provisions of the Law on Criminal Procedure:

“Article 21, paragraph 1, item 5

Meaning of terms

5) An injured party, apart from the victim shall also be any other individual who’s personal or property rights have been violated or endangered by a criminal offense and who participates in the criminal procedure by joining the criminal prosecution or for the purpose of effectuating a property loss claim.

Article 110

Deliberations of legal and property claims and their case

(1) Any legal and property claims that result from a committed crime shall be deliberated upon proposal by the authorized persons in the criminal procedure, if that does not mean a significant delay of the procedure.

(2) A legal and property claim may refer to a claim for damages, returning objects or nullification of a certain legal affair.

(3) In an insurance case, any legal and property claim as referred to in paragraph 2 of this Article, may be filed by the injured party against the insurance company.

Article 111

Authorized persons who can file legal and property claims

(1) A legal and property claim in a criminal procedure may be filed by a person who is authorized for litigation for such a dispute.

(2) When the claim as referred to in paragraph 1 of this Article is filed by the victim of the crime, the victim shall indicate in the application if any compensation was already awarded or if the claim is filed in accordance with Article 53, paragraph 1 of this Law.

Article 119 Returning objects

(1) If the objects in question undoubtedly belong to the injured party, and they do not serve as evidence in the criminal procedure, such objects shall be returned to the injured party even before the completion of the procedure.

(2) If several injured parties are in a dispute over the ownership of the objects, they shall be referred to litigation, and the court in the criminal procedure shall only rule on the safeguarding of the objects as a provisional security measure.

(3) Any objects serving as evidence shall be temporarily seized and returned to their owner following the completion of the procedure. If such an object is of an essential importance to the owner, it may be returned even before the completion of the procedure, with an obligation for the object to be made available whenever necessary.

Article 114

Ruling on legal and property claims

(1) The court shall rule on any legal and property claims.

(2) In the verdict in which the court convicts the accused, the court shall rule on the legal and property claim partially or in full, and it shall advise the injured party to claim the remainder of the legal and property claim through litigation. If the evidence in the criminal procedure does not provide sufficient ground for full or partial ruling on the legal and property claim, and if their additional collection might mean unjustified delay of the criminal procedure, the court shall refer the injured party to litigation with regards to the legal and property claim.

(3) When the court reaches a verdict whereby the charges against the defendant are dropped or the indictment is overruled, or when it terminates the criminal procedure with a decision, it shall refer the injured party to litigation with regards to the legal and property claim. If the court declares itself incompetent for the criminal procedure, it shall advise the injured party to apply for the legal and property claim in the criminal procedure that is going to be initiated or continued before the competent court.”

Relevant provisions of the Law on ownership and other real rights:
“Ownership of movable items
Article 242
Foreign natural persons and legal entities can acquire right to ownership of movable items in the same manner as domestic persons.

Ownership of immovable items
Article 243
Foreign natural persons nationals of states that are not EU and OECD member states, may by inheritance acquire ownership rights over immovable items on the territory of the Republic of Macedonia under conditions of reciprocity, as well as the citizens of the Republic of Macedonia, unless otherwise determined by an international agreement.
Foreign natural persons, nationals of the Member States of the European Union and the OECD, may by inheritance acquire ownership rights over immovable property on the territory of the Republic of Macedonia with inheritance on the basis of a will.
Foreign legal entities may, under conditions of reciprocity, acquire ownership rights over immovable property on the territory of the Republic of Macedonia with inheritance on the basis of a will.

Acquisition of ownership rights of apartment building and office space
Article 244
Foreign natural and legal persons residents of the member states of the European Union and the OECD may acquire the right to own the apartment, apartment building and business premises on the territory of the Republic of Macedonia under the same conditions as the citizens of the Republic of Macedonia.
Foreign natural and legal persons residents of countries that are not members of the European Union and the OECD can acquire the right to own an apartment, apartment building and business premises on the territory of the Republic of Macedonia, as well as citizens of the Republic of Macedonia under the same conditions of reciprocity.

Acquisition of real rights to construction land
Article 245
Foreign natural and legal persons residents in the member states of the European Union and the OECD may acquire the right of ownership and the right to long-term lease of construction land on the territory of the Republic of Macedonia under the same conditions as domestic legal and natural persons nationals of the Republic of Macedonia.
Foreign natural and legal persons residents of non-EU and OECD countries may acquire the right to ownership and long-term lease of construction land on the territory of the Republic of Macedonia under conditions of reciprocity.

Acquisition of real rights on agricultural land
Article 246
Foreign natural and legal persons can not acquire the right to ownership of agricultural land on the territory of the Republic of Macedonia.
Foreign natural and legal persons can, under conditions of reciprocity, acquire the right to long-term lease of agricultural land on the territory of the Republic of Macedonia, on the basis of the consent of the Minister of Justice, upon previously obtained opinion of the Minister of Agriculture, Forestry and Water Economy and the Minister of Finance.

Article 247
The existence of reciprocity provided for in this Law shall be determined by the Minister of Justice, under conditions and procedure determined by law.

Article 248
Foreign countries may for the needs of their diplomatic and consular missions, as well as organizations and specialized agencies of the United Nations and the Council of Europe, with the prior consent of the Minister of Foreign Affairs, acquire the right to ownership of buildings and apartments, as well as construction land for the construction of such buildings.

Article 249
If for acquiring the real rights of real estate it is necessary to obtain the consent of the Minister of Justice, the legal action for acquiring these rights does not produce a legal effect without this consent.

Article 250
A foreign person cannot be an owner of an immovable property, which, due to the protection of the interests and security of the Republic of Macedonia, is declared by law a region in which foreign persons do not have the right to own property, unless otherwise stipulated by law.”

Guidance: Information sought may include:

- Legislation providing legal standing of other States parties and permitting them to initiate civil action in the courts of your country to establish title to, or ownership of property acquired through the commission of an offence established in accordance with the Convention;
Information on whether States parties are automatically recognized as legal persons in your country’s system, or whether there is a mechanism through which they can be recognized;

Whether (and if so, how) you made other States parties aware of the possibility to use your courts to initiate civil action.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information sought may, in particular, include cases and statistical or other evidence which demonstrate that there are no legal or other obstacles to another State launching such civil litigation, including that State parties have used your courts in the past to initiate civil action to establish title or prior ownership of property acquired through the commission of an offence established by the Convention.

Article 53, subparagraph (b)

Each State Party shall, in accordance with its domestic law:

(b) Take such measures as may be necessary to permit its courts to order those who have committed offences established in accordance with this Convention to pay compensation or damages to another State Party that has been harmed by such offences;

1. Is your country in compliance with this provision?

Yes.

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Relevant provisions are stipulated by the Law on International Cooperation in Criminal Matters and the Law on Criminal Procedure.

Relevant provisions stipulated by the Law on International Cooperation in Criminal Matters:

“Article 2

The international cooperation shall be provided in accordance with the provisions of this Law unless otherwise specified by an international agreement ratified in accordance with the Constitution of the Republic of Macedonia (herein after referred to as: international agreement) or other legal act which governs the criminal proceedings of an international court whose jurisdiction is accepted by the Republic of Macedonia.

Article 3

(1) An international cooperation shall be provided for all proceedings related to criminal offences whose prosecution is under jurisdiction of a judicial authority in the requesting state at the time of the submission of the letter rogatory for international legal assistance in criminal matters or the request for international cooperation in criminal matters.

(2) The international cooperation shall be also provided in misdemeanour proceedings that have been conducted before the misdemeanour authorities for acts for which misdemeanour sanctions are foreseen under the regulations of Republic of Macedonia and in cases where a proceeding can be initiated before the court that is actually competent for the criminal matter after a decision has been delivered.

Confiscation of property and property benefits

Article 27

(1) The confiscation of property and property benefits in a procedure of international legal assistance shall be made in accordance with the provisions of the Criminal Code, Law on Criminal Proceedings and international agreements.

(2) The money obtained from the enforcement of the property confiscation order shall be at the disposal of the Republic of Macedonia as follows:

1) if the amount obtained from the enforcement of the confiscation order is lower than 10,000 EUR or equal to that amount, the amount shall flow into the Budget of the Republic of Macedonia, and
2) in all other cases the Republic of Macedonia shall transfer 50% of the amount obtained from the enforcement of the confiscation order to the foreign state.

(3) The other property apart from money obtained from the enforcement of the confiscation order shall be placed at disposal in one of the following ways upon decision of the domestic competent authority:
1) the property can be sold and in that case the income from the sales shall be placed at a disposal in accordance with paragraph (2) of this article, and
2) the property can be transferred to a foreign state, and if the confiscation order includes money, the property can be transferred to the foreign state when it gives its consent.”

More specifically, this matter is regulated with the Chapter V of the Law on Criminal Procedure. In addition, you can find all provisions related to compensation of victim in criminal procedure (they are underlined and marked in bold):

“CHAPTER V
VICTIM, INJURED PARTY AND PRIVATE PLAINTIFF
1. Victim
Article 53
Victim’s rights

(1) The victim of a crime shall have the following rights:
1) to participate in the criminal procedure as an injured party by joining the criminal prosecution or for the purpose of a legal-property claim for damages;
2) to get special care and attention by the bodies and entities that participate in the criminal procedure; and
3) to get an effective psychological and other professional assistance and support by bodies, institutions and organizations that provide for help to crime victims.

(2) The police, the public prosecutor and the court shall act with special care towards the victims of criminal offenses, advising them of their rights as referred to in paragraph 1 of this Article and Articles 54 and 55 of this Law and they shall take care of their interests when making decisions for criminal prosecution of the accused, i.e. when undertaking actions during the criminal procedure when the victim has to be present in person, when they have to draft an official note or record.

(3) In accordance with the special regulations, any victim of a crime, which entails a prison sentence of at least four years, shall have the right to:
1) get a councillor paid by the state budget before giving a statement, i.e. declaration or filing the legal-property claim, if the victim has serious psycho-physical impairment or if there are serious consequences as a result of the crime; and
2) be compensated for material and non-material damages from a state fund, under conditions and in a manner as prescribed in a separate law, if the damage caused cannot be compensated from the convicted person.

Article 54
Special rights of victims of vulnerable categories of victims

(1) The victims shall have the right to special measures of process protection when giving statement or being interrogated during all stages of the procedure:
1) if, at the time when giving the statement, the victim is less than 18 years of age;
2) if giving a statement or an answer to a certain question would mean exposing themselves or another close person to a serious threat for their life, health or physical integrity (endangered victims);
3) if, because of their age, the nature and consequences of the crime, the physical or psychological disability or another significant health condition, the social or cultural history, family circumstances, religious beliefs and the ethnic affiliation of the victim, the behaviour of the defendant, members of the defendant’s family or friends towards the victim, there might be harmful consequences for their psychological or physical health or if it has a negative effect on the quality of the statement provided (especially vulnerable victims).

(2) The special measures of process protection shall be determined by the court, upon proposal from the public prosecutor or the victim, or upon its own initiative, when it is necessary to protect the endangered and especially vulnerable victims.

(3) When deciding on the determination of the special measures of process protection referred to in paragraph 2 of this Article, the court shall have to take into account the victim’s will.

(4) The court shall have to assign special measures of process protection in the cases as referred to in paragraph 1, item 1 of this Article:
1) when a child victim has a need for special care and protection; or
2) when the child is a human trafficking victim, victim of violence or sexual abuse.

(5) In cases as referred to in paragraph 4, individually or along with another special measure of protection, the court has to ask for a video and audio recording of the statement and interrogation of the child, so that it can be used as evidence in the procedure. In exceptional cases, because of newly established circumstances in the case, the court may order additional interview of the child victim, once more at the most, through the use of technical means of communication.
The manner of implementation of the special measures of process protection of child victims is regulated with a separate law.

**Article 55**

Special rights of victims of crimes against gender freedom and gender morality, humanity and international law

(1) Apart from the rights established in Article 53, the victim of crimes against gender freedom and gender morality, humanity and international law, shall also have the following rights:

1) before the interrogation, to speak to a counsellor or a proxy free of charge, if he or she participates in the procedure as an injured party;

2) to be interrogated by a person of the same gender in the police and the public prosecution office;

3) to refuse to answer questions that refer to the victim’s personal life, if those are not related to the crime;

4) to ask for an examination with the use of visual and audio means in a manner established in this Law; and

5) to ask for an exclusion of the public at the main hearing.

(2) The court, the Public Prosecutions Office and the police shall be obliged to advise the victim of his or her rights referred to in paragraph 1 of this Article, prior to the very first examination at the latest and to prepare an official note or record accordingly.

**Article 56**

Victim not informed of the right to participate in the procedure as an injured party

(1) The victim who has not been informed of his or her right to participate in the procedure in the capacity of an injured party shall have the right to report to the police or to the Public Prosecution Office as an injured party until the moment when the indictment is raised, and to report to the court prior to the completion of the main hearing.

(2) The application of the victim as an injured party shall be rejected if it is obviously unjustified or untimely.

2. Injured party and private plaintiff

**Article 57**

Rights of the injured party

The injured party shall have the following rights in the criminal procedure:

1) to be advised of his or her rights;

2) to use his or her language and alphabet and the right to be assisted by an interpreter, i.e. a translator if he or she does not understand the language used during the procedure;

3) to put forward a motion for a legal or property claim;

4) to have a legal representative;

5) to indicate facts and propose evidence;

6) to be present at the evidentiary hearing;

7) to be present at the main hearing and to participate in the evidentiary procedure, as well as to comment on the legal or property claim and the legal and criminal event;

8) after the investigation has been completed, to review the files and items that are going to be used as exhibits and evidence;

9) to file an appeal under the conditions prescribed in this Law;

10) to file a motion for prosecution and personal legal action in accordance with the provisions of the Criminal Code;

11) to be informed about any lack of action or waiver of criminal prosecution rights by the public prosecutor;

12) to appeal to the higher Public Prosecutor against the decision of the Public Prosecutor to waive his or her prosecution rights, under the conditions prescribed in this Law;

13) to ask for the return of the previous state of affairs;

14) to ask for an observance of his or her right to privacy;

15) to participate in the mediation process, in a manner and under conditions as prescribed in this Law.”
3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

**Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information sought may, in particular, include cases, statistical or other information showing that other State parties have stood before the courts of your country to claim damages or otherwise receive compensation for the damages incurred.

**Article 53, subparagraph (c)**

*Each State Party shall, in accordance with its domestic law:*

(c) Take such measures as may be necessary to permit its courts or competent authorities, when having to decide on confiscation, to recognize another State Party’s claim as a legitimate owner of property acquired through the commission of an offence established in accordance with this Convention.

1. **Is your country in compliance with this provision?**

Yes.

2. **Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.**

Relevant provisions are stipulated by the Law on International Cooperation in Criminal Matters, as follows:

“Article 15 paragraph 1 subparagraph 13, 14 and 15:

The international legal assistance shall include:

- temporary security of items, property or means related to the criminal offence;
- temporary freezing, confiscation and retention of assets, bank accounts and financial transactions or incomes from a criminal offence;
- confiscation of property and property benefits;

**Confiscation of property and property benefits**

Article 27

(1) The confiscation of property and property benefits in a procedure of international legal assistance shall be made in accordance with the provisions of the Criminal Code, Law on Criminal Proceedings and international agreements.

(2) The money obtained from the enforcement of the property confiscation order shall be at the disposal of the Republic of Macedonia as follows:

1) if the amount obtained from the enforcement of the confiscation order is lower than 10,000 EUR or equal to that amount, the amount shall flow into the Budget of the Republic of Macedonia, and
2) in all other cases the Republic of Macedonia shall transfer 50% of the amount obtained from the enforcement of the confiscation order to the foreign state.
(3) The other property apart from money obtained from the enforcement of the confiscation order shall be placed at disposal in one of the following ways upon decision of the domestic competent authority:

1) the property can be sold and in that case the income from the sales shall be placed at a disposal in accordance with paragraph (2) of this article, and

2) the property can be transferred to a foreign state, and if the confiscation order includes money, the property can be transferred to the foreign state when it gives its consent.”

**Guidance:** You may wish to refer to any relevant information provided on article 31, paragraph 9 of the Convention in your previous self-assessment report.

Information sought may, in particular, include legislation providing for the recognition of third party rights of foreign States parties in confiscation procedures.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

**Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information sought may, in particular, include cases, statistical or other information on other State Parties pursuing claims for ownership in confiscation proceedings.
Technical assistance

1. Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

| Guidance: | Required actions could include the passing of a law and a time frame to do this. Related challenges could include inter-agency coordination, specificities in the legal system, competing priorities, limited capacity (e.g. technological, institutional, other), limited resources for implementation (e.g. human, financial, other), lack of a policy framework, and limited expertise and skills. In describing these issues, please be as specific as possible. |

2. Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

- No assistance would be required

| Guidance: | Please tick this box if you do not require any technical assistance in the implementation of the article under review. |

Legislative assistance: Please describe the type of assistance

| Guidance: | The forms of legislative assistance should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of legislative assistance might include e.g. model arrangements and agreements, legal drafting and/or advisory support. |

Institution-building: Please describe the type of assistance

| Guidance: | The forms of institution-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article, including domestic coordination issues. Specific forms of assistance in the area of institution-building might include e.g. summary of good practices and lessons learned, model arrangements and agreements, on-site assistance by a relevant expert and/or mentoring, as well as the development of an action plan for implementation. |

Policymaking: Please describe the type of assistance

| Guidance: | The forms of policymaking should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of policymaking might include e.g. summary of good practices and lessons learned, sensitization of decision-making bodies, on-site assistance by a relevant expert and/or mentoring. |
Capacity-building: Please describe the type of assistance

**Guidance:** The forms of capacity-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of capacity-building might include e.g. case-related assistance, on-site assistance by a relevant expert and/or mentoring, strengthening the operational and/or institutional capacities of relevant authorities through training and online learning, development of an action plan for implementation.

Research/data-gathering and analysis: Please describe the type of assistance

**Guidance:** The forms of research, data-gathering and analysis should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of research, data-gathering and analysis might include e.g. expert advice on data-gathering and storage systems, statistical advice or sample studies.

Facilitation of international cooperation with other countries: Please describe the type of assistance

**Guidance:** The forms of facilitation of international cooperation with other countries should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of facilitation of international cooperation might include e.g. case-related assistance, model legislation or model treaties.

Others: Please specify

3. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

**Guidance:** If you are receiving or have received such assistance, please provide details, including on the assistance provider, description of core objectives, duration, budget, results and impact. Please include information on technical assistance being provided in the most generic way so as to also capture projects that do not directly fit into the anti-corruption category but that address aspects relevant for the implementation of the Convention against Corruption. Please also indicate whether the extension and/or expansion of such assistance would help your country to adopt the measure(s) described in the article under review.

Article 54. Mechanisms for recovery of property through international cooperation in confiscation

**Article 54, subparagraph 1 (a)**

1. Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:
(a) Take such measures as may be necessary to permit its competent authorities to give effect to an order of
confiscation issued by a court of another State Party;

1. Is your country in compliance with this provision?
   Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to
take, together with the related appropriate time frame) to ensure full compliance with this provision of the
Convention.

Article 4 of the Law on international cooperation in criminal matters lists 4 types of international cooperation in criminal
matters: 1) international legal assistance; 2) taking over and relinquishing criminal prosecution; 3) extradition and 4) execution of criminal judgments and transfer of convicted persons. A further elaborate on the composition of international legal aid is included in article 15 of The Law on international cooperation in criminal matters, which among others includes - temporary freezing, seizure and withholding of funds, bank accounts and financial transactions or proceeds from a criminal act, - confiscation of property and property benefits.

According to article 27, confiscation of property and property benefits in the international legal assistance procedure shall be carried out in accordance with the provisions of the Criminal Code, the Law on Criminal Procedure and international agreements.

The grounds for confiscation are stipulated by the Criminal Code, as follows:

“Article 97

(1) No one may retain the indirect or direct property benefit obtained through a crime.
(2) The property benefit referred to in paragraph 1 shall be confiscated with the court decision determining the
commission of the crime, under the conditions envisaged by this Code.

(3) The decision to confiscate shall be adopted by the court in a procedure specified by law also in the case when,
due to factual or legal reasons, it is impossible to conduct the criminal procedure against the offender of the crime.

(4) In accordance with the conditions specified in a ratified international agreement, the confiscated property may
be returned to another country.”

Guidance: You may wish to refer to any relevant information provided on article 31 of the Convention
in your previous self-assessment report.

Information may, in particular, include the following:

- The procedures of giving effect to an order of confiscation issued by a court of another State
  party, including whether there are limitations based on whether such order is derived from
  conviction or non-conviction based proceedings;
- Whether this is regulated by national legislation or by bilateral/multilateral treaties;
- Whether this is regulated by specific legislation or by general provisions related to the
  enforcement of foreign judgments.

3. Please provide examples of the implementation of those measures, including related court or other cases,
   statistics etc.

Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant
information which illustrates the measures your country has taken to effectively implement this
provision.

Information sought may, in particular, include cases, statistical or other information on the enforcement
of foreign orders of confiscation, disaggregated by 1) criminal confiscation, 2) non-conviction based
forfeiture, and 3) administrative forfeiture.

Article 54, subparagraph 1 (b)

1. Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with
   respect to property acquired through or involved in the commission of an offence established in accordance with this
Convention, shall, in accordance with its domestic law:

(b) Take such measures as may be necessary to permit its competent authorities, where they have jurisdiction, to order the confiscation of such property of foreign origin by adjudication of an offence of money-laundering or such other offence as may be within its jurisdiction or by other procedures authorized under its domestic law;

1. Is your country in compliance with this provision?
Yes.
2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

In addition to information provided regarding the implementation of article 54, paragraph 1, item a) of the Convention (the same applies for this provision), other relevant provisions are stipulated by the Criminal Code, as follows:

“Money laundering and other income from crimes

Article 273

(1) Whosoever brings into circulation or trade, receives, takes over, exchanges or changes money or other property being obtained through a punishable crime or whosoever is aware it has been obtained through a crime, or whosoever by conversion, exchange, transfer or in any other manner covers up their origin from such source or its location, movement or ownership, shall be sentenced to imprisonment of one to ten years.

(2) The sentence stipulated in paragraph (1) of this Article shall be imposed to whosoever holds or uses property of object being aware to have been obtained by commission of a punishable crime or by forging documents, by not reporting facts or to whosoever in any other manner covers up their origin from such source, or covers up their location, movement and ownership.

(3) If the crime stipulated in paragraphs 1 and 2 is performed in banking, financial or other type of business activity or if he, by splitting of the transaction, avoids the obligation for reporting in the cases determined by law, the offender shall be sentenced to imprisonment of at least three years.

(4) Whosoever performs the crime stipulated in paragraphs 1, 2 and 3, yet he was obligated and in position to know that the money, the property and the other incomes from a punishable act were obtained through a crime, shall be fined or sentenced to imprisonment of up to three years.

(5) Whosoever commits the crime stipulated in paragraphs 1, 2 and 3 as a member of a group or other association that is dealing with money laundering, illegal obtaining of property or other incomes from a punishable act, or with the assistance of foreign banks, financial institutions or persons, shall be sentenced to imprisonment of at least five years.

(6) Official person, responsible person in a bank, insurance company, company for organization of games of chance, exchange office, stock exchange or other financial institution, attorney-at-law, except when in role of an attorney, notary or other person performing public authorizations or activities of public interest, who shall enable or allow transaction or business relation against his legal obligation or who shall perform transaction against a prohibition pronounced by a competent body or a temporary measure appointed in court or who shall fail to report laundering money, property or property benefit, for which he became aware during the performance of his function or duty, shall be sentenced to imprisonment of at least five years.

(7) Official person, responsible person in a bank or other financial institution, or a person performing activities of public interest, who according to law is an authorized entity for applying measures and activities for prevention of money laundering and other incomes from a punishable act, who shall without authorization reveal to a client or to an uninvited person data referring to the procedure for examining suspicious transactions or to applying other measures and activities for prevention of money laundering, shall be sentenced to imprisonment of three months to five years.

(8) If the crime is committed out of covetousness or for the purpose of using data abroad, the offender shall be sentenced to at least one year imprisonment.

(9) If the crime referred to in paragraph (7) of this Article is committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to three years.

(10) If there are factual or legal obstacles for confirming a previously punishable act and prosecuting its offender, the existence of such act shall be confirmed based on the factual circumstances of the case and the existence of well-founded suspicion that the property has been obtained through such crime.

(11) The awareness of the offender, i.e. the duty and possibility to know that the property has been obtained through a punishable act can be confirmed based on the objective factual circumstances of the case.

(12) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(13) The income from a punishable crime shall be seized, and if seizing it from the offender is not possible, other property corresponding to its value shall be seized.

Enlarged confiscation

Article 98-a

(1) The property obtained in the time period, determined by the court according to the case's circumstances which shall not be longer than five years before the commission of the crime, prior to the conviction, when based on all the circumstances the court is well asserted that the property exceeds the legal incomes of the offender and originates from such crime, shall be confiscated from the offender of a crime committed within a criminal association wherefore a property benefit for which an imprisonment sentence of at least four years is prescribed, as well as a crime in relation with the terrorism referred to in Article 313, 394-a, 394-h, 394-c and 419 of this Code for which an imprisonment sentence of minimum five years or more has been prescribed or which is related to a money laundering crime wherefore an imprisonment sentence of at least four years is prescribed.
(2) The property referred to in paragraph (1) of this Article shall be as well confiscated from third parties for which it has been obtained by committing the crime.

(3) The property referred to in paragraph (1) of this Article shall be as well confiscated from members of the offender's family to which it has been transferred should it be obvious that they have not provided counter-compensation corresponding to its value, or from third parties unless they prove that they have provided counter-compensation for the object or the property, corresponding to their value.”

As for predicate offences to money-laundering, the Republic of Macedonia has adopted an all-crime approach, covering any criminal act, committed within the national territory or abroad. Ancillary offences to money laundering, including attempt (article 19), instigation (article 23) and conspiracy to commit a crime (article 393) are also covered pursuant to the general provisions of the Criminal Code. It is sufficient to establish the criminal nature of the proceeds without the need to identify the predicate offence for a money laundering conviction. The concealment or continued retention of criminal proceeds is criminalized as a separate offence pursuant to article 261 of the Criminal Code.

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**Guidance:** Information sought may include whether you have the possibility of using the money-laundering offence as a basis for confiscation instead of the predicate offence.

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3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

**Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information sought may, in particular, include cases, statistical or other information on confiscation based on foreign corruption-related money-laundering offences, disaggregated by 1) criminal confiscation, 2) non-conviction based forfeiture, and 3) administrative forfeiture.

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**Article 54, subparagraph 1 (c)**

1. Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:

   (c) Consider taking such measures as may be necessary to allow confiscation of such property without a criminal conviction in cases in which the offender cannot be prosecuted by reason of death, flight or absence or in other appropriate cases.

1. **Is your country in compliance with this provision?**

   Yes.

2. **Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.**

In accordance with the Law on International Cooperation in Criminal Matters, article 27 paragraph (1), the confiscation of property and property benefits in a procedure of international legal assistance shall be made in accordance with the provisions of the Criminal Code, Law on Criminal Proceedings and international agreements.

In order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, current legislation allows confiscation of such property without a criminal conviction in cases in which the offender cannot be prosecuted by reason of death, flight or absence or in other appropriate cases.

Relevant provisions are stipulated by the Criminal Code and the Law on Criminal Procedure.

Relevant provisions of the Criminal Code:

“Confiscation of property and property benefit and seizing objects

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(1) For confiscation of property and property benefit obtained with a crime by the legal entity, the provisions of Articles 97 through 100 of this Code shall be properly applied.

(2) If no property or property benefit can be confiscated from the legal entity since it has ceased to exist before the confiscation, the legal successor, i.e. successors, and in case there are no legal successors, the founder or the founders of the legal entity, i.e. the stockholders or partners in a trade company in the cases determined by law shall jointly oblige to pay the monetary amount that corresponds to the acquired property benefit.

(3) The provisions of Article 101-a of this Code shall be properly applied to seizing objects from the legal entity.

Grounds for confiscation

(1) No one may retain the indirect or direct property benefit obtained through a crime.

(2) The property benefit referred to in paragraph 1 shall be confiscated with the court decision determining the commission of the crime, under the conditions envisaged by this Code.

(3) The decision to confiscate shall be adopted by the court in a procedure specified by law also in the case when, due to factual or legal reasons, it is impossible to conduct the criminal procedure against the offender of the crime.

(4) In accordance with the conditions specified in a ratified international agreement, the confiscated property may be returned to another country.

Confiscation of indirect property benefit

Beside the direct property benefit, the indirect property benefit consisted of the following shall be confiscated from the offender:
1) the property in which the benefit obtained with the crime has been transformed or turned into;
2) the property obtained from legal sources, in case if the benefit obtained from the crime is completely or partially mixed with such property, up to the assessed value of the mixed benefit obtained by the crime and
3) the income or other benefit resulting from the benefit obtained with a crime, from a property wherefore the benefit obtained from a crime is transformed or turned into, or from a property where the benefit obtained from the crime is mixed, up to the assessed amount of the mixed benefit obtained with the crime.

Manner of confiscating

(1) The direct and indirect property benefit obtained with a crime and consisting of money, movables or immovables of certain value, as well as any other ownership, property or active, material or non-material rights shall be confiscated from the offender, and it their confiscation is not possible other property corresponding to the value of the obtained benefit shall be confiscated from the offender.

(2) The indirect and direct property benefit shall be as well confiscated from third parties wherefore it has been obtained by committing the crime.

(3) The property benefit referred to in paragraph (1) shall be as well confiscated from members of the offender's family to whom it has been transferred, should it be obvious that they have not provided any compensation corresponding to the value of the obtained property benefit, or from third parties unless they prove that they have given counter-compensation for the object or the property which corresponds the value of the obtained property benefit.

(4) The objects declared as cultural heritage and natural rarities, as well as those to which the damaged party is personally attached, shall be confiscated from third parties, regardless of whether these objects have been transferred to the third parties with or without an appropriate compensation.

(5) The confiscated goods are returned to the damaged party, and if there is no damaged party, they become the state property.

(6) If during the criminal procedure, the damaged person is adjudged a property and legal claim, the court shall pronounce confiscation of property benefit in case if this exceeds the amount of this claim.

Extended confiscation

(1) The property obtained in the time period, determined by the court according to the case's circumstances which shall not be longer than five years before the commission of the crime, prior to the conviction, when based on all the circumstances the court is well asserted that the property exceeds the legal incomes of the offender and originates from such crime, shall be confiscated from the offender of a crime committed within a criminal association wherefore a property benefit for which an imprisonment sentence of at least four years is prescribed, as well as a crime in relation with the terrorism referred to in Article 313, 394-a, 394-b, 394-c and 419 of this Code for which an imprisonment sentence of minimum five years or more has been prescribed or which is related to a money laundering crime wherefore
an imprisonment sentence of at least four years is prescribed.
(2) The property referred to in paragraph (1) of this Article shall be as well confiscated from third parties for which it has been obtained by committing the crime.
(3) The property referred to in paragraph (1) of this Article shall be as well confiscated from members of the offender's family to which it has been transferred should it be obvious that they have not provided counter-compensation corresponding to its value, or from third parties unless they prove that they have provided counter-compensation for the object or the property, corresponding to their value.

Confiscating from a legal entity
Article 100

If a legal entity acquires property benefit from the crime of the offender, this benefit shall be confiscated from it.

2. SEIZURE OF OBJECTS
Conditions for seizure of objects
Article 100-a

(1) Nobody can keep or adopt the objects that have occurred through a commission of a crime.
(2) Objects that were intended or have been used to commit a crime shall be confiscated from the offender, regardless of whether they belong to the offender or to a third party, if this is required by the interest of general safety, health of the people or moral reasons.
(3) The objects used or intended to be used to commit a crime may be confiscated if there is a threat that they may be used to commit another crime. Objects, which are the property of a third party, shall not be confiscated, except if the third party knew, could have known and was obliged to know that these objects have been used or were intended to be used to commit a crime.
(4) The court shall adopt a decision to confiscate the objects within the framework of a procedure specified by law in the case when, due to factual or legal obstacles, it is impossible to conduct the criminal procedure with respect to the offender of the crime.
(5) The application of this measure does not interfere with the right of third parties to compensation of damages from the offender of the crime.
(6) Under the conditions stipulated in ratified international agreements, the objects may be returned to another country.”

Relevant provisions of the Criminal Procedure:

Article 540
Special procedure for forfeiture of assets and crime proceeds and seizure of objects

(1) When there are factual and legal impediments for conducting a criminal procedure against a perpetrator of a crime, upon a motion by the public prosecutor, the court shall conduct a special procedure for forfeiture of assets and crime proceeds and seizure of objects, if the conditions provided for in the Criminal Code are met.
(2) In the procedure as referred to in paragraph 1 of this Article, upon proposal by the public prosecutor, the necessary evidence shall be presented. By means of a decision, the court shall order the measure of forfeiture of assets and crime proceeds and seizure of objects if it is proven that the assets and the property have been obtained with the commission of a criminal offense or that the objects have been used to commit the criminal offense or have resulted from it, or that they have to be forfeited according to the provisions of the Criminal Code.
(3) The person whose assets and property have been forfeited may appeal the decision of the court referred to in paragraph 2 of this Article within eight days, with the immediate superior court.

Article 202
Temporary seizure of property or objects for their safeguarding

(1) At any time in the course of the proceedings, the court may render, upon request by the public prosecutor, a temporary measure of seizure of property or objects which should be seized according to the Criminal Code, a measure for confiscation or another necessary temporary measure in order to prevent the use, transfer or managing of that property or objects.
(2) The request by the public prosecutor referred to in paragraph 1 of this Article shall contain the following:
   - a short description of the criminal offence and its legal designation;
   - description of the property or objects which originate from a committed crime;
   - information on the person who owns that property or objects;
   - evidence on which the suspicion that the property or the objects originate from a criminal offense is based, and
   - reasons for the probability that the seizure of property or object shall be made especially difficult or impossible until the end of the criminal proceedings.
(3) Before the beginning and during the preliminary procedure, the preliminary procedure judge shall rule on the request by the public prosecutor as referred to in paragraph 1 of this Article, and after the indictment has been raised, by the Court that is going to hold the hearing. The preliminary procedure judge shall rule immediately on the request by the public prosecutor, and no later than within 12 hours from the receipt of the request. If the preliminary procedure judge does not accept the request by the public prosecutor, he or she shall ask the Trial Chamber referred to in Article 25, paragraph 5 to render a decision without any delay. The Trial Chamber shall render a decision within 24 from the receipt of the request.

(4) In the decision on the measures referred to in paragraph 1 of this Article, the court shall designate the value and the type of property, or object, and the time period for which it is seized.

(5) An appeal may be filed within 24 hours against the decision of the preliminary procedure judge, establishing the measures referred to in paragraph 1 of this Article. The Trial Chamber referred to Article 25, paragraph 5 shall rule on the appeal. The appeal shall not prevent the enforcement of the decision.

(6) If there is danger of procrastination, the members of the Judicial Police may temporarily seize property or objects as referred to in paragraph 1 of this Article, confiscate them or take other necessary temporary measures in order to prevent any use, transfer and managing thereof. The public prosecutor shall have to be immediately informed on the measures taken, and the measures must be approved by the preliminary procedure judge within 72 hours from the moment of their implementation.

(7) If the preliminary procedure judge does not give an approval, the undertaken measures referred to in paragraph 6 of this Article shall be stopped, and any temporarily seized property or objects shall be immediately returned to the person they were seized from.

(8) The measures referred to in paragraph 1 of this Article may last until the completion of the criminal proceedings before the first instance court at the latest.

(9) If the measures referred to in paragraph 1 of this Article are established during the preliminary procedure, they shall be cancelled ex-officio if the investigative procedure does not begin within 3 months from the day when the decision establishing them was rendered.

(10) Before the expiration of the deadlines referred to in paragraph 9 of this Article, the measures may be cancelled ex-officio by the Court or upon request by the public prosecutor, i.e. by any interested person, if it becomes evident that they are not necessary or justified in view of the severity of the crime, the financial circumstances of the person they refer to or the circumstances of the persons, whom this person is obliged by law to support and the circumstances pointing to the fact that the seizure of property or objects shall not be precluded or made especially difficult prior to the completion of the criminal proceedings.

(11) All the actions upon the property and the objects that are subject of safekeeping, and that have been undertaken upon submitting the request from paragraph 1 of this article, are of no value.

(12) The request from paragraph 1 of this article and the decision for issuing the measures prescribed in paragraph 1 of this article, will be send without a delay in an electronic format to all the bodies that are competent for documenting the property and the objects, whose safekeeping was requested and was approved.

Procedure for seizure of objects and forfeiture of assets and crime proceeds

Article 529
Seizure of objects

(1) Any objects that have to be seized according to the Criminal Code shall also be seized even in the event when the criminal procedure has not ended with a conviction of the defendant.

(2) The entity before which the procedure was being conducted at the moment when the procedure was completed i.e. discontinued shall enact a separate decision thereof.

(3) The decision for seizure of the objects as referred to in paragraph 1 of this Article shall be enacted by the court, even if the verdict of conviction does not provide for such a decision.

(4) A certified copy of the decision for seizure of objects shall be delivered to the owner of the objects, if known.

(5) The owner of the objects shall have a right to appeal against the decision as referred to in paragraphs 2 and 3 of this Article, due to lack of legal grounds for the seizure of the objects. If the decision as referred to in paragraph 2 of this Article was not passed by the court, the appeal shall be ruled on by the Trial Chamber referred to in Article 25, paragraph 5 of this Law, of the court that was competent for adjudicating in the first instance.

Article 530
General provisions on forfeiture of assets and crime proceeds

(1) Any assets and crime proceeds that originate from the crime shall be established in a criminal procedure.

(2) During the procedure, the public prosecutor shall be obliged to collect evidence and inspect all circumstances, which
are important for the establishment of assets and crime proceeds and to propose any measures as referred to in Article 202, paragraph 1 of this Law.

(3) If the injured party claimed any damages in view of returning the objects obtained with the criminal offense, i.e. in view of the amount that is equivalent to the value of the objects, the crime proceeds shall be established only for the part that is not covered with the legal or property claim.

Article 531

Procedure for forfeiture of assets and crime proceeds

(1) When performing forfeiture of assets and crime proceeds, the person to whom the crime proceeds have been transferred, as well as the representative of the legal person shall be summoned to be heard during the preliminary procedure and at the main hearing. In the summons, they shall be forewarned that the procedure shall be also conducted in their absence.

(2) Any representative of a legal person shall be examined at the main hearing after the defendant. It shall be proceeded in the same manner in reference of the person to whom the crime proceeds have been transferred, if he or she has not been summoned as a witness.

(3) Any person that the property interest has been transferred to, as well as any representative of a legal person, in reference to the establishment of the crime proceeds, shall be authorized to tender evidence and upon authorization of the Presiding Judge of the Trial Chamber to question the defendant, the witnesses and expert witnesses.

(4) Any exclusion of the public from the main hearing shall not refer to the person that the assets and crime proceeds have been transferred to and to the representative of the legal person.

(5) If, during the main hearing, it is established that forfeiture of assets and crime proceeds is possible, the public prosecutor shall propose for the main hearing to be adjourned and summon the person that the assets and crime proceeds have been transferred to, as well as the representative of the legal person.

Article 532

Establishing the amount of the value of the assets and crime proceeds

(1) In collecting the required evidence for the establishment of the correct amount of the assets and crime proceeds, the public prosecutor may ask for any necessary information from other state entities, financial institutions, other legal persons and citizens who shall be obliged to submit them without any delay.

(2) If there are any suspicions that the assets have been moved abroad, the court shall be obliged to issue an international warrant or notification.

Article 533

Extended forfeiture

(1) The court shall provide for an extended forfeiture under the terms prescribed in the Criminal Code, if the defendant cannot prove that he has lawfully acquired the assets or property within one year as of the day of the commencement of the main hearing.

(2) If the court reaches a judgment in the first instance regarding the criminal offense within a term shorter than the one stipulated in paragraph 1 of this Article, when the legal conditions for the measure of extended forfeiture are met, the court shall provide for such a measure with a supplementary judgment that may be appealed in accordance with the provisions of this Law.

Article 534

Issuing a measure of extended forfeiture against a third party

(1) The court shall also order the measure of extended forfeiture against a third party by means of a decision under the terms prescribed in the Criminal Code, if within two years as of the day of commencement of the specific forfeiture procedure, the person cannot prove that he or she has indemnified the asset or property according to their value.

(2) The procedure for the measure of extended forfeiture shall be conducted upon a motion by the public prosecutor.

(3) The person shall have a right to file an appeal against the decision referred to in paragraph 1 of this Article within eight days, with the immediate superior court.

Article 535

Providing temporary safeguarding measures

(1) When the conditions for forfeiture or extended forfeiture of assets and crime proceeds are met, the court, upon a motion by the public prosecutor, shall order temporary safeguarding measures as provided for in Article 194 of this Law.

(2) The court may order the measures as referred to in paragraph 1 of this Article, against third parties, who are suspected recipients of assets and property resulting from a criminal offense, without appropriate reimbursement.

(3) One may appeal the decision of the court ordering temporary safeguarding measures, within 8 days.
(4) The immediate superior court shall rule on the appeal within a period of 8 days.

**Guidance:** Information sought may include the legislative basis in your country for any form of non-conviction based forfeiture; and for the provision of mutual legal assistance in non-conviction based asset forfeiture cases.

If your country has considered, but not adopted, any measures to implement this provision, please describe these measures and the process in which they were considered.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

**Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.
Information sought may, in particular, include cases, statistical or other information, including amounts confiscated, on non-conviction based forfeiture and mutual legal assistance provided in non-conviction based forfeiture cases.

Article 54, subparagraph 2 (a)

2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:

(a) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a freezing or seizure order issued by a court or competent authority of a requesting State Party that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article;

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

To ensure full compliance with this provision of the Convention, relevant provisions have been prescribed, as follows:

Relevant provisions are stipulated by the Law on International Cooperation in Criminal Matters and the Law on Criminal Procedure.

Relevant provisions of the Law on International Cooperation in Criminal Matters:

“Article 2

The international cooperation shall be provided in accordance with the provisions of this Law unless otherwise specified by an international agreement ratified in accordance with the Constitution of the Republic of Macedonia (herein after referred to as: international agreement) or other legal act which governs the criminal proceedings of an international court whose jurisdiction is accepted by the Republic of Macedonia.

Article 3

(1) An international cooperation shall be provided for all proceedings related to criminal offences whose prosecution is under jurisdiction of a judicial authority in the requesting state at the time of the submission of the letter rogatory for international legal assistance in criminal matters or the request for international cooperation in criminal matters.

(2) The international cooperation shall be also provided in misdemeanour proceedings that have been conducted before the misdemeanour authorities for acts for which misdemeanour sanctions are foreseen under the regulations of Republic of Macedonia and in cases where a proceeding can be initiated before the court that is actually competent for the criminal matter after a decision has been delivered.

Article 15

The international legal assistance shall include:

- enforcement of procedural actions such as delivery of documents, written evidence and acts related to the criminal proceedings in the sending state;
- delivery of spontaneous information;
- exchange of certain information and notifications;
- temporary transfer of persons deprived of freedom;
- cross-border observation;
- controlled delivery;
- using persons with hidden identity;
- joint investigation teams;
- monitoring communications;
- interrogation through video conference;
- interrogation through telephone conference;
- searching of premises and persons;
- temporary security of items, property or means related to the criminal offence;
- temporary freezing, confiscation and retention of assets, bank accounts and financial transactions or incomes from a criminal offence;
- confiscation of property and property benefits;
- deprivation of items;
- protection of personal data;
- criminal and civil liability of officials, and
- delivery of extracts from criminal records.

Transfer of temporary seized objects, documents and property benefits

Article 26

(1) The objects, documents and property benefits that were temporary seized, as well as the records and the decisions for temporary seizure, shall be transferred to the foreign competent authority at its request after the termination of the proceeding for international legal assistance in the Republic of Macedonia.

(2) The objects, documents and property benefits from paragraph (1) of this article shall be transferred to the foreign competent authority if:

- the foreign competent authority guarantees their return without reimbursement after the termination of the procedure of taking evidence;
- the third person proves that he or she was not notified and couldn’t know that the object, the document or the property benefits have been acquired with a criminal offence; and
- the injured party with residence or domicile in the Republic of Macedonia or the state authority emphasises its right to the submitted items, documents and property benefits.

(3) In case of criminal proceedings in progress before a domestic judicial authority the transfer shall be adjourned until the effective termination of the proceedings.

Temporary measures

Article 29

(1) At the request of the foreign competent authority the domestic judicial authority shall introduce temporary measures for collecting evidence material and for security of the collected evidence or for protection of the endangered legal interests.

(2) The domestic judicial authority can act partially upon the request from paragraph (1) of this article or it may temporary limit the implementation of the letter rogatory.

Transfer of seized objects and property benefits

Article 28

(1) The objects and the property benefits seized in order to protect them can be transferred to the foreign competent authority at its request.

(2) The objects and the property benefits from paragraph (1) shall include the following:

1) objects the criminal offence was committed with;
2) objects that resulted from the committed criminal offence or their equivalent value, the incomes from the criminal offence or their equivalent value, and
3) the presents given in order to stimulate the committing of criminal offence, as well as the rewards for the criminal offence or their equivalent value.

(3) The transfer of the objects and the property benefits from paragraph (1) of this article can be realised on the basis of an effective and enforceable decision by the foreign competent authority.

(4) The objects and the property benefits from paragraph (1) of this article shall be permanently kept in the Republic of Macedonia if:

1) those represent goods under temporary protection or cultural inheritance or if they are natural rarities of the Republic of Macedonia;
2) the injured party is has its residence or domicile in the Republic of Macedonia and they shall be returned to him/her;
3) the domestic competent authority emphasises the right of the Republic of Macedonia to them;
4) the person has his or her residence or domicile in the Republic of Macedonia and did not participate in committing the criminal offence, or proves that it didn’t know and couldn’t know that the object or the property benefits have been acquired through committing a criminal offence in the Republic of Macedonia or abroad;
5) they are required for the implementation of a criminal proceeding that is in progress in the Republic of Macedonia;
6) they are required for introduction of the measure for confiscation of property and property benefits and seizure of the objects, and
(1) The domestic competent authority shall act upon a request by a foreign competent authority that the Republic of Macedonia has not concluded an agreement for international cooperation with, only if the foreign competent authority provides a guarantee in writing that it shall also act upon such request by the domestic competent authority.

(2) The guarantee in writing from paragraph (1) of this article shall be immediately delivered by the foreign competent authority to the domestic competent authority.

(3) The guarantee in writing from paragraph (1) of this article shall not be requested for enforcement of delivery of court decisions, petitions and other documents.

Relevant provisions of the Law on Criminal Procedure:

"Article 202
Temporary seizure of property or objects for their safeguarding

(1) At any time in the course of the proceedings, the court may render, upon request by the public prosecutor, a temporary measure of seizure of property or objects which should be seized according to the Criminal Code, a measure for confiscation or another necessary temporary measure in order to prevent the use, transfer or managing of that property or objects.

(2) The request by the public prosecutor referred to in paragraph 1 of this Article shall contain the following:
   - a short description of the criminal offence and its legal designation;
   - description of the property or objects which originate from a committed crime;
   - information on the person who owns that property or objects;
   - evidence on which the suspicion that the property or the objects originate from a criminal offense is based, and
   - reasons for the probability that the seizure of property or object shall be made especially difficult or impossible until the end of the criminal proceedings.

(3) Before the beginning and during the preliminary procedure, the preliminary procedure judge shall rule on the request by the public prosecutor as referred to in paragraph 1 of this Article, and after the indictment has been raised, by the Court that is going to hold the hearing. The preliminary procedure judge shall rule immediately on the request by the public prosecutor, and no later than within 12 hours from the receipt of the request. If the preliminary procedure judge does not accept the request by the public prosecutor, he or she shall ask the Trial Chamber referred to in Article 25, paragraph 5 to render a decision without any delay. The Trial Chamber shall render a decision within 24 from the receipt of the request.

(4) In the decision on the measures referred to in paragraph 1 of this Article, the court shall designate the value and the type of property, or object, and the time period for which it is seized.

(5) An appeal may be filed within 24 hours against the decision of the preliminary procedure judge, establishing the measures referred to in paragraph 1 of this Article. The Trial Chamber referred to Article 25, paragraph 5 shall rule on the appeal. The appeal shall not prevent the enforcement of the decision.

(6) If there is danger of procrastination, the members of the Judicial Police may temporarily seize property or objects as referred to in paragraph 1 of this Article, confiscate them or take other necessary temporary measures in order to prevent any use, transfer and managing thereof. The public prosecutor shall have to be immediately informed on the measures taken, and the measures must be approved by the preliminary procedure judge within 72 hours from the moment of their implementation.

(7) If the preliminary procedure judge does not give an approval, the undertaken measures referred to in paragraph 6 of this Article shall be stopped, and any temporarily seized property or objects shall be immediately returned to the person they were seized from.

(8) The measures referred to in paragraph 1 of this Article may last until the completion of the criminal proceedings before the first instance court at the latest.

(9) If the measures referred to in paragraph 1 of this Article are established during the preliminary procedure, they shall be cancelled ex-officio if the investigative procedure does not begin within 3 months from the day when the decision establishing them was rendered.

(10) Before the expiration of the deadlines referred to in paragraph 9 of this Article, the measures may be cancelled ex-officio by the Court or upon request by the public prosecutor, i.e. by any interested person, if it becomes evident that they are not necessary or justified in view of the severity of the crime, the financial circumstances of the person they refer to or the circumstances of the persons, whom this person is obliged by law to support and the circumstances pointing to the fact that the seizure of property or objects shall not be precluded or made especially difficult prior to the completion of the criminal proceedings.

(11) All the actions upon the property and the objects that are subject of safekeeping, and that have been undertaken upon submitting the request from paragraph 1 of this article, are of no value.

(12) The request from paragraph 1 of this article and the decision for issuing the measures prescribed in paragraph 1 of this article, will be send without a delay in an electronic format to all the bodies that are competent for documenting the property and the objects, whose safekeeping was requested and was approved.
Article 517

Safeguarding measures

(1) During the proceedings, upon a motion by the public prosecutor, the court may impose one or more temporary measures in accordance with the provisions on temporary safeguarding or seizure of objects or property as referred to in Articles 194, 195, 196, 197, 198, 199, 200, 201, 202, 203 and 204 of this Law, as well as a prohibition of performing certain activities or all activities of the legal person until the completion of the proceedings and a ban on any statutory changes at the legal person. Any prohibitions shall be recorded in the registry of the court or other registries.

(2) Any prohibitions as referred to in paragraph 1 of this article shall be imposed with a decision, which may be appealed by the representative of the legal person within 3 days with the trial Chamber as referred to in Article 25, paragraph 5 of this Law. Any appeal shall not prevent the enforcement of the decision.

Procedure for seizure of objects and forfeiture of assets and crime proceeds

Article 529

Seizure of objects

(1) Any objects that have to be seized according to the Criminal Code shall also be seized even in the event when the criminal procedure has not ended with a conviction of the defendant.

(2) The entity before which the procedure was being conducted at the moment when the procedure was completed i.e. discontinued shall enact a separate decision thereof.

(3) The decision for seizure of the objects as referred to in paragraph 1 of this Article shall be enacted by the court, even if the verdict of conviction does not provide for such a decision.

(4) A certified copy of the decision for seizure of objects shall be delivered to the owner of the objects, if known.

(5) The owner of the objects shall have a right to appeal against the decision as referred to in paragraphs 2 and 3 of this Article, due to lack of legal grounds for the seizure of the objects. If the decision as referred to in paragraph 2 of this Article was not passed by the court, the appeal shall be ruled on by the Trial Chamber referred to in Article 25, paragraph 5 of this Law, of the court that was competent for adjudicating in the first instance.

Article 564

Issuing an international arrest warrant and public notice and issuing an arrest warrant and public notice upon request by a foreign entity

(1) If it is likely that the person against whom an arrest warrant has been issued is located abroad, the Ministry of Interior may also issue an international arrest warrant, after it has received a declaration by the entity that has issued the order for the arrest warrant, confirming that if the person is found, his or her extradition shall be sought after.

(2) If it is likely that the property and crime proceeds or the objects are located abroad, an international public notice shall be issued, accompanied by a declaration, confirming that if they are found, temporary measures for freezing or forfeiture of property and crime proceeds or seizure of objects shall be sought after.

(3) At the request of a foreign authority, the Ministry of Interior may also issue an arrest warrant for a person who is believed to be staying in the Republic of Macedonia, if such a request contains a declaration confirming that if the person is found, his or her extradition shall be sought after.”

Guidance: Information sought may include the procedures available for recognizing foreign freezing or seizure orders, the required evidentiary threshold, and the available duration of such measures.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information sought may, in particular, include cases, statistical or other information, such as the amounts frozen using the procedures described in the provision.

Article 54, subparagraph 2 (b)

2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:

   (b) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a request that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for
taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article; and

1. Is your country in compliance with this provision?

Yes.
2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Relevant provisions are stipulated by the Law on International Cooperation in Criminal Matters, the Law on Criminal Procedure and the Law on Prevention of Money Laundering and Financing of Terrorism.

Relevant provisions of the Law on International Cooperation in Criminal Matters:

"Article 2
The international cooperation shall be provided in accordance with the provisions of this Law unless otherwise specified by an international agreement ratified in accordance with the Constitution of the Republic of Macedonia (herein after referred to as: international agreement) or other legal act which governs the criminal proceedings of an international court whose jurisdiction is accepted by the Republic of Macedonia.

Article 3
(1) An international cooperation shall be provided for all proceedings related to criminal offences whose prosecution is under jurisdiction of a judicial authority in the requesting state at the time of the submission of the letter rogatory for international legal assistance in criminal matters or the request for international cooperation in criminal matters.
(2) The international cooperation shall be also provided in misdemeanour proceedings that have been conducted before the misdemeanour authorities for acts for which misdemeanour sanctions are foreseen under the regulations of Republic of Macedonia and in cases where a proceeding can be initiated before the court that is actually competent for the criminal matter after a decision has been delivered.

Article 15
The international legal assistance shall include:
- enforcement of procedural actions such as delivery of documents, written evidence and acts related to the criminal proceedings in the sending state;
- delivery of spontaneous information;
- exchange of certain information and notifications;
- temporary transfer of persons deprived of freedom;
- cross-border observation;
- controlled delivery;
- using persons with hidden identity;
- joint investigation teams;
- monitoring communications;
- interrogation through video conference;
- interrogation through telephone conference;
- searching of premises and persons;
- temporary security of items, property or means related to the criminal offence;
- temporary freezing, confiscation and retention of assets, bank accounts and financial transactions or incomes from a criminal offence;
- confiscation of property and property benefits;
- deprivation of items;
- protection of personal data;
- criminal and civil liability of officials, and
- delivery of extracts from criminal records.

Assumption of the criminal prosecution in the Republic of Macedonia

Article 42
(1) The request of the foreign competent authority to assume criminal prosecution in the Republic of Macedonia against a citizen of the Republic of Macedonia or against a person with residence or domicile in the Republic of Macedonia for criminal offence committed in a foreign state shall be submitted together with the criminal records to the competent public prosecutor in the region where the person has his or her residence or domicile.
(2) If a legal claim on property has been filed in the foreign competent authority, the domestic judicial authority shall act upon it as if it was filed in a proceeding before the domestic judicial authority.
(3) The domestic competent authority shall notify the foreign competent authority which submitted the request about the rejection to assume criminal prosecution, as well as about the effective decision that was reached within the criminal
Assumption of criminal proceedings
Article 43
(1) The criminal proceeding shall be assumed only when the criminal offence about which a prosecution is requested is a criminal offence according to the domestic legislation.
(2) If the criminal proceeding has been assumed, it shall be conducted according to the domestic legislation.
(3) The law of the foreign country in relation to the type and amount of the criminal sanction shall be applied if it is milder for the accused in the criminal proceedings.
(4) The criminal proceedings shall not be conducted in absence of the accused.

Equalisation of the investigative actions
Article 44
Any investigative action conducted by the foreign competent authority shall be equalised with the appropriate investigative action within the criminal proceedings in accordance with the domestic legislation.

Decision on undertaking criminal prosecution
Article 45
(1) The competent public prosecutor shall consider the submitted request without delay and decide immediately upon it.
(2) The competent public prosecutor through the Ministry shall immediately notify the foreign competent authority about the decision from paragraph (1) and shall deliver a certified copy of the decision.

II. Assignment of the criminal prosecution
Assignment of the criminal prosecution to a foreign state
Article 46
(1) If a foreigner with residence in a foreign state commits a criminal offence in the territory of the Republic of Macedonia, regardless of the conditions stipulated in article 50 of this Law, the criminal records and the evidence may be assigned to the foreign state for further criminal prosecution and court proceedings if the foreign state does not oppose that.
(2) The originals and the certified copies of the criminal records shall be enclosed to the request for assignment of criminal prosecution.
(3) If the accused person is in prison, the foreign competent authority shall be requested to deliver a notification about the assumption of the prosecution within 30 days from the day of the submission of the request.

Decision on assignment of criminal prosecution
Article 47
(1) Before the indictment enters into legal force, the competent public prosecutor shall decide on the assignment of the criminal proceeding.
(2) After entering into legal force of the indictment, and until the beginning of the main hearing, the judicial council shall adopt the decision from paragraph (1) of this article upon proposal of the competent public prosecutor in accordance with the provisions of the Law on Criminal Proceedings. After the beginning of the main hearing the competent council of the court shall decide upon proposal of the competent public prosecutor in accordance with the provisions of the Law on Criminal Proceedings.
(3) The assignment may be granted for criminal offences for which a prison sentence up to ten years is foreseen, as well as for criminal offences endangering public traffic.
(4) If the injured party is a citizen of the Republic of Macedonia, the assignment of the criminal prosecution shall not be allowed if the person opposes that, unless a security for the exercise of his or her legal claim on property has been provided.

Additional information
Article 48
The competent public prosecutor may require additional information, records and evidence from the foreign competent authority if it deems that those are necessary for the further implementation of the criminal proceedings and shall determine a deadline for their delivery.

Transfer of temporary seized objects, documents and property benefits
Article 26
(1) The objects, documents and property benefits that were temporary seized, as well as the records and the decisions for temporary seizure, shall be transferred to the foreign competent authority at its request after the termination of the proceeding for international legal assistance in the Republic of Macedonia.
(2) The objects, documents and property benefits from paragraph (1) of this article shall be transferred to the foreign competent authority if:
- the foreign competent authority guarantees their return without reimbursement after the termination of the procedure of taking evidence;
- the third person proves that he or she was not notified and couldn’t know that the object, the document or the property benefits have been acquired with a criminal offence; and
the injured party with residence or domicile in the Republic of Macedonia or the state authority emphasises its right to the submitted items, documents and property benefits.

(3) In case of criminal proceedings in progress before a domestic judicial authority the transfer shall be adjourned until the effective termination of the proceedings.

Temporary measures

Article 29

(1) At the request of the foreign competent authority the domestic judicial authority shall introduce temporary measures for collecting evidence material and for security of the collected evidence or for protection of the endangered legal interests.

(2) The domestic judicial authority can act partially upon the request from paragraph (1) of this article or it may temporary limit the implementation of the letter rogatory.

Transfer of seized objects and property benefits

Article 28

(1) The objects and the property benefits seized in order to protect them can be transferred to the foreign competent authority at its request.

(2) The objects and the property benefits from paragraph (1) shall include the following:

1) objects the criminal offence was committed with;
2) objects that resulted from the committed criminal offence or their equivalent value, the incomes from the criminal offence or their equivalent value, and
3) the presents given in order to stimulate the committing of criminal offence, as well as the rewards for the criminal offence or their equivalent value.

(3) The transfer of the objects and the property benefits from paragraph (1) of this article can be realised on the basis of an effective and enforceable decision by the foreign competent authority.

(4) The objects and the property benefits from paragraph (1) of this article shall be permanently kept in the Republic of Macedonia if:

1) those represent goods under temporary protection or cultural inheritance or if they are natural rarities of the Republic of Macedonia;
2) the injured party has its residence or domicile in the Republic of Macedonia and they shall be returned to him/her;
3) the domestic competent authority emphasises the right of the Republic of Macedonia to them;
4) the person has his or her residence or domicile in the Republic of Macedonia and did not participate in committing the criminal offence, or proves that it didn’t know and couldn’t know that the object or the property benefits have been acquired through committing a criminal offence in the Republic of Macedonia or abroad;
5) they are required for the implementation of a criminal proceeding that is in progress in the Republic of Macedonia;
6) they are required for introduction of the measure for confiscation of property and property benefits and seizure of the objects, and
7) those represent objects that must be seizure according to the Criminal Code.

Mutuality

Article 12

(1) The domestic competent authority shall act upon a request by a foreign competent authority that the Republic of Macedonia has not concluded an agreement for international cooperation with, only if the foreign competent authority provides a guarantee in writing that it shall also act upon such request by the domestic competent authority.

(2) The guarantee in writing from paragraph (1) of this article shall be immediately delivered by the foreign competent authority to the domestic competent authority.

(3) The guarantee in writing from paragraph (1) of this article shall not be requested for enforcement of delivery of court decisions, petitions and other documents.

Article 104

For procedural provisions not regulated by this Law, provisions from the Law on Criminal Proceeding, the Law on Misdemeanours, the Law on Courts, the Law on Public Prosecution and the Law on Prevention of Corruption shall apply.”

Relevant provisions of the Law on Criminal Procedure:

“Article 202

Temporary seizure of property or objects for their safeguarding

(1) At any time in the course of the proceedings, the court may render, upon request by the public prosecutor, a temporary measure of seizure of property or objects which should be seized according to the Criminal Code, a measure for confiscation or another necessary temporary measure in order to prevent the use, transfer or managing of that property or objects.

(2) The request by the public prosecutor referred to in paragraph 1 of this Article shall contain the following:
   - a short description of the criminal offence and its legal designation;
- description of the property or objects which originate from a committed crime;
- information on the person who owns that property or objects;
- evidence on which the suspicion that the property or the objects originate from a criminal offense is based, and
- reasons for the probability that the seizure of property or object shall be made especially difficult or impossible until the end of the criminal proceedings.

(3) Before the beginning and during the preliminary procedure, the preliminary procedure judge shall rule on the request by the public prosecutor as referred to in paragraph 1 of this Article, and after the indictment has been raised, by the Court that is going to hold the hearing. The preliminary procedure judge shall rule immediately on the request by the public prosecutor, and no later than within 12 hours from the receipt of the request. If the preliminary procedure judge does not accept the request by the public prosecutor, he or she shall ask the Trial Chamber referred to in Article 25, paragraph 5 to render a decision without any delay. The Trial Chamber shall render a decision within 24 from the receipt of the request.

(4) In the decision on the measures referred to in paragraph 1 of this Article, the court shall designate the value and the type of property, or object, and the time period for which it is seized.

(5) An appeal may be filed within 24 hours against the decision of the preliminary procedure judge, establishing the measures referred to in paragraph 1 of this Article. The Trial Chamber referred to Article 25, paragraph 5 shall rule on the appeal. The appeal shall not prevent the enforcement of the decision.

(6) If there is danger of procrastination, the members of the Judicial Police may temporarily seize property or objects as referred to in paragraph 1 of this Article, confiscate them or take other necessary temporary measures in order to prevent any use, transfer and managing thereof. The public prosecutor shall have to be immediately informed on the measures taken, and the measures must be approved by the preliminary procedure judge within 72 hours from the moment of their implementation.

(7) If the preliminary procedure judge does not give an approval, the undertaken measures referred to in paragraph 6 of this Article shall be stopped, and any temporarily seized property or objects shall be immediately returned to the person they were seized from.

(8) The measures referred to in paragraph 1 of this Article may last until the completion of the criminal proceedings before the first instance court at the latest.

(9) If the measures referred to in paragraph 1 of this Article are established during the preliminary procedure, they shall be cancelled ex-officio if the investigative procedure does not begin within 3 months from the day when the decision establishing them was rendered.

(10) Before the expiration of the deadlines referred to in paragraph 9 of this Article, the measures may be cancelled ex-officio by the Court or upon request by the public prosecutor, i.e. by any interested person, if it becomes evident that they are not necessary or justified in view of the severity of the crime, the financial circumstances of the person they refer to or the circumstances of the persons, whom this person is obliged by law to support and the circumstances pointing to the fact that the seizure of property or objects shall not be precluded or made especially difficult prior to the completion of the criminal proceedings.

(11) All the actions upon the property and the objects that are subject of safekeeping, and that have been undertaken upon submitting the request from paragraph 1 of this article, are of no value.

(12) The request from paragraph 1 of this article and the decision for issuing the measures prescribed in paragraph 1 of this article, will be send without a delay in an electronic format to all the bodies that are competent for documenting the property and the objects, whose safekeeping was requested and was approved.

Article 517
Safeguarding measures

(1) During the proceedings, upon a motion by the public prosecutor, the court may impose one or more temporary measures in accordance with the provisions on temporary safeguarding or seizure of objects or property as referred to in Articles 194, 195, 196, 197, 198, 199, 200, 201, 202, 203 and 204 of this Law, as well as a prohibition of performing certain activities or all activities of the legal person until the completion of the proceedings and a ban on any statutory changes at the legal person. Any prohibitions shall be recorded in the registry of the court or other registries.

(2) Any prohibitions as referred to in paragraph 1 of this article shall be imposed with a decision, which may be appealed by the representative of the legal person within 3 days with the trial Chamber as referred to in Article 25, paragraph 5 of this Law. Any appeal shall not prevent the enforcement of the decision.

Procedure for seizure of objects and forfeiture of assets and crime proceeds

Article 529
Seizure of objects

(1) Any objects that have to be seized according to the Criminal Code shall also be seized even in the event when the criminal procedure has not ended with a conviction of the defendant.

(2) The entity before which the procedure was being conducted at the moment when the procedure was completed i.e. discontinued shall enact a separate decision thereof.

(3) The decision for seizure of the objects as referred to in paragraph 1 of this Article shall be enacted by the court, even if the verdict of conviction does not provide for such a decision.

(4) A certified copy of the decision for seizure of objects shall be delivered to the owner of the objects, if known.
(5) The owner of the objects shall have a right to appeal against the decision as referred to in paragraphs 2 and 3 of this Article, due to lack of legal grounds for the seizure of the objects. If the decision as referred to in paragraph 2 of this Article was not passed by the court, the appeal shall be ruled on by the Trial Chamber referred to in Article 25, paragraph 5 of this Law, of the court that was competent for adjudicating in the first instance.

Article 564
Issuing an international arrest warrant and public notice and issuing an arrest warrant and public notice upon request by a foreign entity

(1) If it is likely that the person against whom an arrest warrant has been issued is located abroad, the Ministry of Interior may also issue an international arrest warrant, after it has received a declaration by the entity that has issued the order for the arrest warrant, confirming that if the person is found, his or her extradition shall be sought after.

(2) If it is likely that the property and crime proceeds or the objects are located abroad, an international public notice shall be issued, accompanied by a declaration, confirming that if they are found, temporary measures for freezing or forfeiture of property and crime proceeds or seizure of objects shall be sought after.

(3) At the request of a foreign authority, the Ministry of Interior may also issue an arrest warrant for a person who is believed to be staying in the Republic of Macedonia, if such a request contains a declaration confirming that if the person is found, his or her extradition shall be sought after.

According to the Law on Prevention of Money Laundering and Financing of Terrorism, the Financial Intelligence Office is authorized to act upon request of an authority for Money Laundering/Financing of Terrorism prevention request for a denial or delay of a transaction. The request referred needs to be explained and to refer to a transaction related to money laundering and/or financing terrorism and the refusal or the delay shall be realised if the transaction is an object of domestic suspicious transaction. Relevant provisions are cited below:

“Financial Intelligence Office
Article 40

(1) For collection, processing, analysis, storage and submission of the data received from the entities which are not obliged to undertake measures and activities for detection and prevention of money laundering and financing terrorism shall be established an Office, as a body of the state administration and within the Ministry of Finance in capacity of legal entity.

(2) The Office shall have the following responsibilities:

- collecting, processing, analysing, storing and delivering data received from the entities pursuant to this Law;
- obtaining financial, administrative and other data and information, necessary to carry out its responsibilities;
- preparing and submitting reports to the competent state authorities always when there is a suspicion for committed offence of money laundering and financing terrorism;
- preparing and submitting a notification to the competent state authorities for any grounded suspicion of committing other offence;
- issuing a written order to the entity by which it temporarily withholds the transaction;
- submitting a request to the competent public prosecutor for proposal on determining provisional measures;
- submitting an order to the entity for monitoring of the business relationship;
- submitting a request for initiating a misdemeanour procedure before the competent court;
- cooperating with the entities under Article 3 of this Law, Ministry of Interior, Financial Police Office, State Foreign Exchange Inspectorate, Securities and Exchange Commission of Republic of Macedonia, National Bank of Republic of Macedonia, Agency for Supervision of Fully Funded Pension Insurance, State Commission for Prevention of Corruption and other state authorities and institutions as well as other organizations, institutions and international bodies for combating money laundering and financing terrorism.
- concluding cooperation agreements and exchanging data and information with competent bodies of other countries and international organizations, included in combating money laundering and financing terrorism;
- performing supervision of the entities regarding the application of measures and activities determined by this Law, independently or in cooperation with the supervisory bodies and the commissions stated under this Law.
- initiating initiatives or providing opinion regarding laws and bylaws which refer to prevention of money laundering and financing terrorism;
- assisting in the professional specialization of the authorized persons and employees in the Department for Prevention of Money Laundering and Financing Terrorism within the entities under Article 3 of this Law;
- determining lists of indicators for risk analysis and recognizing suspicious transactions in cooperation with the entities and bodies which supervise their operation;
- planning and implementing trainings for specialization and training of the employees in the Office;
- providing clarification on the application of the regulations for prevention of money laundering and financing terrorism, and - performing other activities determined by law.

(3) The Office shall perform the matters within its competence pursuant to law, the ratified international agreements governing the prevention of money laundering and financing terrorism.

(4) The Office shall perform the matters in the area of surveillance in accordance with the inspection supervision
regulation, unless this law stipulates otherwise.
(5) The personal data collected for the purposes of this Law shall be used in accordance with this Law and personal data protection regulations.
(6) The Office shall prepare a report on the matters within its competence and a working programme for the next year and shall submit them to the Minister of Finance and to the Government of Republic of Macedonia once a year. The Office may also submit other kind of report on a request of the Minister of Finance or the Government of Republic of Macedonia.
(7) The financial resources of the Office shall be provided by the Budget of Republic of Macedonia.

Entities
Article 3

Entities shall be the persons obliged to undertake the measures and activities for prevention of money laundering and financing of terrorism provided by this law (hereinafter: entities), such as:

1. Financial institutions and subsidiaries, branch offices and business units of foreign financial institutions performing activity in Republic of Macedonia in accordance with law;
2. Legal entities and natural persons who perform the following services:
   a) real estate trading,
   b) audit and accounting services,
   c) notary public’s, attorney’s and other legal services which refer to: sale and purchase of movable objects, real estate, shares or stocks, money and securities trade and management, opening and disposing with bank accounts, safe-deposit boxes and other financial products, establishing or participating in legal entities’ management and operation, representation of clients in financial transactions etc.
   d) providing advice in the field of taxes;
   e) providing consulting services, and
   f) providing services of investment advisor.
3. Organizers of games of chance in gaming house (casino);
4. Internet casinos;
5. Services providers for legal entities;
6. Central securities depositary, and
7. Legal entities who receive movable objects and real estate as pledge.

Measures and activities for detection and prevention of money laundering and financing of terrorism
Article 4

Measures and activities for detection and prevention of money laundering and financing of terrorism (hereinafter: measures and activities), undertaken by the entities shall be:

- client due diligence,
- monitoring of certain transactions,
- collecting, keeping and submitting data about the transactions and clients that perform them, and
- introduction and application of programmes.”

Guidance: Information sought may also include the legislative/regulatory authority in place and the evidentiary threshold required for issuing freezing or seizure orders based on a request by another State party.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Article 54, subparagraph 2 (c)

2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:

(c) Consider taking additional measures to permit its competent authorities to preserve property for confiscation, such as on the basis of a foreign arrest or criminal charge related to the acquisition of such property.

1. Is your country in compliance with this provision?
2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

In accordance with the Law on International Cooperation in Criminal Matters, article 27 paragraph (1), the confiscation of property and property benefits in a procedure of international legal assistance shall be made in accordance with the provisions of the Criminal Code, Law on Criminal Proceedings and international agreements.

In order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, current legislation allows confiscation of such property without a criminal conviction in cases in which the offender cannot be prosecuted by reason of death, flight or absence or in other appropriate cases.

Relevant provisions are stipulated in the Criminal Code and the Law on Criminal Procedure.

Relevant provisions of the Criminal Code:

"Confiscation of property and property benefit and seizing objects"

Article 96-m

(1) For confiscation of property and property benefit obtained with a crime by the legal entity, the provisions of Articles 97 through 100 of this Code shall be properly applied.

(2) If no property or property benefit can be confiscated from the legal entity since it has ceased to exist before the confiscation, the legal successor, i.e. successors, and in case there are no legal successors, the founder or the founders of the legal entity, i.e. the stockholders or partners in a trade company in the cases determined by law shall jointly oblige to pay the monetary amount that corresponds to the acquired property benefit.

(3) The provisions of Article 101-a of this Code shall be properly applied to seizing objects from the legal entity.

Grounds for confiscation

Article 97

(1) No one may retain the indirect or direct property benefit obtained through a crime.

(2) The property benefit referred to in paragraph 1 shall be confiscated with the court decision determining the commission of the crime, under the conditions envisaged by this Code.

(3) The decision to confiscate shall be adopted by the court in a procedure specified by law also in the case when, due to factual or legal reasons, it is impossible to conduct the criminal procedure against the offender of the crime.

(4) In accordance with the conditions specified in a ratified international agreement, the confiscated property may be returned to another country.

Confiscation of indirect property benefit

Article 97-a

Beside the direct property benefit, the indirect property benefit consisted of the following shall be confiscated from the offender:

1) the property in which the benefit obtained with the crime has been transformed or turned into;

2) the property obtained from legal sources, in case if the benefit obtained from the crime is completely or partially mixed with such property, up to the assessed value of the mixed benefit obtained by the crime and

3) the income or other benefit resulting from the benefit obtained with a crime, from a property wherefore the benefit obtained from a crime is transformed or turned into, or from a property where the benefit obtained from the crime is mixed, up to the assessed amount of the mixed benefit obtained with the crime.

Manner of confiscating

Article 98

(1) The direct and indirect property benefit obtained with a crime and consisting of money, movables or immovables of certain value, as well as any other ownership, property or active, material or non-material rights shall be confiscated from the offender, and it their confiscation is not possible other property corresponding to the value of the obtained benefit shall be confiscated from the offender.

(2) The indirect and direct property benefit shall be as well confiscated from third parties wherefore it has been obtained by committing the crime.

(3) The property benefit referred to in paragraph (1) shall be as well confiscated from members of the offender's family to whom it has been transferred, should it be obvious that they have not provided any compensation corresponding to the
value of the obtained property benefit, or from third parties unless they prove that they have given counter-compensation for
the object or the property which corresponds the value of the obtained property benefit.
(4) The objects declared as cultural heritage and natural rarities, as well as those to which the damaged party is personally
attached, shall be confiscated from third parties, regardless of whether these objects have been transferred to the third
parties with or without an appropriate compensation.
(5) The confiscated goods are returned to the damaged party, and if there is no damaged party, they become the state
property.
(6) If during the criminal procedure, the damaged person is adjudged a property and legal claim, the court shall
pronounce confiscation of property benefit in case if this exceeds the amount of this claim.

Extended confiscation
Article 98-a
(1) The property obtained in the time period, determined by the court according to the case's circumstances which shall
not be longer than five years before the commission of the crime, prior to the conviction, when based on all the
circumstances the court is well asserted that the property exceeds the legal incomes of the offender and originates from
such crime, shall be confiscated from the offender of a crime committed within a criminal association wherefore a
property benefit for which an imprisonment sentence of at least four years is prescribed, as well as a crime in relation
with the terrorism referred to in Article 313, 394-a, 394-b, 394-c and 419 of this Code for which an imprisonment
sentence of minimum five years or more has been prescribed or which is related to a money laundering crime wherefore
an imprisonment sentence of at least four years is prescribed.
(2) The property referred to in paragraph (1) of this Article shall be as well confiscated from third parties for which it has
been obtained by committing the crime.
(3) The property referred to in paragraph (1) of this Article shall be as well confiscated from members of the offender's
family to which it has been transferred should it be obvious that they have not provided counter-compensation
corresponding to its value, or from third parties unless they prove that they have provided counter-compensation for the
object or the property, corresponding to their value.

Confiscating from a legal entity
Article 100
If a legal entity acquires property benefit from the crime of the offender, this benefit shall be confiscated from it.

2. SEIZURE OF OBJECTS
Conditions for seizure of objects
Article 100-a
(1) Nobody can keep or adopt the objects that have occurred through a commission of a crime.
(2) Objects that were intended or have been used to commit a crime shall be confiscated from the offender, regardless of
whether they belong to the offender or to a third party, if this is required by the interest of general safety, health of the
people or moral reasons.
(3) The objects used or intended to be used to commit a crime may be confiscated if there is a threat that they may be used
to commit another crime. Objects, which are the property of a third party, shall not be confiscated, except if the third party
knew, could have known and was obliged to know that these objects have been used or were intended to be used to commit
a crime.
(4) The court shall adopt a decision to confiscate the objects within the framework of a procedure specified by law
in the case when, due to factual or legal obstacles, it is impossible to conduct the criminal procedure with respect to
the offender of the crime.
(5) The application of this measure does not interfere with the right of third parties to compensation of damages from the
offender of the crime.
(6) Under the conditions stipulated in ratified international agreements, the objects may be returned to another
country.

Relevant provisions of the Law on Criminal Procedure:
“Article 540
Special procedure for forfeiture of assets and crime proceeds and seizure of objects
(1) When there are factual and legal impediments for conducting a criminal procedure against a perpetrator of a
crime, upon a motion by the public prosecutor, the court shall conduct a special procedure for forfeiture of assets
and crime proceeds and seizure of objects, if the conditions provided for in the Criminal Code are met.
(2) In the procedure as referred to in paragraph 1 of this Article, upon proposal by the public prosecutor, the necessary
evidence shall be presented. By means of a decision, the court shall order the measure of forfeiture of assets and crime
proceeds and seizure of objects if it is proven that the assets and the property have been obtained with the commission of a criminal offense or that the objects have been used to commit the criminal offense or have resulted from it, or that they have to be forfeited according to the provisions of the Criminal Code.

(3) The person whose assets and property have been forfeited may appeal the decision of the court referred to in paragraph 2 of this Article within eight days, with the immediate superior court.

Article 202
Temporary seizure of property or objects for their safeguarding

(1) At any time in the course of the proceedings, the court may render, upon request by the public prosecutor, a temporary measure of seizure of property or objects which should be seized according to the Criminal Code, a measure for confiscation or another necessary temporary measure in order to prevent the use, transfer or managing of that property or objects.

(2) The request by the public prosecutor referred to in paragraph 1 of this Article shall contain the following: - a short description of the criminal offence and its legal designation;
- description of the property or objects which originate from a committed crime;
- information on the person who owns that property or objects;
- evidence on which the suspicion that the property or the objects originate from a criminal offense is based, and
- reasons for the probability that the seizure of property or object shall be made especially difficult or impossible until the end of the criminal proceedings.

(3) Before the beginning and during the preliminary procedure, the preliminary procedure judge shall rule on the request by the public prosecutor as referred to in paragraph 1 of this Article, and after the indictment has been raised, by the Court that is going to hold the hearing. The preliminary procedure judge shall rule immediately on the request by the public prosecutor, and no later than within 12 hours from the receipt of the request. If the preliminary procedure judge does not accept the request by the public prosecutor, he or she shall ask the Trial Chamber referred to in Article 25, paragraph 5 to render a decision without any delay. The Trial Chamber shall render a decision within 24 from the receipt of the request.

(4) In the decision on the measures referred to in paragraph 1 of this Article, the court shall designate the value and the type of property, or object, and the time period for which it is seized.

(5) An appeal may be filed within 24 hours against the decision of the preliminary procedure judge, establishing the measures referred to in paragraph 1 of this Article. The Trial Chamber referred to Article 25, paragraph 5 shall rule on the appeal. The appeal shall not prevent the enforcement of the decision.

(6) If there is danger of procrastination, the members of the Judicial Police may temporarily seize property or objects as referred to in paragraph 1 of this Article, confiscate them or take other necessary temporary measures in order to prevent any use, transfer and managing thereof. The public prosecutor shall have to be immediately informed on the measures taken, and the measures must be approved by the preliminary procedure judge within 72 hours from the moment of their implementation.

(7) If the preliminary procedure judge does not give an approval, the undertaken measures referred to in paragraph 6 of this Article shall be stopped, and any temporarily seized property or objects shall be immediately returned to the person they were seized from.

(8) The measures referred to in paragraph 1 of this Article may last until the completion of the criminal proceedings before the first instance court at the latest.

(9) If the measures referred to in paragraph 1 of this Article are established during the preliminary procedure, they shall be cancelled ex-officio if the investigative procedure does not begin within 3 months from the day when the decision establishing them was rendered.

(10) Before the expiration of the deadlines referred to in paragraph 9 of this Article, the measures may be cancelled ex-officio by the Court or upon request by the public prosecutor, i.e. by any interested person, if it becomes evident that they are not necessary or justified in view of the severity of the crime, the financial circumstances of the person they refer to or the circumstances of the persons, whom this person is obliged by law to support and the circumstances pointing to the fact that the seizure of property or objects shall not be precluded or made especially difficult prior to the completion of the criminal proceedings.

(11) All the actions upon the property and the objects that are subject of safekeeping, and that have been undertaken upon submitting the request from paragraph 1 of this article, are of no value.

(12) The request from paragraph 1 of this article and the decision for issuing the measures prescribed in paragraph 1 of this article, will be send without a delay in an electronic format to all the bodies that are competent for documenting the property and the objects, whose safekeeping was requested and was approved.
Procedure for seizure of objects and forfeiture of assets and crime proceeds

Article 529

Seizure of objects

1) Any objects that have to be seized according to the Criminal Code shall also be seized even in the event when the criminal procedure has not ended with a conviction of the defendant.

2) The entity before which the procedure was being conducted at the moment when the procedure was completed i.e. discontinued shall enact a separate decision thereof.

3) The decision for seizure of the objects as referred to in paragraph 1 of this Article shall be enacted by the court, even if the verdict of conviction does not provide for such a decision.

4) A certified copy of the decision for seizure of objects shall be delivered to the owner of the objects, if known.

5) The owner of the objects shall have a right to appeal against the decision as referred to in paragraphs 2 and 3 of this Article, due to lack of legal grounds for the seizure of the objects. If the decision as referred to in paragraph 2 of this Article was not passed by the court, the appeal shall be ruled on by the Trial Chamber referred to in Article 25, paragraph 5 of this Law, of the court that was competent for adjudicating in the first instance.

Article 530

General provisions on forfeiture of assets and crime proceeds

1) Any assets and crime proceeds that originate from the crime shall be established in a criminal procedure.

2) During the procedure, the public prosecutor shall be obliged to collect evidence and inspect all circumstances, which are important for the establishment of assets and crime proceeds and to propose any measures as referred to in Article 202, paragraph 1 of this Law.

3) If the injured party claimed any damages in view of returning the objects obtained with the criminal offense, i.e. in view of the amount that is equivalent to the value of the objects, the crime proceeds shall be established only for the part that is not covered with the legal or property claim.

Article 531

Procedure for forfeiture of assets and crime proceeds

1) When performing forfeiture of assets and crime proceeds, the person to whom the crime proceeds have been transferred, as well as the representative of the legal person shall be summoned to be heard during the preliminary procedure and at the main hearing. In the summons, they shall be forewarned that the procedure shall be also conducted in their absence.

2) Any representative of a legal person shall be examined at the main hearing after the defendant. It shall be proceeded in the same manner in reference of the person to whom the crime proceeds have been transferred, if he or she has not been summoned as a witness.

3) Any person that the property interest has been transferred to, as well as any representative of a legal person, in reference to the establishment of the crime proceeds, shall be authorized to tender evidence and upon authorization of the Presiding Judge of the Trial Chamber to question the defendant, the witnesses and expert witnesses.

4) Any exclusion of the public from the main hearing shall not refer to the person that the assets and crime proceeds have been transferred to and to the representative of the legal person.

5) If, during the main hearing, it is established that forfeiture of assets and crime proceeds is possible, the public prosecutor shall propose for the main hearing to be adjourned and summon the person that the assets and crime proceeds have been transferred to, as well as the representative of the legal person.

Article 532

Establishing the amount of the value of the assets and crime proceeds

1) In collecting the required evidence for the establishment of the correct amount of the assets and crime proceeds, the public prosecutor may ask for any necessary information from other state entities, financial institutions, other legal persons and citizens who shall be obliged to submit them without any delay.

2) If there are any suspicions that the assets have been moved abroad, the court shall be obliged to issue an international warrant or notification.

Article 533

Extended forfeiture

1) The court shall provide for an extended forfeiture under the terms prescribed in the Criminal Code, if the defendant cannot prove that he has lawfully acquired the assets or property within one year as of the day of the commencement of the main hearing.

2) If the court reaches a judgment in the first instance regarding the criminal offense within a term shorter than the one
stipulated in paragraph 1 of this Article, when the legal conditions for the measure of extended forfeiture are met, the court shall provide for such a measure with a supplementary judgment that may be appealed in accordance with the provisions of this Law.

Article 534
Issuing a measure of extended forfeiture against a third party
(1) The court shall also order the measure of extended forfeiture against a third party by means of a decision under the terms prescribed in the Criminal Code, if within two years as of the day of commencement of the specific forfeiture procedure, the person cannot prove that he or she has indemnified the asset or property according to their value.
(2) The procedure for the measure of extended forfeiture shall be conducted upon a motion by the public prosecutor.
(3) The person shall have a right to file an appeal against the decision referred to in paragraph 1 of this Article within eight days, with the immediate superior court.

Article 535
Providing temporary safeguarding measures
(1) When the conditions for forfeiture or extended forfeiture of assets and crime proceeds are met, the court, upon a motion by the public prosecutor, shall order temporary safeguarding measures as provided for in Article 194 of this Law.
(2) The court may order the measures as referred to in paragraph 1 of this Article, against third parties, who are suspected recipients of assets and property resulting from a criminal offense, without appropriate reimbursement.
(3) One may appeal the decision of the court ordering temporary safeguarding measures, within 8 days.
(4) The immediate superior court shall rule on the appeal within a period of 8 days."

Guidance: Information sought may include legislation permitting the competent authorities to issue preservation orders without prior request for mutual legal assistance, merely based on a foreign arrest or a criminal charge in relation to property acquired (or suspected to be acquired) through crimes committed abroad.
If your country has considered, but not adopted, any measures to implement this provision, please describe these measures and the process in which they were considered.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.
Technical assistance

1. Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

**Guidance:** Required actions could include the passing of a law and a time frame to do this. Related challenges could include inter-agency coordination, specificities in the legal system, competing priorities, limited capacity (e.g. technological, institutional, other), limited resources for implementation (e.g. human, financial, other), lack of a policy framework, and limited expertise and skills. In describing these issues, please be as specific as possible.

2. Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

**No assistance would be required**

**Guidance:** Please tick this box if you do not require any technical assistance in the implementation of the article under review.

**Legislative assistance: Please describe the type of assistance**

**Guidance:** The forms of legislative assistance should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of legislative assistance might include e.g. model arrangements and agreements, legal drafting and/or advisory support.

**Institution-building: Please describe the type of assistance**

**Guidance:** The forms of institution-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article, including domestic coordination issues. Specific forms of assistance in the area of institution-building might include e.g. summary of good practices and lessons learned, model arrangements and agreements, on-site assistance by a relevant expert and/or mentoring, as well as the development of an action plan for implementation.

**Policymaking:** Please describe the type of assistance

**Guidance:** The forms of policymaking should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of policymaking might include e.g. summary of good practices and lessons learned, sensitization of decision-making bodies, on-site assistance by a relevant expert and/or mentoring.
Capacity-building: Please describe the type of assistance

**Guidance:** The forms of capacity-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of capacity-building might include e.g. case-related assistance, on-site assistance by a relevant expert and/or mentoring, strengthening the operational and/or institutional capacities of relevant authorities through training and online learning, development of an action plan for implementation.

Research/data-gathering and analysis: Please describe the type of assistance

**Guidance:** The forms of research, data-gathering and analysis should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of research, data-gathering and analysis might include e.g. expert advice on data-gathering and storage systems, statistical advice or sample studies.

Facilitation of international cooperation with other countries: Please describe the type of assistance

**Guidance:** The forms of facilitation of international cooperation with other countries should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of facilitation of international cooperation might include e.g. case-related assistance, model legislation or model treaties.

Others: Please specify

3. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

**Guidance:** If you are receiving or have received such assistance, please provide details, including on the assistance provider, description of core objectives, duration, budget, results and impact. Please include information on technical assistance being provided in the most generic way so as to also capture projects that do not directly fit into the anti-corruption category but that address aspects relevant for the implementation of the Convention against Corruption. Please also indicate whether the extension and/or expansion of such assistance would help your country to adopt the measure(s) described in the article under review.

**Article 55. International cooperation for purposes of confiscation**

**Article 55, subparagraph 1 (a)**

1. A State Party that has received a request from another State Party having jurisdiction over an offence established in accordance with this Convention for confiscation of proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, of this Convention situated in its territory shall, to the greatest extent possible within its domestic legal system:
(a) Submit the request to its competent authorities for the purpose of obtaining an order of confiscation and, if such an order is granted, give effect to it; or

(b) Submit to its competent authorities, with a view to giving effect to it to the extent requested, an order of confiscation issued by a court in the territory of the requesting State Party in accordance with articles 31, paragraph 1, and 54, paragraph 1 (a), of this Convention insofar as it relates to proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, situated in the territory of the requested State Party.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

In accordance with Law on International Cooperation in Criminal Matters, article 27 paragraph (1), the confiscation of property and property benefits in a procedure of international legal assistance shall be made in accordance with the provisions of the Criminal Code, Law on Criminal Proceedings and international agreements. Article 15 of the same Law, defines the scope of the international legal assistance, as follows:

“Article 15

The international legal assistance shall include:
- enforcement of procedural actions such as delivery of documents, written evidence and acts related to the criminal proceedings in the sending state;
- delivery of spontaneous information;
- exchange of certain information and notifications;
- temporary transfer of persons deprived of freedom;
- cross-border observation;
- controlled delivery;
- using persons with hidden identity;
- joint investigation teams;
- monitoring communications;
- interrogation through video conference;
- interrogation through telephone conference;
- searching of premises and persons;
- temporary security of items, property or means related to the criminal offence;
- temporary freezing, confiscation and retention of assets, bank accounts and financial transactions or incomes from a criminal offence;
- confiscation of property and property benefits;
- deprivation of items;
- protection of personal data;
- criminal and civil liability of officials, and
- delivery of extracts from criminal records.”

Related provisions of the Criminal code:

“Confiscation of property and property benefit and seizing objects

Article 96-m

(1) For confiscation of property and property benefit obtained with a crime by the legal entity, the provisions of Articles 97 through 100 of this Code shall be properly applied.
(2) If no property or property benefit can be confiscated from the legal entity since it has ceased to exist before the confiscation, the legal successor, i.e. successors, and in case there are no legal successors, the founder or the founders of
the legal entity, i.e. the stockholders or partners in a trade company in the cases determined by law shall jointly oblige to pay the monetary amount that corresponds to the acquired property benefit.

(3) The provisions of Article 101-a of this Code shall be properly applied to seizing objects from the legal entity.

Grounds for confiscation

Article 97

(1) No one may retain the indirect or direct property benefit obtained through a crime.

(2) The property benefit referred to in paragraph 1 shall be confiscated with the court decision determining the commission of the crime, under the conditions envisaged by this Code.

(3) The decision to confiscate shall be adopted by the court in a procedure specified by law also in the case when, due to factual or legal reasons, it is impossible to conduct the criminal procedure against the offender of the crime.

(4) In accordance with the conditions specified in a ratified international agreement, the confiscated property may be returned to another country.

Confiscation of indirect property benefit

Article 97-a

Beside the direct property benefit, the indirect property benefit consisted of the following shall be confiscated from the offender:

1) the property in which the benefit obtained with the crime has been transformed or turned into;
2) the property obtained from legal sources, in case if the benefit obtained from the crime is completely or partially mixed with such property, up to the assessed value of the mixed benefit obtained by the crime and
3) the income or other benefit resulting from the benefit obtained with a crime, from a property wherefore the benefit obtained from a crime is transformed or turned into, or from a property where the benefit obtained from the crime is mixed, up to the assessed amount of the mixed benefit obtained with the crime.

Manner of confiscating

Article 98

(1) The direct and indirect property benefit obtained with a crime and consisting of money, movables or immovables of certain value, as well as any other ownership, property or active, material or non-material rights shall be confiscated from the offender, and it their confiscation is not possible other property corresponding to the value of the obtained benefit shall be confiscated from the offender.

(2) The indirect and direct property benefit shall be as well confiscated from third parties wherefore it has been obtained by committing the crime.

(3) The property benefit referred to in paragraph (1) shall be as well confiscated from members of the offender's family to whom it has been transferred, should it be obvious that they have not provided any compensation corresponding to the value of the obtained property benefit, or from third parties unless they prove that they have given counter-compensation for the object or the property which corresponds the value of the obtained property benefit.

(4) The objects declared as cultural heritage and natural rarities, as well as those to which the damaged party is personally attached, shall be confiscated from third parties, regardless of whether these objects have been transferred to the third parties with or without an appropriate compensation.

(5) The confiscated goods are returned to the damaged party, and if there is no damaged party, they become the state property.

(6) If during the criminal procedure, the damaged person is adjudged a property and legal claim, the court shall pronounce confiscation of property benefit in case if this exceeds the amount of this claim.

Extended confiscation

Article 98-a

(1) The property obtained in the time period, determined by the court according to the case's circumstances which shall not be longer than five years before the commission of the crime, prior to the conviction, when based on all the circumstances the court is well asserted that the property exceeds the legal incomes of the offender and originates from such crime, shall be confiscated from the offender of a crime committed within a criminal association wherefore a property benefit for which an imprisonment sentence of at least four years is prescribed, as well as a crime in relation with the terrorism referred to in Article 313, 394-a, 394-b, 394-c and 419 of this Code for which an imprisonment sentence of minimum five years or more has been prescribed or which is related to a money laundering crime wherefore an imprisonment sentence of at least four years is prescribed.

(2) The property referred to in paragraph (1) of this Article shall be as well confiscated from third parties for which it has been obtained by committing the crime.

(3) The property referred to in paragraph (1) of this Article shall be as well confiscated from members of the offender's family to which it has been transferred should it be obvious that they have not provided counter-compensation
corresponding to its value, or from third parties unless they prove that they have provided counter-compensation for the object or the property, corresponding to their value.

Confiscating from a legal entity
Article 100
If a legal entity acquires property benefit from the crime of the offender, this benefit shall be confiscated from it.

2. SEIZURE OF OBJECTS
Conditions for seizure of objects
Article 100-a

1. Nobody can keep or adopt the objects that have occurred through a commission of a crime.
2. Objects that were intended or have been used to commit a crime shall be confiscated from the offender, regardless of whether they belong to the offender or to a third party, if this is required by the interest of general safety, health of the people or moral reasons.
3. The objects used or intended to be used to commit a crime may be confiscated if there is a threat that they may be used to commit another crime. Objects, which are the property of a third party, shall not be confiscated, except if the third party knew, could have known and was obliged to know that these objects have been used or were intended to be used to commit a crime.
4. The court shall adopt a decision to confiscate the objects within the framework of a procedure specified by law in the case when, due to factual or legal obstacles, it is impossible to conduct the criminal procedure with respect to the offender of the crime.
5. The application of this measure does not interfere with the right of third parties to compensation of damages from the offender of the crime.
6. Under the conditions stipulated in ratified international agreements, the objects may be returned to another country.

Related provisions of the Law on Criminal Procedure:

“Article 540
Special procedure for forfeiture of assets and crime proceeds and seizure of objects

1. When there are factual and legal impediments for conducting a criminal procedure against a perpetrator of a crime, upon a motion by the public prosecutor, the court shall conduct a special procedure for forfeiture of assets and crime proceeds and seizure of objects, if the conditions provided for in the Criminal Code are met.
2. In the procedure as referred to in paragraph 1 of this Article, upon proposal by the public prosecutor, the necessary evidence shall be presented. By means of a decision, the court shall order the measure of forfeiture of assets and crime proceeds and seizure of objects if it is proven that the assets and the property have been obtained with the commission of a criminal offense or that the objects have been used to commit the criminal offense or have resulted from it, or that they have to be forfeited according to the provisions of the Criminal Code.
3. The person whose assets and property have been forfeited may appeal the decision of the court referred to in paragraph 2 of this Article within eight days, with the immediate superior court.

Article 202
Temporary seizure of property or objects for their safeguarding

1. At any time in the course of the proceedings, the court may render, upon request by the public prosecutor, a temporary measure of seizure of property or objects which should be seized according to the Criminal Code, a measure for confiscation or another necessary temporary measure in order to prevent the use, transfer or managing of that property or objects.
2. The request by the public prosecutor referred to in paragraph 1 of this Article shall contain the following: - a short description of the criminal offence and its legal designation;
   - description of the property or objects which originate from a committed crime;
   - information on the person who owns that property or objects;
   - evidence on which the suspicion that the property or the objects originate from a criminal offense is based, and
   - reasons for the probability that the seizure of property or object shall be made especially difficult or impossible until the end of the criminal proceedings.
3. Before the beginning and during the preliminary procedure, the preliminary procedure judge shall rule on the request by the public prosecutor as referred to in paragraph 1 of this Article, and after the indictment has been raised, by the Court that is going to hold the hearing. The preliminary procedure judge shall rule immediately on the request by the public prosecutor, and no later than within 12 hours from the receipt of the request. If the preliminary procedure judge does not accept the request by the public prosecutor, he or she shall ask the Trial Chamber referred to in Article 25, paragraph 5 to render a decision without any delay. The Trial Chamber shall render a decision within 24 from the receipt of the request.
(4) In the decision on the measures referred to in paragraph 1 of this Article, the court shall designate the value and the type of property, or object, and the time period for which it is seized.

(5) An appeal may be filed within 24 hours against the decision of the preliminary procedure judge, establishing the measures referred to in paragraph 1 of this Article. The Trial Chamber referred to Article 25, paragraph 5 shall rule on the appeal. The appeal shall not prevent the enforcement of the decision.

(6) If there is danger of procrastination, the members of the Judicial Police may temporarily seize property or objects as referred to in paragraph 1 of this Article, confiscate them or take other necessary temporary measures in order to prevent any use, transfer and managing thereof. The public prosecutor shall have to be immediately informed on the measures taken, and the measures must be approved by the preliminary procedure judge within 72 hours from the moment of their implementation.

(7) If the preliminary procedure judge does not give an approval, the undertaken measures referred to in paragraph 6 of this Article shall be stopped, and any temporarily seized property or objects shall be immediately returned to the person they were seized from.

(8) The measures referred to in paragraph 1 of this Article may last until the completion of the criminal proceedings before the first instance court at the latest.

(9) If the measures referred to in paragraph 1 of this Article are established during the preliminary procedure, they shall be cancelled ex-officio if the investigative procedure does not begin within 3 months from the day when the decision establishing them was rendered.

(10) Before the expiration of the deadlines referred to in paragraph 9 of this Article, the measures may be cancelled ex-officio by the Court or upon request by the public prosecutor, i.e. by any interested person, if it becomes evident that they are not necessary or justified in view of the severity of the crime, the financial circumstances of the person they refer to or the circumstances of the persons, whom this person is obliged by law to support and the circumstances pointing to the fact that the seizure of property or objects shall not be precluded or made especially difficult prior to the completion of the criminal proceedings.

(11) All the actions upon the property and the objects that are subject of safekeeping, and that have been undertaken upon submitting the request from paragraph 1 of this article, are of no value.

(12) The request from paragraph 1 of this article and the decision for issuing the measures prescribed in paragraph 1 of this article, will be send without a delay in an electronic format to all the bodies that are competent for documenting the property and the objects, whose safekeeping was requested and was approved.

Procedure for seizure of objects and forfeiture of assets and crime proceeds

Article 529
Seizure of objects

(1) Any objects that have to be seized according to the Criminal Code shall also be seized even in the event when the criminal procedure has not ended with a conviction of the defendant.

(2) The entity before which the procedure was being conducted at the moment when the procedure was completed i.e. discontinued shall enact a separate decision thereof.

(3) The decision for seizure of the objects as referred to in paragraph 1 of this Article shall be enacted by the court, even if the verdict of conviction does not provide for such a decision.

(4) A certified copy of the decision for seizure of objects shall be delivered to the owner of the objects, if known.

(5) The owner of the objects shall have a right to appeal against the decision as referred to in paragraphs 2 and 3 of this Article, due to lack of legal grounds for the seizure of the objects. If the decision as referred to in paragraph 2 of this Article was not passed by the court, the appeal shall be ruled on by the Trial Chamber referred to in Article 25, paragraph 5 of this Law, of the court that was competent for adjudicating in the first instance.

Article 530
General provisions on forfeiture of assets and crime proceeds

(1) Any assets and crime proceeds that originate from the crime shall be established in a criminal procedure.

(2) During the procedure, the public prosecutor shall be obliged to collect evidence and inspect all circumstances, which are important for the establishment of assets and crime proceeds and to propose any measures as referred to in Article 202, paragraph 1 of this Law.

(3) If the injured party claimed any damages in view of returning the objects obtained with the criminal offense, i.e. in view of the amount that is equivalent to the value of the objects, the crime proceeds shall be established only for the part that is not covered with the legal or property claim.

Article 531
Procedure for forfeiture of assets and crime proceeds

(1) When performing forfeiture of assets and crime proceeds, the person to whom the crime proceeds have been transferred, as well as the representative of the legal person shall be summoned to be heard during the preliminary
procedure and at the main hearing. In the summons, they shall be forewarned that the procedure shall be also conducted in their absence.

(2) Any representative of a legal person shall be examined at the main hearing after the defendant. It shall be proceeded in the same manner in reference of the person to whom the crime proceeds have been transferred, if he or she has not been summoned as a witness.

(3) Any person that the property interest has been transferred to, as well as any representative of a legal person, in reference to the establishment of the crime proceeds, shall be authorized to tender evidence and upon authorization of the Presiding Judge of the Trial Chamber to question the defendant, the witnesses and expert witnesses.

(4) Any exclusion of the public from the main hearing shall not refer to the person that the assets and crime proceeds have been transferred to and to the representative of the legal person.

(5) If, during the main hearing, it is established that forfeiture of assets and crime proceeds is possible, the public prosecutor shall propose for the main hearing to be adjourned and summon the person that the assets and crime proceeds have been transferred to, as well as the representative of the legal person.

Article 532
Establishing the amount of the value of the assets and crime proceeds

(1) In collecting the required evidence for the establishment of the correct amount of the assets and crime proceeds, the public prosecutor may ask for any necessary information from other state entities, financial institutions, other legal persons and citizens who shall be obliged to submit them without any delay.

(2) If there are any suspicions that the assets have been moved abroad, the court shall be obliged to issue an international warrant or notification.

Article 533
Extended forfeiture

(1) The court shall provide for an extended forfeiture under the terms prescribed in the Criminal Code, if the defendant cannot prove that he has lawfully acquired the assets or property within one year as of the day of the commencement of the main hearing.

(2) If the court reaches a judgment in the first instance regarding the criminal offense within a term shorter than the one stipulated in paragraph 1 of this Article, when the legal conditions for the measure of extended forfeiture are met, the court shall provide for such a measure with a supplementary judgment that may be appealed in accordance with the provisions of this Law.

Article 534
Issuing a measure of extended forfeiture against a third party

(1) The court shall also order the measure of extended forfeiture against a third party by means of a decision under the terms prescribed in the Criminal Code, if within two years as of the day of commencement of the specific forfeiture procedure, the person cannot prove that he or she has indemnified the asset or property according to their value.

(2) The procedure for the measure of extended forfeiture shall be conducted upon a motion by the public prosecutor.

(3) The person shall have a right to file an appeal against the decision referred to in paragraph 1 of this Article within eight days, with the immediate superior court.

Article 535
Providing temporary safeguarding measures

(1) When the conditions for forfeiture or extended forfeiture of assets and crime proceeds are met, the court, upon a motion by the public prosecutor, shall order temporary safeguarding measures as provided for in Article 194 of this Law.

(2) The court may order the measures as referred to in paragraph 1 of this Article, against third parties, who are suspected recipients of assets and property resulting from a criminal offense, without appropriate reimbursement.

(3) One may appeal the decision of the court ordering temporary safeguarding measures, within 8 days.

(4) The immediate superior court shall rule on the appeal within a period of 8 days.”

Guidance: You may wish to refer to any relevant information provided on article 46 of the Convention in your previous self-assessment report.

Information sought may, in particular, include:

- The procedure for submitting a foreign confiscation request to competent authorities and applying, on the basis of the information provided in the request, for a domestic order of confiscation;
- Measures taken to inform requesting State Parties of the procedures to be followed when
submitting a request for confiscation;

- An outline of any differences in the procedure depending on whether the requesting authority is criminal, civil or administrative.
- The procedure for submitting a foreign order of confiscation to competent authorities and giving effect to it;
- Measures taken to inform requesting State parties of the procedures to be followed when submitting a foreign order of confiscation;
- Information on whether such recognition is also permitted with regard to orders concerning non-conviction based forfeiture.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

**Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information sought may, in particular, include cases, statistical or other information on the received requests that have resulted in an order for confiscation. If procedures for requesting State parties have been made publicly available, please indicate where such resources may be found.

Information sought also include cases, statistical or other information on requests received.
by your competent authorities for giving effect to a foreign confiscation order. If procedures for requesting State parties have been made publicly available, please indicate where such resources may be found.

**Article 55, paragraph 2**

2. Following a request made by another State Party having jurisdiction over an offence established in accordance with this Convention, the requested State Party shall take measures to identify, trace and freeze or seize proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, of this Convention for the purpose of eventual confiscation to be ordered either by the requesting State Party or, pursuant to a request under paragraph 1 of this article, by the requested State Party.

1. **Is your country in compliance with this provision?**

   Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

   In accordance with Law on International Cooperation in Criminal Matters, article 27 paragraph (1), the confiscation of property and property benefits in a procedure of international legal assistance shall be made in accordance with the provisions of the Criminal Code, Law on Criminal Proceedings and international agreements. Article 15 of the same Law, defines the scope of the international legal assistance, as follows:

3. “Article 15

   The international legal assistance shall include:
   1. - enforcement of procedural actions such as delivery of documents, written evidence and acts related to the criminal proceedings in the sending state;
   2. - delivery of spontaneous information;
   3. - exchange of certain information and notifications;
   4. - temporary transfer of persons deprived of freedom;
   5. - cross-border observation;
   6. - controlled delivery;
   7. - using persons with hidden identity;
   8. - joint investigation teams;
   9. - monitoring communications;
   10. - interrogation through video conference;
   11. - interrogation through telephone conference;
   12. - searching of premises and persons;
   13. - temporary security of items, property or means related to the criminal offence;
   14. - temporary freezing, confiscation and retention of assets, bank accounts and financial transactions or incomes from a criminal offence;
   15. - confiscation of property and property benefits;
   16. - deprivation of items;
   17. - protection of personal data;
   18. - criminal and civil liability of officials, and
   19. - delivery of extracts from criminal records.”

   The Criminal Code regulates the confiscation. Article 98 provides for the confiscation of the direct and indirect proceeds of a crime, from the offender or from third parties, including value-based confiscation. Article 98-a provides for an “enlarged confiscation”. Confiscation also covers property, equipment or other instrumentalities used in or destined for use in offences.

   Related provisions of the Criminal Code:
The application of this measure does not interfere with the right of third parties to compensation of damages from the offender, and if their confiscation is not possible other property corresponding to the value of the obtained benefit shall be confiscated from the offender.

(2) The indirect and direct property benefit shall be as well confiscated from third parties wherefore it has been obtained by committing the crime.

(3) The property benefit referred to in paragraph (1) shall be as well confiscated from members of the offender's family to whom it has been transferred, should it be obvious that they have not provided any compensation corresponding to the value of the obtained property benefit, or from third parties unless they prove that they have given counter-compensation for the object or the property which corresponds the value of the obtained property benefit.

(4) The objects declared as cultural heritage and natural rarities, as well as those to which the damaged party is personally attached, shall be confiscated from third parties, regardless of whether these objects have been transferred to the third parties with or without an appropriate compensation.

(5) The confiscated goods are returned to the damaged party, and if there is no damaged party, they become the state property.

(6) If during the criminal procedure, the damaged person is adjudged a property and legal claim, the court shall pronounce confiscation of property benefit in case if this exceeds the amount of this claim.

Extended confiscation

Article 98-a

(1) The property obtained in the time period, determined by the court according to the case's circumstances which shall not be longer than five years before the commission of the crime, prior to the conviction, when based on all the circumstances the court is well asserted that the property exceeds the legal incomes of the offender and originates from such crime, shall be confiscated from the offender of a crime committed within a criminal association wherefore a property benefit for which an imprisonment sentence of at least four years is prescribed, as well as a crime in relation with the terrorism referred to in Article 313, 394-a, 394-b, 394-c and 419 of this Code for which an imprisonment sentence of minimum five years or more has been prescribed or which is related to a money laundering crime wherefore an imprisonment sentence of at least four years is prescribed.

(2) The property referred to in paragraph (1) of this Article shall be as well confiscated from third parties for which it has been obtained by committing the crime.

(3) The property referred to in paragraph (1) of this Article shall be as well confiscated from members of the offender's family to which it has been transferred should it be obvious that they have not provided counter-compensation corresponding to its value, or from third parties unless they prove that they have provided counter-compensation for the object or the property, corresponding to their value.

Article 100-a

(1) Nobody can keep or adopt the objects that have occurred through a commission of a crime.

(2) Objects that were intended or have been used to commit a crime shall be confiscated from the offender, regardless of whether they belong to the offender or to a third party, if this is required by the interest of general safety, health of the people or moral reasons.

(3) The objects used or intended to be used to commit a crime may be confiscated if there is a threat that they may be used to commit another crime. Objects, which are the property of a third party, shall not be confiscated, except if the third party knew, could have known and was obliged to know that these objects have been used or were intended to be used to commit a crime.

(4) The court shall adopt a decision to confiscate the objects within the framework of a procedure specified by law in the case when, due to factual or legal obstacles, it is impossible to conduct the criminal procedure with respect to the offender of the crime.

(5) The application of this measure does not interfere with the right of third parties to compensation of damages from the offender of the crime.

(6) Under the conditions stipulated in ratified international agreements, the objects may be returned to another country.”

The Law on Criminal Procedure allows for a range of investigative measures available for the identification, tracing, freezing or seizure of criminal proceeds and instrumentalities.

Pursuant to a request by the public prosecutor, the court may order the production and seizure of banking and commercial records. The preliminary procedure judge should decide upon the request by the public prosecutor immediately, and no later than 12 hours from the receipt of the request. In emergency cases, the public prosecutor may impose the mentioned measures without a Court order (art. 200 of the CP).

Related provisions of the Law on Criminal Procedure:

“2. Temporary safeguarding and seizure of objects or property

Article 194

Order for temporary seizure of objects

(1) Any objects which are to be seized in accordance with the Criminal Code or which may serve as evidence in the criminal procedure shall be temporarily seized and handed to the public prosecutor or to the body determined in a special law or their safekeeping shall be ensured in another manner.
(2) The order for temporary seizure of objects shall be issued by the court, upon proposal by the judicial police or the public prosecutor.

(3) The order for temporary seizure of objects shall contain the following: title of the court, legal grounds for temporary seizure of objects, determination and accurate description of the objects that are to be temporarily seized, name and surname of the person from whom the objects are to be temporarily seized, place at which, i.e. where the objects are to be temporarily seized, deadline within which they are to be seized and advice on possible legal remedies.

Article 195
Rules for temporary seizure of objects

(1) Any person keeping objects as referred to in Article 194, paragraph 1 of this Law, shall have the duty of turning them in. The judge of the preliminary procedure, upon receiving an elaborated proposal by the public prosecutor, shall fine the person who refuses to turn in the objects with a fine as referred to in the provisions of Article 88, paragraph 1 of this Law, and if the person continues to refuse to turn in the objects, he or she will be punished as provided for in Article 88, paragraph 7 of this Law. The Trial Chamber in accordance with Article 25, paragraph 5 shall rule on the appeal against the decision whereby a fine has been imposed. The appeal shall not prevent the enforcement of the decision. The same procedure shall apply for an official or responsible person in a state authority, institution with public authorizations or a legal person.

(2) When seizing objects, it shall be stated where they were found and they shall be described, and if necessary, their identity shall be established otherwise. A receipt shall be issued for the seized objects.

(3) The punishments referred to in paragraph 1 of this Article may not be applied to the suspect.

(4) Any seized narcotic drugs, psychotropic substances, precursors and other objects whose circulation is banned or restricted, and are not retained as forensic samples, may be destroyed with a decision issued by the competent court, even before the judgment enters into full legal effect.

Article 196
Temporary seizure of objects without an order

(1) The objects referred to in Article 194, paragraph 1 of this Law may be temporarily seized without a court warrant if there is a danger of procrastination and if there are reasonable grounds to suspect that those objects are related to the criminal offense. If the person being searched explicitly opposes the seizure of objects, the public prosecutor, within 72 hours as of the conducted search, shall submit a request to the preliminary procedure judge for an approval for subsequent seizure of objects.

(2) If the preliminary procedure judge overrules the request of the public prosecutor, the seized objects may not be used as evidence in the criminal procedure. Any temporarily seized objects shall immediately be returned to the person from whom they were seized.

Article 197
Objects which may not be seized

(1) The following items may not be seized by means of a court order:
   1) files and other documents of state authorities, the publication of which would violate the keeping of a state or military secret, as long as the competent body decides otherwise;
   2) written letters of the defendant addressed to his counsel or the persons referred to in Article 215, paragraph 1 of this Law, unless the defendant turns them in voluntarily;
   3) technical recordings located with the persons referred to in Article 214, paragraph 1 of this Law, which they made on facts in regards to which they have been relieved from the duty to testify;
   4) memos, registry extracts and similar documents located with the persons referred to in Article 214, paragraph 1 of this Law, which they drafted on facts of which they learnt from the defendant throughout the performance of their profession; and
   5) memos on facts made by journalists and their editors in the public information media from the source of reporting and the data of which they learnt throughout the performance of their profession and which have been using during the editing of the public media, which are under their governance or the governance of the news desk they work for.

(2) The ban referred to in paragraph 1 of this Article shall not apply in the following cases:
   1) with regards to the counsel or the person exempted from the obligation to testify pursuant to Article 214, paragraph 1 of this Law, if there are reasons to suspect that they have been assisting the defendant in the commission of the crime or thereafter or they acted to cover up the crime; or
   2) if it concerns objects that have to be seized according to the Criminal Code.

(3) The ban on temporary seizure of objects, documents and technical recordings referred to in paragraph 1 of this Article, shall also not apply to crimes committed at the detriment of children and minors.
Article 198
Temporary seizure of computer data
(1) The provisions of Article 194, paragraph 1, Article 195, paragraph 1 and Article 197 of this Law shall also apply to any data stored on a computer and similar devices for automatic, i.e. electronic data processing, devices used for collection and transfer of data, data carriers and subscriber information at the disposal of the service provider. Upon a written request by the public prosecutor, this data shall have to be delivered to the public prosecutor within the deadline determined by him or her. If the provisioning thereof is refused, it shall be acted pursuant to Article 196, paragraph 1 of this Law.
(2) The judge of the preliminary procedure, upon proposal by the public prosecutor, by means of a decision, may impose the safeguarding and storing of all computer data as referred to in Article 185 of this Law, for as long as necessary, but for no more than 6 months. Upon the expiry of this period, the data shall be returned, unless: they have been involved in the committing of the criminal offence of Damage and unauthorized access to a computer system as referred to in Article 251, Computer fraud from Article 251-b and Computer forgery from Article 379-a, all of them stipulated by the Criminal Code; they have been involved in the commission of another computer-assisted crime; and unless they are to be used as evidence for a crime.
(3) The person using the computer and the person providing the service shall be entitled to file an appeal, within 24 hours, against the decision of the judge of the preliminary procedure imposing the measures referred to in paragraph 2 of this Article. The Trial Chamber referred to in Article 25, paragraph 5 shall rule on the appeal. The appeal shall not prevent the enforcement of the decision.

Article 199
Temporary seizure of letters, telegrams and other dispatches
(1) Letters, telegrams and other shipments addressed to the defendant may be temporarily seized, or the ones he or she sends and are found with the legal persons in the area of postal, telegraphic and other traffic, if there are circumstances due to which it may be reasonably expected that they would be used as evidence during the procedure.
(2) The order for temporary seizure of the shipments referred to in paragraph 1 of this Article shall be issued by the preliminary procedure judge, upon proposal by the public prosecutor.
(3) An order for temporary seizure of shipments may also be issued by the public prosecutor if there is danger of procrastination, whereas this order has to be confirmed by the judge of the preliminary procedure, within 72 hours, from the temporary seizure of the dispatches.
(4) If the order is not confirmed within the meaning of paragraph 3 of this Article, these dispatches may not be used as evidence in the criminal procedure.
(5) The order referred to in paragraph 2 of this Article shall contain the following:
  - information on the person that the order refers to;
  - the manner of execution of the order and duration of the measure; and
  - the legal person that is to execute the order.
(6) The undertaken measures may last for 3 months at the most, whereas the judge of the preliminary procedure, upon an elaborated proposal by the public prosecutor, may extend their duration for 3 more months, whereas the undertaken measures shall be revoked as soon as the reasons for their further enforcement cease to exist.
(7) The shipments shall be opened by the public prosecutor in the presence of two witnesses. During the opening, attention shall be paid for the seals not to be damaged, and to preserve the envelopes and the address. A separate record shall be compiled on the opening.
(8) If the interests of the procedure allow it, the person against whom these measures have been undertaken may be informed of the undertaken measures referred to in paragraph 1 of this Article.
(9) If the interests of the procedure allow it, the contents of the shipment may be fully or partially disclosed to the person to whom it was addressed, and the dispatch or a part thereof may be also handed over to the person. If this person is absent, the dispatch shall be announced or handed over to some of his or her relatives, and if there are no relatives, it shall be returned to the sender, unless this is contrary to the interests of the procedure.
(10) The measures undertaken in accordance with this Article shall not be applicable to letters, telegrams and other shipments exchanged between the defendant and his or her defense counsel.

Article 200
Handling information constituting a bank secret, property in a bank safe-deposit box, monitoring of payment operations and accounts transactions and temporary suspension of the performance of certain financial transactions
(1) If there is a grounded suspicion that a certain person receives, holds, transfers or otherwise manages crime proceeds on his or her bank account, and if the proceeds are important for the investigatory procedure of that crime, or it is subject to forcible seizure according to the law, the court, upon an elaborated request by the public prosecutor, may issue a decision ordering the bank or other financial institutions to supply all documentation and data on the bank accounts and other financial transactions and dealings of that person, as well as for persons for which there is a grounded suspicion that they are involved in those financial transactions or dealings of the suspect, if such information may be used as evidence during the criminal procedure.
(2) The request of the public prosecutor shall refer to information on natural or legal persons, and to all crime proceeds that he or she receives, holds, transfers or otherwise manages.
(3) If the person as referred to in Article 1 holds in a bank safe-deposit box or otherwise manages crime proceeds, and if the crime proceeds are important for the investigative procedure of that crime or is subject to forcible seizure according to the law, the court, upon an elaborated request by the public prosecutor, may issue a decision instructing the bank to enable access to the public prosecutor to the safe-deposit box.

(4) The decisions referred to in paragraphs 1 and 3 of this Article shall also contain the deadline within which the bank or another financial institution must act upon them.

(5) Before the beginning and in the course of the investigative procedure, the ruling on the request by the public prosecutor as referred to in paragraphs 1 and 3 of this Article, shall be rendered by the judge of the preliminary procedure, and after the indictment has been raised, by the court which shall hold the hearing. The preliminary procedure judge shall decide upon the request by the public prosecutor immediately, and no later than within 12 hours from the receipt of the request. If the preliminary procedure judge overrules the request by the public prosecutor, without any delay, he or she shall ask for a decision to be brought by the Trial Chamber referred to in Article 25, paragraph 5 of this Law. The Trial Chamber shall render a decision within 24 from the receipt of the request.

(6) If circumstances as referred to in paragraph 1 of this Article exist, the preliminary procedure judge, upon an elaborated proposal by the public prosecutor, may instruct the bank or another financial institution with a decision, to monitor the payment operations and the transactions in the accounts of a certain person and regularly inform the public prosecutor during the time period defined in the decision.

(7) Upon an elaborated proposal by the public prosecutor, with a decision, the court may instruct a financial institution or a legal person to temporarily stop the performance of a certain financial transaction or dealing, whilst temporarily seizing the property.

(8) In emergencies, the public prosecutor may impose the measures as referred to in paragraphs 1, 3, 6 and 7 of this Article without a court order. The public prosecutor shall immediately inform the preliminary procedure judge about the undertaken measures, who shall be obliged to issue the order within 72 hours. If the preliminary procedure judge does not issue an order, the public prosecutor shall return the data without previously opening them.

Article 203
Returning temporarily seized objects

Any objects that have been temporarily seized during the criminal procedure shall be returned to the owner, i.e. the holder, if the procedure is stopped and there are no reasons for their seizure (Article 529).

Procedure for seizure of objects and forfeiture of assets and crime proceeds

Article 529
Seizure of objects

(1) Any objects that have to be seized according to the Criminal Code shall also be seized even in the event when the criminal procedure has not ended with a conviction of the defendant.

(2) The entity before which the procedure was being conducted at the moment when the procedure was completed i.e. discontinued shall enact a separate decision thereof.

(3) The decision for seizure of the objects as referred to in paragraph 1 of this Article shall be enacted by the court, even if the verdict of conviction does not provide for such a decision.

(4) A certified copy of the decision for seizure of objects shall be delivered to the owner of the objects, if known.

(5) The owner of the objects shall have a right to appeal against the decision as referred to in paragraphs 2 and 3 of this Article, due to lack of legal grounds for the seizure of the objects. If the decision as referred to in paragraph 2 of this Article was not passed by the court, the appeal shall be ruled on by the Trial Chamber referred to in Article 25, paragraph 5 of this Law, of the court that was competent for adjudicating in the first instance.

Article 530
General provisions on forfeiture of assets and crime proceeds

(1) Any assets and crime proceeds that originate from the crime shall be established in a criminal procedure.

(2) During the procedure, the public prosecutor shall be obliged to collect evidence and inspect all circumstances, which are important for the establishment of assets and crime proceeds and to propose any measures as referred to in Article 202, paragraph 1 of this Law.

(3) If the injured party claimed any damages in view of returning the objects obtained with the criminal offense, i.e. in view of the amount that is equivalent to the value of the objects, the crime proceeds shall be established only for the part that is not covered with the legal or property claim.

Article 531
Procedure for forfeiture of assets and crime proceeds

(1) When performing forfeiture of assets and crime proceeds, the person to whom the crime proceeds have been transferred, as well as the representative of the legal person shall be summoned to be heard during the preliminary
procedure and at the main hearing. In the summons, they shall be forewarned that the procedure shall be also conducted in their absence.

(2) Any representative of a legal person shall be examined at the main hearing after the defendant. It shall be proceeded in the same manner in reference of the person to whom the crime proceeds have been transferred, if he or she has not been summoned as a witness.

(3) Any person that the property interest has been transferred to, as well as any representative of a legal person, in reference to the establishment of the crime proceeds, shall be authorized to tender evidence and upon authorization of the Presiding Judge of the Trial Chamber to question the defendant, the witnesses and expert witnesses.

(4) Any exclusion of the public from the main hearing shall not refer to the person that the assets and crime proceeds have been transferred to and to the representative of the legal person.

(5) If, during the main hearing, it is established that forfeiture of assets and crime proceeds is possible, the public prosecutor shall propose for the main hearing to be adjourned and summon the person that the assets and crime proceeds have been transferred to, as well as the representative of the legal person.

Article 534
Issuing a measure of extended forfeiture against a third party

(1) The court shall also order the measure of extended forfeiture against a third party by means of a decision under the terms prescribed in the Criminal Code, if within two years as of the day of commencement of the specific forfeiture procedure, the person cannot prove that he or she has indemnified the asset or property according to their value.

(2) The procedure for the measure of extended forfeiture shall be conducted upon a motion by the public prosecutor.

(3) The person shall have a right to file an appeal against the decision referred to in paragraph 1 of this Article within eight days, with the immediate superior court.

Article 535
Providing temporary safeguarding measures

(1) When the conditions for forfeiture or extended forfeiture of assets and crime proceeds are met, the court, upon a motion by the public prosecutor, shall order temporary safeguarding measures as provided for in Article 194 of this Law.

(2) The court may order the measures as referred to in paragraph 1 of this Article, against third parties, who are suspected recipients of assets and property resulting from a criminal offense, without appropriate reimbursement.

(3) One may appeal the decision of the court ordering temporary safeguarding measures, within 8 days.

(4) The immediate superior court shall rule on the appeal within a period of 8 days.”

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Guidance: You may wish to refer to any relevant information provided on article 31 of the Convention in your previous self-assessment report.

Information sought may, in particular, include the procedures available for identifying, tracing, freezing or seizing property following a request.

Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information sought may, in particular, include cases, statistical or other information on requests received and action taken for the identification, tracing and freezing or seizing proceeds of crime and/or instrumentalities.

Article 55, paragraph 3

3. The provisions of article 46 of this Convention are applicable, mutatis mutandis, to this article. In addition to the information specified in article 46, paragraph 15, requests made pursuant to this article shall contain:
(a) In the case of a request pertaining to paragraph 1 (a) of this article, a description of the property to be confiscated, including, to the extent possible, the location and, where relevant, the estimated value of the property and a statement of the facts relied upon by the requesting State Party sufficient to enable the requested State Party to seek the order under its domestic law;

(b) In the case of a request pertaining to paragraph 1 (b) of this article, a legally admissible copy of an order of confiscation upon which the request is based issued by the requesting State Party, a statement of the facts and information as to the extent to which execution of the order is requested, a statement specifying the
measures taken by the requesting State Party to provide adequate notification to bona fide third parties and to ensure due process and a statement that the confiscation order is final;

(c) In the case of a request pertaining to paragraph 2 of this article, a statement of the facts relied upon by the requesting State Party and a description of the actions requested and, where available, a legally admissible copy of an order on which the request is based.

1. Is your country in compliance with this provision?

Yes

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Relevant provisions are stipulated by the Law on International Cooperation in Criminal Matters, as follows:

“Form and content of the letter rogatory

Article 16

(1) The letter rogatory shall be submitted in writing.

(2) The letter rogatory shall include:

1) Name of the authority that sent the letter rogatory and name of the authority that it has been sent to;
2) Legal basis for providing international legal assistance;
3) Description of the actions and the reason for submitting letter rogatory;
4) Legal denomination of the criminal offence and short description of the actual situation;
5) Personal data and citizenship of the person an international legal assistance is requested for;
6) Capacity of the person in the proceedings and
7) Name of the document being delivered and name and address of the receiver in case of delivery of judicial and other records.

(3) The letter rogatory and the records must be signed and certified with a stamp of the judicial or other competent authority that delivers them.

(4) If the data included in the letter rogatory and the submitted records are not sufficient, the sending authority may be requested to submit additional data and records in a reasonable time limit from the day of the receipt of the letter rogatory.”

A mutual legal assistance request should be sent in written. It can be received electronically or through another way of telecommunication for which a record shall be kept, and the original shall be sent through a regular mail.

Article 17 of the Law on International Cooperation in Criminal Matters stipulates the urgency of acting upon receiving the letter rogatory by the foreign competent authority.

Relevant provisions of the Law on Criminal Procedure:

“Article 540

Special procedure for forfeiture of assets and crime proceeds and seizure of objects

(1) When there are factual and legal impediments for conducting a criminal procedure against a perpetrator of a crime, upon a motion by the public prosecutor, the court shall conduct a special procedure for forfeiture of assets and crime proceeds and seizure of objects, if the conditions provided for in the Criminal Code are met.

(2) In the procedure as referred to in paragraph 1 of this Article, upon proposal by the public prosecutor, the necessary evidence shall be presented. By means of a decision, the court shall order the measure of forfeiture of assets and crime proceeds and seizure of objects if it is proven that the assets and the property have been obtained with the commission of a criminal offense or that the objects have been used to commit the criminal offense or have resulted from it, or that they have to be forfeited according to the provisions of the Criminal Code.

(3) The person whose assets and property have been forfeited may appeal the decision of the court referred to in paragraph 2 of this Article within eight days, with the immediate superior court.

Article 202
Temporary seizure of property or objects for their safeguarding

(1) At any time in the course of the proceedings, the court may render, upon request by the public prosecutor, a temporary measure of seizure of property or objects which should be seized according to the Criminal Code, a measure for confiscation or another necessary temporary measure in order to prevent the use, transfer or managing of that property or objects.

(2) The request by the public prosecutor referred to in paragraph 1 of this Article shall contain the following:
   - a short description of the criminal offence and its legal designation;
   - description of the property or objects which originate from a committed crime;
   - information on the person who owns that property or objects;
   - evidence on which the suspicion that the property or the objects originate from a criminal offense is based, and
   - reasons for the probability that the seizure of property or object shall be made especially difficult or impossible until the end of the criminal proceedings.

(3) Before the beginning and during the preliminary procedure, the preliminary procedure judge shall rule on the request by the public prosecutor as referred to in paragraph 1 of this Article, and after the indictment has been raised, by the Court that is going to hold the hearing. The preliminary procedure judge shall rule immediately on the request by the public prosecutor, and no later than within 12 hours from the receipt of the request. If the preliminary procedure judge does not accept the request by the public prosecutor, he or she shall ask the Trial Chamber referred to in Article 25, paragraph 5 to render a decision without any delay. The Trial Chamber shall render a decision within 24 from the receipt of the request.

(4) In the decision on the measures referred to in paragraph 1 of this Article, the court shall designate the value and the type of property, or object, and the time period for which it is seized.

(5) An appeal may be filed within 24 hours against the decision of the preliminary procedure judge, establishing the measures referred to in paragraph 1 of this Article. The Trial Chamber referred to Article 25, paragraph 5 shall rule on the appeal. The appeal shall not prevent the enforcement of the decision.

(6) If there is danger of procrastination, the members of the Judicial Police may temporarily seize property or objects as referred to in paragraph 1 of this Article, confiscate them or take other necessary temporary measures in order to prevent any use, transfer and managing thereof. The public prosecutor shall have to be immediately informed on the measures taken, and the measures must be approved by the preliminary procedure judge within 72 hours from the moment of their implementation.

(7) If the preliminary procedure judge does not give an approval, the undertaken measures referred to in paragraph 6 of this Article shall be stopped, and any temporarily seized property or objects shall be immediately returned to the person they were seized from.

(8) The measures referred to in paragraph 1 of this Article may last until the completion of the criminal proceedings before the first instance court at the latest.

(9) If the measures referred to in paragraph 1 of this Article are established during the preliminary procedure, they shall be cancelled ex-officio if the investigative procedure does not begin within 3 months from the day when the decision establishing them was rendered.

(10) Before the expiration of the deadlines referred to in paragraph 9 of this Article, the measures may be cancelled ex-officio by the Court or upon request by the public prosecutor, i.e. by any interested person, if it becomes evident that they are not necessary or justified in view of the severity of the crime, the financial circumstances of the person they refer to or the circumstances of the persons, whom this person is obliged by law to support and the circumstances pointing to the fact that the seizure of property or objects shall not be precluded or made especially difficult prior to the completion of the criminal proceedings.

(11) All the actions upon the property and the objects that are subject of safekeeping, and that have been undertaken upon submitting the request from paragraph 1 of this article, are of no value.

(12) The request from paragraph 1 of this article and the decision for issuing the measures prescribed in paragraph 1 of this article, will be send without a delay in an electronic format to all the bodies that are competent for documenting the property and the objects, whose safekeeping was requested and was approved.

Procedure for seizure of objects and forfeiture of assets and crime proceeds

Article 529

Seizure of objects

(1) Any objects that have to be seized according to the Criminal Code shall also be seized even in the event when the criminal procedure has not ended with a conviction of the defendant.

(2) The entity before which the procedure was being conducted at the moment when the procedure was completed i.e. discontinued shall enact a separate decision thereof.
(3) The decision for seizure of the objects as referred to in paragraph 1 of this Article shall be enacted by the court, even if the verdict of conviction does not provide for such a decision.
(4) A certified copy of the decision for seizure of objects shall be delivered to the owner of the objects, if known.
(5) The owner of the objects shall have a right to appeal against the decision as referred to in paragraphs 2 and 3 of this Article, due to lack of legal grounds for the seizure of the objects. If the decision as referred to in paragraph 2 of this Article was not passed by the court, the appeal shall be ruled on by the Trial Chamber referred to in Article 25, paragraph 5 of this Law, of the court that was competent for adjudicating in the first instance.

Article 530
General provisions on forfeiture of assets and crime proceeds
(1) Any assets and crime proceeds that originate from the crime shall be established in a criminal procedure.
(2) During the procedure, the public prosecutor shall be obliged to collect evidence and inspect all circumstances, which are important for the establishment of assets and crime proceeds and to propose any measures as referred to in Article 202, paragraph 1 of this Law.
(3) If the injured party claimed any damages in view of returning the objects obtained with the criminal offense, i.e. in view of the amount that is equivalent to the value of the objects, the crime proceeds shall be established only for the part that is not covered with the legal or property claim.

Article 531
Procedure for forfeiture of assets and crime proceeds
(1) When performing forfeiture of assets and crime proceeds, the person to whom the crime proceeds have been transferred, as well as the representative of the legal person shall be summoned to be heard during the preliminary procedure and at the main hearing. In the summons, they shall be forewarned that the procedure shall be also conducted in their absence.
(2) Any representative of a legal person shall be examined at the main hearing after the defendant. It shall be proceeded in the same manner in reference of the person to whom the crime proceeds have been transferred, if he or she has not been summoned as a witness.
(3) Any person that the property interest has been transferred to, as well as any representative of a legal person, in reference to the establishment of the crime proceeds, shall be authorized to tender evidence and upon authorization of the Presiding Judge of the Trial Chamber to question the defendant, the witnesses and expert witnesses.
(4) Any exclusion of the public from the main hearing shall not refer to the person that the assets and crime proceeds have been transferred to and to the representative of the legal person.
(5) If, during the main hearing, it is established that forfeiture of assets and crime proceeds is possible, the public prosecutor shall propose for the main hearing to be adjourned and summon the person that the assets and crime proceeds have been transferred to, as well as the representative of the legal person.

Article 532
Establishing the amount of the value of the assets and crime proceeds
(1) In collecting the required evidence for the establishment of the correct amount of the assets and crime proceeds, the public prosecutor may ask for any necessary information from other state entities, financial institutions, other legal persons and citizens who shall be obliged to submit them without any delay.
(2) If there are any suspicions that the assets have been moved abroad, the court shall be obliged to issue an international warrant or notification.

Article 533
Extended forfeiture
(1) The court shall provide for an extended forfeiture under the terms prescribed in the Criminal Code, if the defendant cannot prove that he has lawfully acquired the assets or property within one year as of the day of the commencement of the main hearing.
(2) If the court reaches a judgment in the first instance regarding the criminal offense within a term shorter than the one stipulated in paragraph 1 of this Article, when the legal conditions for the measure of extended forfeiture are met, the court shall provide for such a measure with a supplementary judgment that may be appealed in accordance with the provisions of this Law.

Article 534
Issuing a measure of extended forfeiture against a third party
(1) The court shall also order the measure of extended forfeiture against a third party by means of a decision under the terms prescribed in the Criminal Code, if within two years as of the day of commencement of the specific forfeiture
procedure, the person cannot prove that he or she has indemnified the asset or property according to their value.
(2) The procedure for the measure of extended forfeiture shall be conducted upon a motion by the public prosecutor.
(3) The person shall have a right to file an appeal against the decision referred to in paragraph 1 of this Article within eight days, with the immediate superior court.

Article 535
Providing temporary safeguarding measures
(1) When the conditions for forfeiture or extended forfeiture of assets and crime proceeds are met, the court, upon a motion by the public prosecutor, shall order temporary safeguarding measures as provided for in Article 194 of this Law.
(2) The court may order the measures as referred to in paragraph 1 of this Article, against third parties, who are suspected recipients of assets and property resulting from a criminal offense, without appropriate reimbursement.
(3) One may appeal the decision of the court ordering temporary safeguarding measures, within 8 days.
(4) The immediate superior court shall rule on the appeal within a period of 8 days.”

Guidance: You may wish to refer to any relevant information provided on article 46 of the Convention in your previous self-assessment report.
Information sought may, in particular, include:
- Any specific additional information your country requires to be included in the request to be able to execute it;
- Measures taken to inform requesting State Parties of the procedures to be followed.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision. If procedures for requesting State Parties have been made publicly available, please indicate where such resources may be found.

Article 55, paragraph 4

4. The decisions or actions provided for in paragraphs 1 and 2 of this article shall be taken by the requested State Party in accordance with and subject to the provisions of its domestic law and its procedural rules or any bilateral or multilateral agreement or arrangement to which it may be bound in relation to the requesting State Party.

1. Is your country in compliance with this provision?
Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Relevant provisions are stipulated by the Law on International Cooperation in Criminal Matters, as follows:

“Form and content of the letter rogatory

Article 16

(1) The letter rogatory shall be submitted in writing.
(2) The letter rogatory shall include:
   1) Name of the authority that sent the letter rogatory and name of the authority that it has been sent to;
   2) Legal basis for providing international legal assistance;
   3) Description of the actions and the reason for submitting letter rogatory;
   4) Legal denomination of the criminal offence and short description of the actual situation;
   5) Personal data and citizenship of the person an international legal assistance is requested for;
   6) Capacity of the person in the proceedings and
7) Name of the document being delivered and name and address of the receiver in case of delivery of judicial and other records.

(3) The letter rogatory and the records must be signed and certified with a stamp of the judicial or other competent authority that delivers them.

(4) If the data included in the letter rogatory and the submitted records are not sufficient, the sending authority may be requested to submit additional data and records in a reasonable time limit from the day of the receipt of the letter rogatory.”

A mutual legal assistance request should be sent in written. It can be received electronically or through another way of telecommunication for which a record shall be kept, and the original shall be sent through a regular mail.

Article 17 of the Law on International Cooperation in Criminal Matters stipulates the urgency of acting upon receiving the letter rogatory by the foreign competent authority.

Relevant provisions of the Law on Criminal Procedure:

“Article 540
Special procedure for forfeiture of assets and crime proceeds and seizure of objects

(1) When there are factual and legal impediments for conducting a criminal procedure against a perpetrator of a crime, upon a motion by the public prosecutor, the court shall conduct a special procedure for forfeiture of assets and crime proceeds and seizure of objects, if the conditions provided for in the Criminal Code are met.

(2) In the procedure as referred to in paragraph 1 of this Article, upon proposal by the public prosecutor, the necessary evidence shall be presented. By means of a decision, the court shall order the measure of forfeiture of assets and crime proceeds and seizure of objects if it is proven that the assets and the property have been obtained with the commission of a criminal offense or that the objects have been used to commit the criminal offense or have resulted from it, or that they have to be forfeited according to the provisions of the Criminal Code.

(3) The person whose assets and property have been forfeited may appeal the decision of the court referred to in paragraph 2 of this Article within eight days, with the immediate superior court.

Article 202
Temporary seizure of property or objects for their safeguarding

(1) At any time in the course of the proceedings, the court may render, upon request by the public prosecutor, a temporary measure of seizure of property or objects which should be seized according to the Criminal Code, a measure for confiscation or another necessary temporary measure in order to prevent the use, transfer or managing of that property or objects.

(2) The request by the public prosecutor referred to in paragraph 1 of this Article shall contain the following:
- a short description of the criminal offence and its legal designation;
- description of the property or objects which originate from a committed crime;
- information on the person who owns that property or objects;
- evidence on which the suspicion that the property or the objects originate from a criminal offense is based, and
- reasons for the probability that the seizure of property or object shall be made especially difficult or impossible until the end of the criminal proceedings.

(3) Before the beginning and during the preliminary procedure, the preliminary procedure judge shall rule on the request by the public prosecutor as referred to in paragraph 1 of this Article, and after the indictment has been raised, by the Court that is going to hold the hearing. The preliminary procedure judge shall rule immediately on the request by the public prosecutor, and no later than within 12 hours from the receipt of the request. If the preliminary procedure judge does not accept the request by the public prosecutor, he or she shall ask the Trial Chamber referred to in Article 25, paragraph 5 to render a decision without any delay. The Trial Chamber shall render a decision within 24 from the receipt of the request.

(4) In the decision on the measures referred to in paragraph 1 of this Article, the court shall designate the value and the type of property, or object, and the time period for which it is seized.

(5) An appeal may be filed within 24 hours against the decision of the preliminary procedure judge, establishing the measures referred to in paragraph 1 of this Article. The Trial Chamber referred to Article 25, paragraph 5 shall rule on the appeal. The appeal shall not prevent the enforcement of the decision.

(6) If there is danger of procrastination, the members of the Judicial Police may temporarily seize property or objects as referred to in paragraph 1 of this Article, confiscate them or take other necessary temporary measures in order to prevent any use, transfer and managing thereof. The public prosecutor shall have to be immediately informed on the measures taken, and the measures must be approved by the preliminary procedure judge within 72 hours from the moment of their implementation.

(7) If the preliminary procedure judge does not give an approval, the undertaken measures referred to in paragraph 6 of
this Article shall be stopped, and any temporarily seized property or objects shall be immediately returned to the person they were seized from.

(8) The measures referred to in paragraph 1 of this Article may last until the completion of the criminal proceedings before the first instance court at the latest.

(9) If the measures referred to in paragraph 1 of this Article are established during the preliminary procedure, they shall be cancelled ex-officio if the investigative procedure does not begin within 3 months from the day when the decision establishing them was rendered.

(10) Before the expiration of the deadlines referred to in paragraph 9 of this Article, the measures may be cancelled ex-officio by the Court or upon request by the public prosecutor, i.e. by any interested person, if it becomes evident that they are not necessary or justified in view of the severity of the crime, the financial circumstances of the person they refer to or the circumstances of the persons, whom this person is obliged by law to support and the circumstances pointing to the fact that the seizure of property or objects shall not be precluded or made especially difficult prior to the completion of the criminal proceedings.

(11) All the actions upon the property and the objects that are subject of safekeeping, and that have been undertaken upon submitting the request from paragraph 1 of this article, are of no value.

(12) The request from paragraph 1 of this article and the decision for issuing the measures prescribed in paragraph 1 of this article, will be send without a delay in an electronic format to all the bodies that are competent for documenting the property and the objects, whose safekeeping was requested and was approved.

Procedure for seizure of objects and forfeiture of assets and crime proceeds

Article 529

Seizure of objects

(1) Any objects that have to be seized according to the Criminal Code shall also be seized even in the event when the criminal procedure has not ended with a conviction of the defendant.

(2) The entity before which the procedure was being conducted at the moment when the procedure was completed i.e. discontinued shall enact a separate decision thereof.

(3) The decision for seizure of the objects as referred to in paragraph 1 of this Article shall be enacted by the court, even if the verdict of conviction does not provide for such a decision.

(4) A certified copy of the decision for seizure of objects shall be delivered to the owner of the objects, if known.

(5) The owner of the objects shall have a right to appeal against the decision as referred to in paragraphs 2 and 3 of this Article, due to lack of legal grounds for the seizure of the objects. If the decision as referred to in paragraph 2 of this Article was not passed by the court, the appeal shall be ruled on by the Trial Chamber referred to in Article 25, paragraph 5 of this Law, of the court that was competent for adjudicating in the first instance.

Article 530

General provisions on forfeiture of assets and crime proceeds

(1) Any assets and crime proceeds that originate from the crime shall be established in a criminal procedure.

(2) During the procedure, the public prosecutor shall be obliged to collect evidence and inspect all circumstances, which are important for the establishment of assets and crime proceeds and to propose any measures as referred to in Article 202, paragraph 1 of this Law.

(3) If the injured party claimed any damages in view of returning the objects obtained with the criminal offense, i.e. in view of the amount that is equivalent to the value of the objects, the crime proceeds shall be established only for the part that is not covered with the legal or property claim.

Article 531

Procedure for forfeiture of assets and crime proceeds

(1) When performing forfeiture of assets and crime proceeds, the person to whom the crime proceeds have been transferred, as well as the representative of the legal person shall be summoned to be heard during the preliminary procedure and at the main hearing. In the summons, they shall be forewarned that the procedure shall be also conducted in their absence.

(2) Any representative of a legal person shall be examined at the main hearing after the defendant. It shall be proceeded in the same manner in reference of the person to whom the crime proceeds have been transferred, if he or she has not been summoned as a witness.

(3) Any person that the property interest has been transferred to, as well as any representative of a legal person, in reference to the establishment of the crime proceeds, shall be authorized to tender evidence and upon authorization of the Presiding Judge of the Trial Chamber to question the defendant, the witnesses and expert witnesses.

(4) Any exclusion of the public from the main hearing shall not refer to the person that the assets and crime proceeds
have been transferred to and to the representative of the legal person.

(5) If, during the main hearing, it is established that forfeiture of assets and crime proceeds is possible, the public prosecutor shall propose for the main hearing to be adjourned and summon the person that the assets and crime proceeds have been transferred to, as well as the representative of the legal person.

Article 532
Establishing the amount of the value of the assets and crime proceeds

(1) In collecting the required evidence for the establishment of the correct amount of the assets and crime proceeds, the public prosecutor may ask for any necessary information from other state entities, financial institutions, other legal persons and citizens who shall be obliged to submit them without any delay.

(2) If there are any suspicions that the assets have been moved abroad, the court shall be obliged to issue an international warrant or notification.

Article 533
Extended forfeiture

(1) The court shall provide for an extended forfeiture under the terms prescribed in the Criminal Code, if the defendant cannot prove that he has lawfully acquired the assets or property within one year as of the day of the commencement of the main hearing.

(2) If the court reaches a judgment in the first instance regarding the criminal offense within a term shorter than the one stipulated in paragraph 1 of this Article, when the legal conditions for the measure of extended forfeiture are met, the court shall provide for such a measure with a supplementary judgment that may be appealed in accordance with the provisions of this Law.

Article 534
Issuing a measure of extended forfeiture against a third party

(1) The court shall also order the measure of extended forfeiture against a third party by means of a decision under the terms prescribed in the Criminal Code, if within two years as of the day of commencement of the specific forfeiture procedure, the person cannot prove that he or she has indemnified the asset or property according to their value.

(2) The procedure for the measure of extended forfeiture shall be conducted upon a motion by the public prosecutor.

(3) The person shall have a right to file an appeal against the decision referred to in paragraph 1 of this Article within eight days, with the immediate superior court.”

**Guidance:** You may wish to refer to any relevant information provided on article 55, subparagraphs 1 (a) and (b), and article 55, paragraph 2 of the Convention in the present self-assessment report.
3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

**Guidance:** You may wish to refer to any relevant information provided on article 55, subparagraphs 1 (a) and (b), and article 55, paragraph 2 of the Convention in the present self-assessment report.

**Article 55, paragraph 5**

5. Each State Party shall furnish copies of its laws and regulations that give effect to this article and of any subsequent changes to such laws and regulations or a description thereof to the Secretary-General of the United Nations.

1. **Is your country in compliance with this provision?**

Yes

2. **Please provide a reference to the date these documents were transmitted as well as a description of any documents not yet transmitted.**

*Macedonian laws and regulations that give effect to this article are listed below:*

- Law on Criminal Procedure (Official Gazette of the Republic of Macedonia, No. 150/10, 100/12 and 142/16)**
- Law on concluding, ratifying and enforcing international treaties (Official Gazette of the Republic of Macedonia, No. 5/1998)***

* law attached

** law attached in consolidated version, although it is not latest consolidated version, it is a relevant version. amendments will be furnished additionally

*** will be furnished additionally

**Guidance:** The Secretary-General would be grateful if Governments would attach such copies of their laws and regulations to their submission of responses to the self-assessment checklist, provide them during the country visit or send the aforementioned information to the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria (uncac.cop@unodc.org). If laws have been furnished, please confirm whether any changes have been made to such laws and regulations and whether they remain in full force and effect.

**Article 55, subparagraph 6**

6. If a State Party elects to make the taking of the measures referred to in paragraphs 1 and 2 of this article conditional on the existence of a relevant treaty, that State Party shall consider this Convention the necessary and sufficient treaty basis.

1. **Is your country in compliance with this provision?**

Yes

2. **Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the**
Convention.
In accordance with article 118 of the Constitution of the Republic of Macedonia, the international agreements ratified in accordance with the Constitution are part of the internal legal order and cannot be changed by the laws.
In addition, you will find cited relevant legal provisions.


“Article 4
The Republic of Macedonia, as an equal legal successor of SFRY with the other republics, on the basis of an agreement with the other republics on the legal heritage of SFRY and interrelations undertakes rights and obligations arising from the creation of the Socialist Federal Republic of Yugoslavia. Failure to conclude an agreement with other republics on the legal heritage of SFRY and interrelations, the legal legacy of SFRY and the mutual relations between the Republic of Macedonia and the other sovereign states from SFRY are defined in accordance with the general rules of international law, and in accordance with the Vienna Convention on Succession of States in Treaties of 1978 and the Vienna Convention on Succession of States in the Field of State Property, Archives and Debts of 1982.

Article 5
Existing federal regulations are taken on as national with the competences of the bodies established by the Constitution of the Republic of Macedonia. By reaching an agreement between sovereign states of SFRY, the Republic of Macedonia may entrust the enforcement of certain regulation to the federal authorities. If the bodies referred to in paragraph 2 of this Article fail to enforce the regulations in accordance with the sovereignty and interests of the Republic of Macedonia, they shall be enforced by the authorities of the Republic. Federal regulations governing the organisation and competence of the authorities of the Federation shall not apply in the Republic of Macedonia.”

Relevant provisions are stipulated by the Law on concluding, ratifying and enforcing international treaties:

“Article 2
An international treaty, in the sense of this Law, shall be deemed a treaty that the Republic of Macedonia will conclude in writing with one or more states or an international organisation, which defines the rights and obligations of the State, in accordance with the Constitution of the Republic of Macedonia and international law, irrespective whether it is contained in one or more interrelated documents. Acts concluded by authorised bodies of the Republic of Macedonia for execution of signed international treaties shall not be regarded as international treaties and with them the state does not undertake upon itself new obligations.

Article 3
International treaties on behalf of the Republic of Macedonia are concluded by the President of the Republic. International treaties on behalf of the Republic of Macedonia may also be concluded by the Government of the Republic of Macedonia regulating issues of economy, finance, science, culture, education and sports, traffic and relations, urban planning, construction and protection of the environment, agriculture, forestry, water management, health, energy, justice, labour and social policy, human rights, diplomatic and consular relations, and the field of defence and security of the state, except for issue related to the border of the Republic of Macedonia, entering into alliances or associations with other states or stepping out of such alliances and associations and other international treaties which, under international law, are concluded by heads of states.

Initiation of a procedure for ratification of international treaties

Article 19
The President of the Republic, that is, the body of state administration in which is responsible for the issues regulated by the concluded international treaty, submit the original text of the signed treaty with a proposal for initiation of a procedure for ratification and reasoning in that regard to the Ministry of Foreign Affairs, within 30 days at the latest from the date of the signing of the treaty.

Article 20
The Ministry of Foreign Affairs initiates the procedure for ratification of the concluded international treaties by submitting to the Government a proposal for the adoption of a law on ratification of the concluded international treaty. The Government submits the proposal for adoption of a law on ratification of the concluded international treaty to the Assembly of the Republic of Macedonia.

Article 21
The Government of the Republic of Macedonia shall submit to the Assembly of the Republic of Macedonia a proposal for the adoption of a law on ratification of the international treaty concluded by the President of the Republic In the
procedure upon the proposal for adoption of a law referred to in paragraph 1 of this Article, the President of the Republic may give an explanation in the Assembly of the Republic of Macedonia in regard to the concluded international treaty, and the Government may enclose its own opinion on the international treaty with the proposal.

Article 22

The law on ratification of the international treaty may also determine the body of state administration that will see to the enforcement of the respective treaty or authorise the Government, that is, the body of state administration in whose jurisdiction are the matters governed by the concluded international treaty to adopt more detailed regulations for the enforcement of the treaty. The law on ratification of multilateral international treaty contains the reservations that the Republic of Macedonia makes to that international treaty.

Execution of international agreements

Article 23

The Government of the Republic of Macedonia and the President of the Republic see to the enforcement of the international treaties of the Republic of Macedonia.

Article 24

International treaties that create direct responsibilities for the Republic are enforced by the authorities in whose jurisdiction are the issues regulated by that treaty.”

Also, please see annexes:
- List - agreements as of before the independency
- List - bilateral agreements on international legal assistance
- List - signed international conventions on mutual legal assistance

**Guidance:** Information sought may include:

- Whether your country makes cooperation for purposes of confiscation conditional on the existence of a treaty;
- A list of bilateral and multilateral treaties based on which your country can provide mutual legal assistance for the purpose of identifying, tracing, freezing, seizing and confiscating the proceeds of crime or instrumentalities;
- Whether your country can use the Convention as legal basis for cooperation.
3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

**Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:

- Cases, statistical or other information where your country used the Convention as the legal basis for cooperation.
- Copies of the bilateral and multilateral treaties or alternatively weblinks to such treaties based on which your country can provide mutual legal assistance for the purpose of identifying, tracing, freezing, seizing and confiscating the proceeds of crime or instrumentalities.

### Article 55, paragraph 7

7. Cooperation under this article may also be refused or provisional measures lifted if the requested State Party does not receive sufficient and timely evidence or if the property is of a de minimis value.

1. **Is your country in compliance with this provision?**

   Yes.

2. **Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.**

   There are no provisions that can be used to refuse international cooperation if the request is of de minimis value

   **Guidance:** Information sought may include whether your country’s legal system recognizes any ground for refusal of such cooperation, and the standards for refusing cooperation. If any such grounds exist, you may wish to include information on the procedures for any consultation with the requesting State Party prior to refusal of cooperation on whether the property is of de minimis value or on ways and means of respecting any deadline for the provision of additional evidence.

3. **Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.**

   **Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

   Information sought may, in particular, include cases, statistical or other information where your country refused cooperation or lifted provisional measures due to insufficient or untimely evidence or because the property was of de minimis value.
Article 55, paragraph 8

8. Before lifting any provisional measure taken pursuant to this article, the requested State Party shall, wherever possible, give the requesting State Party an opportunity to present its reasons in favour of continuing the measure.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Relevant provisions are stipulated by the Law on International Cooperation in Criminal Matters, as follows:

“Form and content of the letter rogatory

Article 16

(1) The letter rogatory shall be submitted in writing.
(2) The letter rogatory shall include:
   1) Name of the authority that sent the letter rogatory and name of the authority that it has been sent to;
   2) Legal basis for providing international legal assistance;
   3) Description of the actions and the reason for submitting letter rogatory;
   4) Legal denomination of the criminal offence and short description of the actual situation;
   5) Personal data and citizenship of the person an international legal assistance is requested for;
   6) Capacity of the person in the proceedings and
   7) Name of the document being delivered and name and address of the receiver in case of delivery of judicial and other records.
(3) The letter rogatory and the records must be signed and certified with a stamp of the judicial or other competent authority that delivers them.
(4) If the data included in the letter rogatory and the submitted records are not sufficient, the sending authority may be requested to submit additional data and records in a reasonable time limit from the day of the receipt of the letter rogatory.”

Guidance: You may wish to refer to any relevant information provided on article 46, paragraph 26 of the Convention in your previous self-assessment report.

Information sought may, in particular, include whether you have any formal mechanisms in place which provide this opportunity to the requesting State Party, including procedures for informing the requesting State Party of applications for discharge of an order or other legal challenges brought in your country.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Guidance: You may wish to refer to any relevant information provided on article 46, paragraph 26 of the Convention in your previous self-assessment report.

Such examples might include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to implement this provision.

Information sought may, in particular, include cases, statistical or other information on recent cases in which a requesting State Party has been given the opportunity to present its reasons in favour of continuing a provisional measure before it was lifted.
Article 55, paragraph 9

9. The provisions of this article shall not be construed as prejudicing the rights of bona fide third parties.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Relevant provisions are stipulated by the Law on International Cooperation in Criminal Matters:

“Transfer of temporary seized objects, documents and property benefits

Article 26

(1) The objects, documents and property benefits that were temporary seized, as well as the records and the decisions for temporary seizure, shall be transferred to the foreign competent authority at its request after the termination of the proceeding for international legal assistance in the Republic of Macedonia.

(2) The objects, documents and property benefits from paragraph (1) of this article shall be transferred to the foreign competent authority if:
- the foreign competent authority guarantees their return without reimbursement after the termination of the procedure of taking evidence;
- the third person proves that he or she was not notified and couldn’t know that the object, the document or the property benefits have been acquired with a criminal offence; and
- the injured party with residence or domicile in the Republic of Macedonia or the state authority emphasises its right to the submitted items, documents and property benefits.

(3) In case of criminal proceedings in progress before a domestic judicial authority the transfer shall be adjourned until the effective termination of the proceedings.

Confiscation of property and property benefits

Article 27

(1) The confiscation of property and property benefits in a procedure of international legal assistance shall be made in accordance with the provisions of the Criminal Code, Law on Criminal Proceedings and international agreements.

(2) The money obtained from the enforcement of the property confiscation order shall be at the disposal of the Republic of Macedonia as follows:
1) if the amount obtained from the enforcement of the confiscation order is lower than 10,000 EUR or equal to that amount, the amount shall flow into the Budget of the Republic of Macedonia, and
2) in all other cases the Republic of Macedonia shall transfer 50% of the amount obtained from the enforcement of the confiscation order to the foreign state.

(3) The other property apart from money obtained from the enforcement of the confiscation order shall be placed at disposal in one of the following ways upon decision of the domestic competent authority:
1) the property can be sold and in that case the income from the sales shall be placed at a disposal in accordance with paragraph (2) of this article, and
2) the property can be transferred to a foreign state, and if the confiscation order includes money, the property can be transferred to the foreign state when it gives its consent.”

Related provisions of the Law on Criminal Procedure:
Procedure for seizure of objects and forfeiture of assets and crime proceeds

Article 529

Seizure of objects

(1) Any objects that have to be seized according to the Criminal Code shall also be seized even in the event when the criminal procedure has not ended with a conviction of the defendant.
(2) The entity before which the procedure was being conducted at the moment when the procedure was completed i.e.
discontinued shall enact a separate decision thereof.

(3) The decision for seizure of the objects as referred to in paragraph 1 of this Article shall be enacted by the court, even if the verdict of conviction does not provide for such a decision.

(4) A certified copy of the decision for seizure of objects shall be delivered to the owner of the objects, if known.

(5) The owner of the objects shall have a right to appeal against the decision as referred to in paragraphs 2 and 3 of this Article, due to lack of legal grounds for the seizure of the objects. If the decision as referred to in paragraph 2 of this Article was not passed by the court, the appeal shall be ruled on by the Trial Chamber referred to in Article 25, paragraph 5 of this Law, of the court that was competent for adjudicating in the first instance.

Article 530
General provisions on forfeiture of assets and crime proceeds

(1) Any assets and crime proceeds that originate from the crime shall be established in a criminal procedure.

(2) During the procedure, the public prosecutor shall be obliged to collect evidence and inspect all circumstances, which are important for the establishment of assets and crime proceeds and to propose any measures as referred to in Article 202, paragraph 1 of this Law.

(3) If the injured party claimed any damages in view of returning the objects obtained with the criminal offense, i.e. in view of the amount that is equivalent to the value of the objects, the crime proceeds shall be established only for the part that is not covered with the legal or property claim.

Article 531
Procedure for forfeiture of assets and crime proceeds

(1) When performing forfeiture of assets and crime proceeds, the person to whom the crime proceeds have been transferred, as well as the representative of the legal person shall be summoned to be heard during the preliminary procedure and at the main hearing. In the summons, they shall be forewarned that the procedure shall be also conducted in their absence.

(2) Any representative of a legal person shall be examined at the main hearing after the defendant. It shall be proceeded in the same manner in reference of the person to whom the crime proceeds have been transferred, if he or she has not been summoned as a witness.

(3) Any person that the property interest has been transferred to, as well as any representative of a legal person, in reference to the establishment of the crime proceeds, shall be authorized to tender evidence and upon authorization of the Presiding Judge of the Trial Chamber to question the defendant, the witnesses and expert witnesses.

(4) Any exclusion of the public from the main hearing shall not refer to the person that the assets and crime proceeds have been transferred to and to the representative of the legal person.

(5) If, during the main hearing, it is established that forfeiture of assets and crime proceeds is possible, the public prosecutor shall propose for the main hearing to be adjourned and summon the person that the assets and crime proceeds have been transferred to, as well as the representative of the legal person.

Article 534
Issuing a measure of extended forfeiture against a third party

(1) The court shall also order the measure of extended forfeiture against a third party by means of a decision under the terms prescribed in the Criminal Code, if within two years as of the day of commencement of the specific forfeiture procedure, the person cannot prove that he or she has indemnified the asset or property according to their value.

(2) The procedure for the measure of extended forfeiture shall be conducted upon a motion by the public prosecutor.

(3) The person shall have a right to file an appeal against the decision referred to in paragraph 1 of this Article within eight days, with the immediate superior court.

Article 535
Providing temporary safeguarding measures

(1) When the conditions for forfeiture or extended forfeiture of assets and crime proceeds are met, the court, upon a motion by the public prosecutor, shall order temporary safeguarding measures as provided for in Article 194 of this Law.

(2) The court may order the measures as referred to in paragraph 1 of this Article, against third parties, who are suspected recipients of assets and property resulting from a criminal offense, without appropriate reimbursement.

(3) One may appeal the decision of the court ordering temporary safeguarding measures, within 8 days.

(4) The immediate superior court shall rule on the appeal within a period of 8 days.”
Related provisions of the Criminal Code:

“Manner of confiscating

Article 98

(1) The direct and indirect property benefit obtained with a crime and consisting of money, movables or immovables of certain value, as well as any other ownership, property or active, material or non-material rights shall be confiscated from the offender, and if their confiscation is not possible other property corresponding to the value of the obtained benefit shall be confiscated from the offender.

(2) The indirect and direct property benefit shall be as well confiscated from third parties wherefore it has been obtained by committing the crime.

(3) The property benefit referred to in paragraph (1) shall be as well confiscated from members of the offender’s family to whom it has been transferred, should it be obvious that they have not provided any compensation corresponding to the value of the obtained property benefit, or from third parties unless they prove that they have given counter-compensation for the object or the property which corresponds the value of the obtained property benefit.

(4) The objects declared as cultural heritage and natural rarities, as well as those to which the damaged party is personally attached, shall be confiscated from third parties, regardless of whether these objects have been transferred to the third parties with or without an appropriate compensation.

(5) The confiscated goods are returned to the damaged party, and if there is no damaged party, they become the state property.

(6) If during the criminal procedure, the damaged person is adjudged a property and legal claim, the court shall pronounce confiscation of property benefit in case if this exceeds the amount of this claim.

Extended confiscation

Article 98-a

(1) The property obtained in the time period, determined by the court according to the case's circumstances which shall not be longer than five years before the commission of the crime, prior to the conviction, when based on all the circumstances the court is well asserted that the property exceeds the legal incomes of the offender and originates from such crime, shall be confiscated from the offender of a crime committed within a criminal association wherefore a property benefit for which an imprisonment sentence of at least four years is prescribed, as well as a crime in relation with the terrorism referred to in Article 313, 394-a, 394-b, 394-c and 419 of this Code for which an imprisonment sentence of minimum five years or more has been prescribed or which is related to a money laundering crime wherefore an imprisonment sentence of at least four years is prescribed.

(2) The property referred to in paragraph (1) of this Article shall be as well confiscated from third parties for which it has been obtained by committing the crime.

(3) The property referred to in paragraph (1) of this Article shall be as well confiscated from members of the offender's family to which it has been transferred should it be obvious that they have not provided counter-compensation corresponding to its value, or from third parties unless they prove that they have provided counter-compensation for the object or the property, corresponding to their value.

Article 100-a

(1) Nobody can keep or adopt the objects that have occurred through a commission of a crime.

(2) Objects that were intended or have been used to commit a crime shall be confiscated from the offender, regardless of whether they belong to the offender or to a third party, if this is required by the interest of general safety, health of the people or moral reasons.

(3) The objects used or intended to be used to commit a crime may be confiscated if there is a threat that they may be used to commit another crime. Objects, which are the property of a third party, shall not be confiscated, except if the third party knew, could have known and was obliged to know that these objects have been used or were intended to be used to commit a crime.

(4) The court shall adopt a decision to confiscate the objects within the framework of a procedure specified by law in the case when, due to factual or legal obstacles, it is impossible to conduct the criminal procedure with respect to the offender of the crime.

(5) The application of this measure does not interfere with the right of third parties to compensation of damages from the offender of the crime.

(6) Under the conditions stipulated in ratified international agreements, the objects may be returned to another country.”

Guidance: You may wish to refer to any relevant information provided on article 31, paragraph 9 of the Convention in your previous self-assessment report.

Information sought may, in particular, include elements beyond what has already been inserted under article 53, subparagraph (c) of the Convention, and legislation providing for protection of bona fide third parties in the context of international cooperation for purposes of confiscation.
3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

**Guidance:** You may wish to refer to any relevant information provided on article 31, paragraph 9 of the Convention in your previous self-assessment report. Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information sought may, in particular, include cases, statistical or other information on recent cases involving the protection of bona fide third parties in the context of international cooperation for purposes of confiscation.

**Technical assistance**

1. Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

**Guidance:** Required actions could include the passing of a law and a time frame to do this. Related challenges could include inter-agency coordination, specificities in the legal system, competing priorities, limited capacity (e.g. technological, institutional, other), limited resources for implementation (e.g. human, financial, other), lack of a policy framework, and limited expertise and skills. In describing these issues, please be as specific as possible.

2. Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

**No assistance would be required**

**Guidance:** Please tick this box if you do not require any technical assistance in the implementation of the article under review.

**Legislative assistance:** Please describe the type of assistance

**Guidance:** The forms of legislative assistance should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of legislative assistance might include e.g. model arrangements and agreements, legal drafting and/or advisory support.

**Institution-building:** Please describe the type of assistance

**Guidance:** The forms of institution-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article, including domestic coordination issues. Specific forms of assistance in the area of institution-building might include e.g. summary of good practices and lessons learned, model arrangements and agreements, on-site assistance by a relevant expert and/or mentoring, as well as the development of an action plan for implementation.
Policymaking: Please describe the type of assistance

**Guidance:** The forms of policymaking should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of policymaking might include e.g. summary of good practices and lessons learned, sensitization of decision-making bodies, on-site assistance by a relevant expert and/or mentoring.

Capacity-building: Please describe the type of assistance

**Guidance:** The forms of capacity-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of capacity-building might include e.g. case-related assistance, on-site assistance by a relevant expert and/or mentoring, strengthening the operational and/or institutional capacities of relevant authorities through training and online learning, development of an action plan for implementation.

Research/data-gathering and analysis: Please describe the type of assistance

**Guidance:** The forms of research, data-gathering and analysis should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of research, data-gathering and analysis might include e.g. expert advice on data-gathering and storage systems, statistical advice or sample studies.

Facilitation of international cooperation with other countries: Please describe the type of assistance

**Guidance:** The forms of facilitation of international cooperation with other countries should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of facilitation of international cooperation might include e.g. case-related assistance, model legislation or model treaties.

Others: Please specify

3. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

**Guidance:** If you are receiving or have received such assistance, please provide details, including on the assistance provider, description of core objectives, duration, budget, results and impact. Please include information on technical assistance being provided in the most generic way so as to also capture projects that do not directly fit into the anti-corruption category but that address aspects relevant for the implementation of the Convention against Corruption. Please also indicate whether the extension and/or expansion of such assistance would help your country to adopt the measure(s) described in the article under review.
Article 56. Special cooperation

Without prejudice to its domestic law, each State Party shall endeavour to take measures to permit it to forward, without prejudice to its own investigations, prosecutions or judicial proceedings, information on proceeds of offences established in accordance with this Convention to another State Party without prior request, when it considers that the disclosure of such information might assist the receiving State Party in initiating or carrying out investigations, prosecutions or judicial proceedings or might lead to a request by that State Party under this chapter of the Convention.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Macedonian legislation permits competent national authorities, without prejudice to its own investigations, prosecutions or judicial proceedings, to forward information on proceeds of offences established in accordance with this Convention to another State Party without prior request, when it considers that the disclosure of such information might assist the receiving State Party in initiating or carrying out investigations, prosecutions or judicial proceedings or might lead to a request by that State Party under this chapter of the Convention.

Relevant provisions are stipulated by the Law on International Cooperation in Criminal Matters, as follows:

“Delivery of spontaneous information

Article 25

(1) The domestic judicial authority has the right under the principle of mutuality and without receiving previous letter rogatory to deliver information to the foreign competent authority related to the criminal offences which has been collected during its own investigations if it shall be deemed that the delivery of such information might help to initiate or implement an investigation or court proceedings or if that might lead to sending letter rogatory for international legal assistance.

(2) The domestic judicial authority shall ask the foreign competent authority to which the information from paragraph (1) of this article has been delivered to submit a report on all activities that have been undertaken on the basis of this information, as well as a delivery of transcript of all decisions that have been reached.

(3) According to the regulations for protection of personal data the domestic judicial authority that delivered the information from paragraph (1) of this article has the right to set certain conditions for the usage of the information in the foreign state where it has been delivered.

Definition of certain terms used in this law

Article 5

The terms used in this law shall have the following meaning:

1. “Domestic competent authority” shall mean the Ministry of Justice, a domestic judicial authority or misdemeanour authority that act upon the requests for international cooperation in the Republic of Macedonia.

2. “Foreign competent authority” shall mean an authority of a foreign state that according to the legislation of the foreign state, respectively according to an international agreement is competent for an international cooperation.

3. “Domestic judicial authority” shall mean a court or the public prosecution office that according to the law are competent for the international cooperation in the Republic of Macedonia.”

Relevant authorities are able to provide such information directly to their respective counterpart agencies.

Spontaneous transmission of information is possible through informal means – eg through Interpol, Egmont, CARIN.

The Republic of Macedonia is a party to a number of bilateral and multilateral agreements in criminal matters.

Please, see annexes:

List - bilateral agreements on international legal assistance
List - signed international conventions on mutual legal assistance

The receiving or transmitting country is not required to disclose such information to any persons that may be concerned.

A mutual legal assistance request should be sent in written. It can be received electronically or through another way of telecommunication for which a record shall be kept, and the original shall be sent through a regular mail.
Guidance: You may wish to refer to any relevant information provided on article 46, paragraph 4 of the Convention in your previous self-assessment report.

Information sought may, in particular, include legislation providing for spontaneous transmission of information to another State party on proceeds of offences established in accordance with the Convention.

If your country has considered, but not adopted, any measures to implement this provision, please describe these measures and the process in which they were considered.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Guidance: You may wish to refer to any relevant information provided on article 46, paragraph 4 of the Convention in your previous self-assessment report. Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information sought may, in particular, include cases, statistical or other information on recent cases involving such spontaneous transmission of information.

Technical assistance

1. Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Guidance: Required actions could include the passing of a law and a time frame to do this. Related challenges could include inter-agency coordination, specificities in the legal system, competing priorities, limited capacity (e.g. technological, institutional, other), limited resources for implementation (e.g. human, financial, other), lack of a policy framework, and limited expertise and skills. In describing these issues, please be as specific as possible.
2. Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

**No assistance would be required**

**Guidance:** Please tick this box if you do not require any technical assistance in the implementation of the article under review.

**Legislative assistance:** Please describe the type of assistance

**Guidance:** The forms of legislative assistance should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of legislative assistance might include e.g. model arrangements and agreements, legal drafting and/or advisory support.

**Institution-building:** Please describe the type of assistance

**Guidance:** The forms of institution-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article, including domestic coordination issues. Specific forms of assistance in the area of institution-building might include e.g. summary of good practices and lessons learned, model arrangements and agreements, on-site assistance by a relevant expert and/or mentoring, as well as the development of an action plan for implementation.

**Policymaking:** Please describe the type of assistance

**Guidance:** The forms of policymaking should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of policymaking might include e.g. summary of good practices and lessons learned, sensitization of decision-making bodies, on-site assistance by a relevant expert and/or mentoring.

**Capacity-building:** Please describe the type of assistance

**Guidance:** The forms of capacity-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of capacity-building might include e.g. case-related assistance, on-site assistance by a relevant expert and/or mentoring, strengthening the operational and/or institutional capacities of relevant authorities through training and online learning, development of an action plan for implementation.

**Research/data-gathering and analysis:** Please describe the type of assistance

**Guidance:** The forms of research, data-gathering and analysis should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of research, data-gathering and analysis might include e.g. expert advice on data-gathering and storage systems, statistical advice or sample studies.
Facilitation of international cooperation with other countries: Please describe the type of assistance

**Guidance:** The forms of facilitation of international cooperation with other countries should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of facilitation of international cooperation might include e.g. case-related assistance, model legislation or model treaties.

Others: Please specify

3. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

**Guidance:** If you are receiving or have received such assistance, please provide details, including on the assistance provider, description of core objectives, duration, budget, results and impact. Please include information on technical assistance being provided in the most generic way so as to also capture projects that do not directly fit into the anti-corruption category but that address aspects relevant for the implementation of the Convention against Corruption. Please also indicate whether the extension and/or expansion of such assistance would help your country to adopt the measure(s) described in the article under review.

**Article 57. Return and disposal of assets**

**Article 57, paragraph 1**

1. Property confiscated by a State Party pursuant to article 31 or 55 of this Convention shall be disposed of, including by return to its prior legitimate owners, pursuant to paragraph 3 of this article, by that State Party in accordance with the provisions of this Convention and its domestic law.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Relevant provisions are stipulated by the Law on International Cooperation in Criminal Matters:

“Confiscation of property and property benefits

Article 27

(1) The confiscation of property and property benefits in a procedure of international legal assistance shall be made in accordance with the provisions of the Criminal Code, Law on Criminal Proceedings and international agreements.

(2) The money obtained from the enforcement of the property confiscation order shall be at the disposal of the Republic of Macedonia as follows:

1) if the amount obtained from the enforcement of the confiscation order is lower than 10,000 EUR or equal to that amount, the amount shall flow into the Budget of the Republic of Macedonia, and

2) in all other cases the Republic of Macedonia shall transfer 50% of the amount obtained from the enforcement of the confiscation order to the foreign state.

(3) The other property apart from money obtained from the enforcement of the confiscation order shall be placed at disposal in one of the following ways upon decision of the domestic competent authority:

1) the property can be sold and in that case the income from the sales shall be placed at a disposal in accordance with paragraph (2) of this article, and
2) the property can be transferred to a foreign state, and if the confiscation order includes money, the property can be transferred to the foreign state when it gives its consent.”

Related provisions of the Law on Criminal Procedure:

“Procedure for seizure of objects and forfeiture of assets and crime proceeds

Article 529

Seizure of objects

(1) Any objects that have to be seized according to the Criminal Code shall also be seized even in the event when the criminal procedure has not ended with a conviction of the defendant.

(2) The entity before which the procedure was being conducted at the moment when the procedure was completed i.e. discontinued shall enact a separate decision thereof.

(3) The decision for seizure of the objects as referred to in paragraph 1 of this Article shall be enacted by the court, even if the verdict of conviction does not provide for such a decision.

(4) A certified copy of the decision for seizure of objects shall be delivered to the owner of the objects, if known.

(5) The owner of the objects shall have a right to appeal against the decision as referred to in paragraphs 2 and 3 of this Article, due to lack of legal grounds for the seizure of the objects. If the decision as referred to in paragraph 2 of this Article was not passed by the court, the appeal shall be ruled on by the Trial Chamber referred to in Article 25, paragraph 5 of this Law, of the court that was competent for adjudicating in the first instance.

Article 530

General provisions on forfeiture of assets and crime proceeds

(1) Any assets and crime proceeds that originate from the crime shall be established in a criminal procedure.

(2) During the procedure, the public prosecutor shall be obliged to collect evidence and inspect all circumstances, which are important for the establishment of assets and crime proceeds and to propose any measures as referred to in Article 202, paragraph 1 of this Law.

(3) If the injured party claimed any damages in view of returning the objects obtained with the criminal offense, i.e. in view of the amount that is equivalent to the value of the objects, the crime proceeds shall be established only for the part that is not covered with the legal or property claim.

Article 531

Procedure for forfeiture of assets and crime proceeds

(1) When performing forfeiture of assets and crime proceeds, the person to whom the crime proceeds have been transferred, as well as the representative of the legal person shall be summoned to be heard during the preliminary procedure and at the main hearing. In the summons, they shall be forewarned that the procedure shall be also conducted in their absence.

(2) Any representative of a legal person shall be examined at the main hearing after the defendant. It shall be proceeded in the same manner in reference of the person to whom the crime proceeds have been transferred, if he or she has not been summoned as a witness.

(3) Any person that the property interest has been transferred to, as well as any representative of a legal person, in reference to the establishment of the crime proceeds, shall be authorized to tender evidence and upon authorization of the Presiding Judge of the Trial Chamber to question the defendant, the witnesses and expert witnesses.

(4) Any exclusion of the public from the main hearing shall not refer to the person that the assets and crime proceeds have been transferred to and to the representative of the legal person.

(5) If, during the main hearing, it is established that forfeiture of assets and crime proceeds is possible, the public prosecutor shall propose for the main hearing to be adjourned and summon the person that the assets and crime proceeds have been transferred to, as well as the representative of the legal person.

Article 534

Issuing a measure of extended forfeiture against a third party

(1) The court shall also order the measure of extended forfeiture against a third party by means of a decision under the terms prescribed in the Criminal Code, if within two years as of the day of commencement of the specific forfeiture procedure, the person cannot prove that he or she has indemnified the asset or property according to their value.
(2) The procedure for the measure of extended forfeiture shall be conducted upon a motion by the public prosecutor.
(3) The person shall have a right to file an appeal against the decision referred to in paragraph 1 of this Article within eight days, with the immediate superior court.

Article 535
Providing temporary safeguarding measures

(1) When the conditions for forfeiture or extended forfeiture of assets and crime proceeds are met, the court, upon a motion by the public prosecutor, shall order temporary safeguarding measures as provided for in Article 194 of this Law.
(2) The court may order the measures as referred to in paragraph 1 of this Article, against third parties, who are suspected recipients of assets and property resulting from a criminal offense, without appropriate reimbursement.
(3) One may appeal the decision of the court ordering temporary safeguarding measures, within 8 days.
(4) The immediate superior court shall rule on the appeal within a period of 8 days.”

Related provisions of the Criminal Code:

“Manner of confiscating

Article 98

(1) The direct and indirect property benefit obtained with a crime and consisting of money, movables or immovables of certain value, as well as any other ownership, property or active, material or non-material rights shall be confiscated from the offender, and if their confiscation is not possible other property corresponding to the value of the obtained benefit shall be confiscated from the offender.
(2) The indirect and direct property benefit shall be as well confiscated from third parties wherefore it has been obtained by committing the crime.
(3) The property benefit referred to in paragraph (1) shall be as well confiscated from members of the offender's family to whom it has been transferred, should it be obvious that they have not provided any compensation corresponding to the value of the obtained property benefit, or from third parties unless they prove that they have given counter-compensation for the object or the property which corresponds the value of the obtained property benefit.
(4) The objects declared as cultural heritage and natural rarities, as well as those to which the damaged party is personally attached, shall be confiscated from third parties, regardless of whether these objects have been transferred to the third parties with or without an appropriate compensation.
(5) The confiscated goods are returned to the damaged party, and if there is no damaged party, they become the state property.
(6) If during the criminal procedure, the damaged person is adjudged a property and legal claim, the court shall pronounce confiscation of property benefit in case if this exceeds the amount of this claim.

Extended confiscation

Article 98-a

(1) The property obtained in the time period, determined by the court according to the case's circumstances which shall not be longer than five years before the commission of the crime, prior to the conviction, when based on all the circumstances the court is well asserted that the property exceeds the legal incomes of the offender and originates from such crime, shall be confiscated from the offender of a crime committed within a criminal association wherefore a property benefit for which an imprisonment sentence of at least four years is prescribed, as well as a crime in relation with the terrorism referred to in Article 313, 394-a, 394-b, 394-c and 419 of this Code for which an imprisonment sentence of minimum five years or more has been prescribed or which is related to a money laundering crime wherefore an imprisonment sentence of at least four years is prescribed.
(2) The property referred to in paragraph (1) of this Article shall be as well confiscated from third parties for which it has been obtained by committing the crime.
(3) The property referred to in paragraph (1) of this Article shall be as well confiscated from members of the offender's family to which it has been transferred should it be obvious that they have not provided counter-compensation corresponding to its value, or from third parties unless they prove that they have provided counter-compensation for the object or the property, corresponding to their value.

Protection of the injured party

Article 99

(1) The injured party who has been referred to a litigation in the criminal procedure in regard to his property and legal claim, may demand to settle this from the confiscated value, if the litigation is initiated within six months after the day the decision with which he was referred to a litigation comes into effect, and if within three months from the day of coming into effect of the decision with which his claim was determined, he claims the settling of the confiscated value.
(2) The injured person who has not reported a legal and property claim in the criminal procedure, may demand the settling from the confiscated value if he has started a litigation for determining his claim within a time frame of three months as of the day he finds out about the sentence with which the property benefit is confiscated, and at the latest within two years after the decision for confiscating the property benefit comes into effect, and if within three months from the day the decision with which his claim was determined comes into effect he requests the settling of the confiscated value.

Article 100-a

(1) Nobody can keep or adopt the objects that have occurred through a commission of a crime.
(2) Objects that were intended or have been used to commit a crime shall be confiscated from the offender, regardless of whether they belong to the offender or to a third party, if this is required by the interest of general safety, health of the people or moral reasons.
(3) The objects used or intended to be used to commit a crime may be confiscated if there is a threat that they may be used to commit another crime. Objects, which are the property of a third party, shall not be confiscated, except if the third party knew, could have known and was obliged to know that these objects have been used or were intended to be used to commit a crime.
(4) The court shall adopt a decision to confiscate the objects within the framework of a procedure specified by law in the case when, due to factual or legal obstacles, it is impossible to conduct the criminal procedure with respect to the offender of the crime.
(5) The application of this measure does not interfere with the right of third parties to compensation of damages from the offender of the crime.
(6) Under the conditions stipulated in ratified international agreements, the objects may be returned to another country.”

Guidance: Information sought may include legislation and jurisprudence concerning the disposal of confiscated assets, including their return to their prior legitimate owner.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information sought may, in particular, include cases and total monetary value of properties
Article 57, subparagraph 3 (a)

3. In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:

(a) In the case of embezzlement of public funds or of laundering of embezzled public funds as referred to in articles 17 and 23 of this Convention, when confiscation was executed in accordance with article 55 and on the basis of a final judgment in the requesting State Party, a requirement that can be waived by the requested State Party, return the confiscated property to the requesting State Party;

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Relevant provisions are stipulated by the Law on International Cooperation in Criminal Matters:

“Confiscation of property and property benefits

Article 27

(1) The confiscation of property and property benefits in a procedure of international legal assistance shall be made in accordance with the provisions of the Criminal Code, Law on Criminal Proceedings and international agreements.

(2) The money obtained from the enforcement of the property confiscation order shall be at the disposal of the Republic of Macedonia as follows:

1) if the amount obtained from the enforcement of the confiscation order is lower than 10,000 EUR or equal to that amount, the amount shall flow into the Budget of the Republic of Macedonia, and

2) in all other cases the Republic of Macedonia shall transfer 50% of the amount obtained from the enforcement of the confiscation order to the foreign state.

(3) The other property apart from money obtained from the enforcement of the confiscation order shall be placed at disposal in one of the following ways upon decision of the domestic competent authority:

1) the property can be sold and in that case the income from the sales shall be placed at a disposal in accordance with paragraph (2) of this article, and

2) the property can be transferred to a foreign state, and if the confiscation order includes money, the property can be transferred to the foreign state when it gives its consent.”

Embezzlement, misappropriation or other diversion of property by a public official and abuse of functions are criminalized in line with articles 17 and 19 of the Convention pursuant to articles 353 – 356 of the Criminal Code.

Article 355 (Defraud in the service) incriminates intentional acquiring of an unlawful property benefit of the official person for himself/herself or for another, by submitting false bills or by deceiving the authorized person in some other way to effect an unlawful payment. The type of property which may be diverted or the actual criminal act is not specified and therefore all kinds of property and diversion are covered.

Article 354 (Embezzlement in the service) and article 356 (Use of resources for personal benefit while in service) are both related to the type of property which a person can be authorized to hold/use in service or while performing duties of service (and may be physically returned).

Article 353 criminalizes the “abuse of official position and authorization”, which covers the diversion of any kind of entrusted property committed while the perpetrator uses his/her official position or authorization, by exceeding the limits of his official authorization, or by not performing his/her official duty.

Embezzlement in the private sector is addressed in articles 354 and 355 of the Criminal Code for acts committed by “a responsible person in a legal entity”.

Article 273 incriminates Money laundering and other income from crimes. Paragraph 13 of the same article specifically stipulates seizure of the income from a punishable crime. If seizing it from the offender is not possible, other property
corresponding to its value shall be seized. Also see article 98-a (Enlarged confiscation) of the Criminal Code.

<table>
<thead>
<tr>
<th>Guidance: Information sought may include:</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ The legislative basis enabling competent authorities to return confiscated proceeds of embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity to requesting State Parties;</td>
</tr>
<tr>
<td>□ The legislative basis, if any, enabling the waiving of the requirement of a final judgement in the requesting State Party.</td>
</tr>
</tbody>
</table>

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

<table>
<thead>
<tr>
<th>Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information sought may, in particular, include cases of confiscated proceeds of embezzlement which have been returned to a requesting State Party, and information on whether (and under what circumstances) the final judgement requirement has been waived, as well as statistics. Such information may include type of assets and total monetary value of assets confiscated and returned.</td>
</tr>
</tbody>
</table>

Article 57, subparagraph 3 (b)

3. In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:

(b) In the case of proceeds of any other offence covered by this Convention, when the confiscation was executed in accordance with article 55 of this Convention and on the basis of a final judgement in the requesting State Party, a requirement that can be waived by the requested State Party, return the confiscated property to the requesting State Party, when the requesting State Party reasonably establishes its prior ownership of such
confiscated property to the requested State Party or when the requested State Party recognizes damage to the requesting State Party as a basis for returning the confiscated property;

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Relevant provisions are stipulated by the Law on International Cooperation in Criminal Matters:

“Confiscation of property and property benefits

Article 27

(1) The confiscation of property and property benefits in a procedure of international legal assistance shall be made in accordance with the provisions of the Criminal Code, Law on Criminal Proceedings and international agreements.

(2) The money obtained from the enforcement of the property confiscation order shall be at the disposal of the Republic of Macedonia as follows:

1) if the amount obtained from the enforcement of the confiscation order is lower than 10,000 EUR or equal to that amount, the amount shall flow into the Budget of the Republic of Macedonia, and

2) in all other cases the Republic of Macedonia shall transfer 50% of the amount obtained from the enforcement of the confiscation order to the foreign state.

(3) The other property apart from money obtained from the enforcement of the confiscation order shall be placed at disposal in one of the following ways upon decision of the domestic competent authority:

1) the property can be sold and in that case the income from the sales shall be placed at a disposal in accordance with paragraph (2) of this article, and

2) the property can be transferred to a foreign state, and if the confiscation order includes money, the property can be transferred to the foreign state when it gives its consent.”

Guidance: Information sought may include:

- The legislative basis and/or case law enabling the return of confiscated proceeds of any other offences under the Convention (except embezzlement) to requesting State Parties;
  
  (a) when they reasonably established their prior ownership; or

  (b) when your country recognizes damage to the requesting State party as basis for returning the property;

- The legislative basis enabling the waiving of the requirement of a final judgement in the requesting State Party.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information sought may, in particular, include cases of confiscated proceeds of any offences under the Convention other than embezzlement which have been returned to a requesting State Party, including examples of mechanisms used for the return. Such information may include type of assets and total
monetary value as well as any other statistical data available.

\textbf{Article 57, subparagraph 3 (c)}

3. In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:

\textit{(c) In all other cases, give priority consideration to returning confiscated property to the requesting State Party, returning such property to its prior legitimate owners or compensating the victims of the crime.}

2. Is your country in compliance with this provision?

Yes.

3. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Relevant provisions are stipulated by the Law on International Cooperation in Criminal Matters:

“Confiscation of property and property benefits

\textbf{Article 27}

(1) The confiscation of property and property benefits in a procedure of international legal assistance shall be made in accordance with the provisions of the Criminal Code, Law on Criminal Proceedings and international agreements.

(2) The money obtained from the enforcement of the property confiscation order shall be at the disposal of the Republic of Macedonia as follows:

1) if the amount obtained from the enforcement of the confiscation order is lower than 10,000 EUR or equal to that amount, the amount shall flow into the Budget of the Republic of Macedonia, and

2) in all other cases the Republic of Macedonia shall transfer 50% of the amount obtained from the enforcement of the confiscation order to the foreign state.

(3) The other property apart from money obtained from the enforcement of the confiscation order shall be placed at disposal in one of the following ways upon decision of the domestic competent authority:

1) the property can be sold and in that case the income from the sales shall be placed at a disposal in accordance with paragraph (2) of this article, and

2) the property can be transferred to a foreign state, and if the confiscation order includes money, the property can be transferred to the foreign state when it gives its consent.”

Related provisions of the Law on Criminal Procedure:

“\textbf{Article 53}

Victim’s rights

(1) The victim of a crime shall have the following rights:

1) to participate in the criminal procedure as an injured party by joining the criminal prosecution or for the purpose of a legal-property claim for damages;

2) to get special care and attention by the bodies and entities that participate in the criminal procedure; and

3) to get an effective psychological and other professional assistance and support by bodies, institutions and organizations that provide for help to crime victims.

(2) The police, the public prosecutor and the court shall act with special care towards the victims of criminal offenses, advising them of their rights as referred to in paragraph 1 of this Article and Articles 54 and 55 of this Law and they shall take care of their interests when making decisions for criminal prosecution of the accused, i.e. when undertaking actions during the criminal procedure when the victim has to be present in person, when they have to draft an official note or record.

(3) In accordance with the special regulations, any victim of a crime, which entails a prison sentence of at least four years, shall have the right to:

1) get a councilor paid by the state budget before giving a statement, i.e. declaration or filing the legal-property claim, if the victim has serious psycho-physical impairment or if there are serious consequences as a result of the crime; and

2) be compensated for material and non-material damages from a state fund, under conditions and in a manner as prescribed in a separate law, if the damage caused cannot be compensated from the convicted person.
Procedure for seizure of objects and forfeiture of assets and crime proceeds

Article 529

Seizure of objects

(1) Any objects that have to be seized according to the Criminal Code shall also be seized even in the event when the criminal procedure has not ended with a conviction of the defendant.

(2) The entity before which the procedure was being conducted at the moment when the procedure was completed i.e. discontinued shall enact a separate decision thereof.

(3) The decision for seizure of the objects as referred to in paragraph 1 of this Article shall be enacted by the court, even if the verdict of conviction does not provide for such a decision.

(4) A certified copy of the decision for seizure of objects shall be delivered to the owner of the objects, if known.

Article 530

General provisions on forfeiture of assets and crime proceeds

(1) Any assets and crime proceeds that originate from the crime shall be established in a criminal procedure.

(2) During the procedure, the public prosecutor shall be obliged to collect evidence and inspect all circumstances, which are important for the establishment of assets and crime proceeds and to propose any measures as referred to in Article 202, paragraph 1 of this Law.

(3) If the injured party claimed any damages in view of returning the objects obtained with the criminal offense, i.e. in view of the amount that is equivalent to the value of the objects, the crime proceeds shall be established only for the part that is not covered with the legal or property claim.

Article 531

Procedure for forfeiture of assets and crime proceeds

(1) When performing forfeiture of assets and crime proceeds, the person to whom the crime proceeds have been transferred, as well as the representative of the legal person shall be summoned to be heard during the preliminary procedure and at the main hearing. In the summons, they shall be forewarned that the procedure shall be also conducted in their absence.

(2) Any representative of a legal person shall be examined at the main hearing after the defendant. It shall be proceeded in the same manner in reference of the person to whom the crime proceeds have been transferred, if he or she has not been summoned as a witness.

(3) Any person that the property interest has been transferred to, as well as any representative of a legal person, in reference to the establishment of the crime proceeds, shall be authorized to tender evidence and upon authorization of the Presiding Judge of the Trial Chamber to question the defendant, the witnesses and expert witnesses.

(4) Any exclusion of the public from the main hearing shall not refer to the person that the assets and crime proceeds have been transferred to and to the representative of the legal person.

(5) If, during the main hearing, it is established that forfeiture of assets and crime proceeds is possible, the public prosecutor shall propose for the main hearing to be adjourned and summon the person that the assets and crime proceeds have been transferred to, as well as the representative of the legal person.

Article 534

Issuing a measure of extended forfeiture against a third party

(1) The court shall also order the measure of extended forfeiture against a third party by means of a decision under the terms prescribed in the Criminal Code, if within two years as of the day of commencement of the specific forfeiture procedure, the person cannot prove that he or she has indemnified the asset or property according to their value.

(2) The procedure for the measure of extended forfeiture shall be conducted upon a motion by the public prosecutor.

(3) The person shall have a right to file an appeal against the decision referred to in paragraph 1 of this Article within eight days, with the immediate superior court.
Article 535

Providing temporary safeguarding measures

(1) When the conditions for forfeiture or extended forfeiture of assets and crime proceeds are met, the court, upon a
motion by the public prosecutor, shall order temporary safeguarding measures as provided for in Article 194 of this Law.

(2) The court may order the measures as referred to in paragraph 1 of this Article, against third parties, who are suspected
recipients of assets and property resulting from a criminal offense, without appropriate reimbursement.

(3) One may appeal the decision of the court ordering temporary safeguarding measures, within 8 days.

(4) The immediate superior court shall rule on the appeal within a period of 8 days.”

Related provisions of the Criminal Code:

“Manner of confiscating

Article 98

(1) The direct and indirect property benefit obtained with a crime and consisting of money, movables or immovables of
certain value, as well as any other ownership, property or active, material or non-material rights shall be confiscated from
the offender, and it their confiscation is not possible other property corresponding to the value of the obtained benefit shall
be confiscated from the offender.

(2) The indirect and direct property benefit shall be as well confiscated from third parties wherefore it has been obtained by
committing the crime.

(3) The property benefit referred to in paragraph (1) shall be as well confiscated from members of the offender's family to
whom it has been transferred, should it be obvious that they have not provided any compensation corresponding to the
value of the obtained property benefit, or from third parties unless they prove that they have given counter-
compensation for the object or the property which corresponds the value of the obtained property benefit.

(4) The objects declared as cultural heritage and natural rarities, as well as those to which the damaged party is personally
attached, shall be confiscated from third parties, regardless of whether these objects have been transferred to the third
parties with or without an appropriate compensation.

(5) The confiscated goods are returned to the damaged party, and if there is no damaged party, they become the
state property.

(6) If during the criminal procedure, the damaged person is adjudged a property and legal claim, the court shall
pronounce confiscation of property benefit in case if this exceeds the amount of this claim.

Extended confiscation

Article 98-a

(1) The property obtained in the time period, determined by the court according to the case's circumstances which shall not
be longer than five years before the commission of the crime, prior to the conviction, when based on all the circumstances
the court is well asserted that the property exceeds the legal incomes of the offender and originates from such crime, shall
be confiscated from the offender of a crime committed within a criminal association wherefore a property benefit for which
an imprisonment sentence of at least four years is prescribed, as well as a crime in relation with the terrorism referred to in
Article 313, 394-a, 394-b, 394-c and 419 of this Code for which an imprisonment sentence of minimum five years or more
has been prescribed or which is related to a money laundering crime wherefore an imprisonment sentence of at least four
years is prescribed.

(2) The property referred to in paragraph (1) of this Article shall be as well confiscated from third parties for which it has
been obtained by committing the crime.

(3) The property referred to in paragraph (1) of this Article shall be as well confiscated from members of the offender's
family to which it has been transferred should it be obvious that they have not provided any compensation corresponding to
the value of the obtained property benefit, or from third parties unless they prove that they have provided counter-
compensation for the object or the property, corresponding to their value.

Article 100-a

(1) Nobody can keep or adopt the objects that have occurred through a commission of a crime.

(2) Objects that were intended or have been used to commit a crime shall be confiscated from the offender, regardless of
whether they belong to the offender or to a third party, if this is required by the interest of general safety, health of the
people or moral reasons.

(3) The objects used or intended to be used to commit a crime may be confiscated if there is a threat that they may be used
to commit another crime. Objects, which are the property of a third party, shall not be confiscated, except if the third party
knew, could have known and was obliged to know that these objects have been used or were intended to be used to commit
a crime.

(4) The court shall adopt a decision to confiscate the objects within the framework of a procedure specified by law in the
case when, due to factual or legal obstacles, it is impossible to conduct the criminal procedure with respect to the offender
of the crime.

(5) The application of this measure does not interfere with the right of third parties to compensation of damages from the
offender of the crime.

(6) Under the conditions stipulated in ratified international agreements, the objects may be returned to another country.”
Guidance: Information sought may include:

- The legislative basis enabling competent authorities to return to requesting State Parties confiscated proceeds of any other offences under the Convention, including in cases where the requesting party cannot establish prior ownership or damages;
- The legislative basis for returning such confiscated proceeds to its prior legitimate owners;
- The legislative basis or case law enabling compensation for the victims of the crime.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information sought may, in particular, include cases of confiscated proceeds of any other offences under the Convention which have been returned to a requesting State Party, the prior legitimate owners or have been used to compensate the victims of the crime. Such information may include type of assets and total monetary value of assets confiscated and total money value of assets returned as well as any statistical data.

Article 57, paragraph 2

2. Each State Party shall adopt such legislative and other measures, in accordance with the fundamental principles of its domestic law, as may be necessary to enable its competent authorities to return confiscated property, when acting on the request made by another State Party, in accordance with this Convention, taking into account the rights of bona fide third parties.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Relevant provisions are stipulated by the Law on International Cooperation in Criminal Matters:

“Confiscation of property and property benefits

Article 27

(1) The confiscation of property and property benefits in a procedure of international legal assistance shall be made in accordance with the provisions of the Criminal Code, Law on Criminal Proceedings and international agreements.

(2) The money obtained from the enforcement of the property confiscation order shall be at the disposal of the Republic of Macedonia as follows:

1) if the amount obtained from the enforcement of the confiscation order is lower than 10,000 EUR or equal to that amount, the amount shall flow into the Budget of the Republic of Macedonia, and

2) in all other cases the Republic of Macedonia shall transfer 50% of the amount obtained from the enforcement of the confiscation order to the foreign state.

(3) The other property apart from money obtained from the enforcement of the confiscation order shall be placed at disposal in one of the following ways upon decision of the domestic competent authority:

1) the property can be sold and in that case the income from the sales shall be placed at a disposal in accordance with paragraph (2) of this article, and

2) the property can be transferred to a foreign state, and if the confiscation order includes money, the property can be transferred to the foreign state when it gives its consent.”
Related provisions of the Law on Criminal Procedure:

Procedure for seizure of objects and forfeiture of assets and crime proceeds

Article 529

Seizure of objects

(1) Any objects that have to be seized according to the Criminal Code shall also be seized even in the event when the criminal procedure has not ended with a conviction of the defendant.
(2) The entity before which the procedure was being conducted at the moment when the procedure was completed i.e. discontinued shall enact a separate decision thereof.
(3) The decision for seizure of the objects as referred to in paragraph 1 of this Article shall be enacted by the court, even if the verdict of conviction does not provide for such a decision.
(4) A certified copy of the decision for seizure of objects shall be delivered to the owner of the objects, if known.
(5) The owner of the objects shall have a right to appeal against the decision as referred to in paragraphs 2 and 3 of this Article, due to lack of legal grounds for the seizure of the objects. If the decision as referred to in paragraph 2 of this Article was not passed by the court, the appeal shall be ruled on by the Trial Chamber referred to in Article 25, paragraph 5 of this Law, of the court that was competent for adjudicating in the first instance.

Article 530

General provisions on forfeiture of assets and crime proceeds

(1) Any assets and crime proceeds that originate from the crime shall be established in a criminal procedure.
(2) During the procedure, the public prosecutor shall be obliged to collect evidence and inspect all circumstances, which are important for the establishment of assets and crime proceeds and to propose any measures as referred to in Article 202, paragraph 1 of this Law.
(3) If the injured party claimed any damages in view of returning the objects obtained with the criminal offense, i.e. in view of the amount that is equivalent to the value of the objects, the crime proceeds shall be established only for the part that is not covered with the legal or property claim.

Article 531

Procedure for forfeiture of assets and crime proceeds

(1) When performing forfeiture of assets and crime proceeds, the person to whom the crime proceeds have been transferred, as well as the representative of the legal person shall be summoned to be heard during the preliminary procedure and at the main hearing. In the summons, they shall be forewarned that the procedure shall be also conducted in their absence.
(2) Any representative of a legal person shall be examined at the main hearing after the defendant. It shall be proceeded in the same manner in reference of the person to whom the crime proceeds have been transferred, if he or she has not been summoned as a witness.
(3) Any person that the property interest has been transferred to, as well as any representative of a legal person, in reference to the establishment of the crime proceeds, shall be authorized to tender evidence and upon authorization of the Presiding Judge of the Trial Chamber to question the defendant, the witnesses and expert witnesses.
(4) Any exclusion of the public from the main hearing shall not refer to the person that the assets and crime proceeds have been transferred to and to the representative of the legal person.
(5) If, during the main hearing, it is established that forfeiture of assets and crime proceeds is possible, the public prosecutor shall propose for the main hearing to be adjourned and summon the person that the assets and crime proceeds have been transferred to, as well as the representative of the legal person.

Article 534

Issuing a measure of extended forfeiture against a third party

(1) The court shall also order the measure of extended forfeiture against a third party by means of a decision under the terms prescribed in the Criminal Code, if within two years as of the day of commencement of the specific forfeiture procedure, the person cannot prove that he or she has indemnified the asset or property according to their value.
(2) The procedure for the measure of extended forfeiture shall be conducted upon a motion by the public prosecutor.
(3) The person shall have a right to file an appeal against the decision referred to in paragraph 1 of this Article within eight days, with the immediate superior court.
Article 535
Providing temporary safeguarding measures
(1) When the conditions for forfeiture or extended forfeiture of assets and crime proceeds are met, the court, upon a motion by the public prosecutor, shall order temporary safeguarding measures as provided for in Article 194 of this Law.
(2) The court may order the measures as referred to in paragraph 1 of this Article, against third parties, who are suspected recipients of assets and property resulting from a criminal offense, without appropriate reimbursement.
(3) One may appeal the decision of the court ordering temporary safeguarding measures, within 8 days.
(4) The immediate superior court shall rule on the appeal within a period of 8 days."

Related provisions of the Criminal Code:
“Manner of confiscating
Article 98
(1) The direct and indirect property benefit obtained with a crime and consisting of money, movables or immovables of certain value, as well as any other ownership, property or active, material or non-material rights shall be confiscated from the offender, and it their confiscation is not possible other property corresponding to the value of the obtained benefit shall be confiscated from the offender.
(2) The indirect and direct property benefit shall be as well confiscated from third parties wherefore it has been obtained by committing the crime.
(3) The property benefit referred to in paragraph (1) shall be as well confiscated from members of the offender's family to whom it has been transferred. should it be obvious that they have not provided any compensation corresponding to the value of the obtained property benefit, or from third parties unless they prove that they have given counter-compensation for the object or the property which corresponds the value of the obtained property benefit.
(4) The objects declared as cultural heritage and natural rarities, as well as those to which the damaged party is personally attached, shall be confiscated from third parties, regardless of whether these objects have been transferred to the third parties with or without an appropriate compensation.
(5) The confiscated goods are returned to the damaged party, and if there is no damaged party, they become the state property.
(6) If during the criminal procedure, the damaged person is adjudged a property and legal claim, the court shall pronounce confiscation of property benefit in case if this exceeds the amount of this claim.

Extended confiscation
Article 98-a
(1) The property obtained in the time period, determined by the court according to the case's circumstances which shall not be longer than five years before the commission of the crime, prior to the conviction, when based on all the circumstances the court is well asserted that the property exceeds the legal incomes of the offender and originates from such crime, shall be confiscated from the offender of a crime committed within a criminal association wherefore a property benefit for which an imprisonment sentence of at least four years is prescribed, as well as a crime in relation with the terrorism referred to in Article 313, 394-a, 394-b, 394-c and 419 of this Code for which an imprisonment sentence of minimum five years or more has been prescribed or which is related to a money laundering crime wherefore an imprisonment sentence of at least four years is prescribed.
(2) The property referred to in paragraph (1) of this Article shall be as well confiscated from third parties for which it has been obtained by committing the crime.
(3) The property referred to in paragraph (1) of this Article shall be as well confiscated from members of the offender's family to which it has been transferred should it be obvious that they have not provided counter-compensation corresponding to its value, or from third parties unless they prove that they have provided counter-compensation for the object or the property, corresponding to their value.

Article 100-a
(1) Nobody can keep or adopt the objects that have occurred through a commission of a crime.
(2) Objects that were intended or have been used to commit a crime shall be confiscated from the offender, regardless of whether they belong to the offender or to a third party, if this is required by the interest of general safety, health of the people or moral reasons.
(3) The objects used or intended to be used to commit a crime may be confiscated if there is a threat that they may be used to commit another crime. Objects, which are the property of a third party, shall not be confiscated, except if the third party knew, could have known and was obliged to know that these objects have been used or were intended to be used to commit a crime.
(4) The court shall adopt a decision to confiscate the objects within the framework of a procedure specified by law in the case when, due to factual or legal obstacles, it is impossible to conduct the criminal procedure with respect to the offender of the crime.
(5) The application of this measure does not interfere with the right of third parties to compensation of damages from the offender of the crime.
(6) Under the conditions stipulated in ratified international agreements, the objects may be returned to another country.”

Guidance: You may wish to refer to any relevant information provided on article 53, subparagraph (c) and article 55, paragraph 9 of the Convention in the present self-assessment report.

Information may, in particular, include the following:
- The legal basis enabling competent authorities to return confiscated assets to other State Parties;

- The legal basis enabling competent authorities to take into account the rights of bona fide third parties in doing so.
3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

**Guidance:** Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information sought may, in particular, include cases, total monetary value of properties confiscated and amounts which have been returned upon the request of another State Party, taking into account the rights of bona fide third parties.

**Article 57, paragraph 4**

4. Where appropriate, unless States Parties decide otherwise, the requested State Party may deduct reasonable expenses incurred in investigations, prosecutions or judicial proceedings leading to the return or disposition of confiscated property pursuant to this article.

1. Is your country in compliance with this provision?

Yes

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

In accordance with the Macedonian legislation, the requested State Party may deduct reasonable expenses incurred in investigations, prosecutions or judicial proceedings leading to the return or disposition of confiscated property pursuant to this article.

Relevant provisions are stipulated by the Law on International Cooperation in Criminal Matters, as follows:

<table>
<thead>
<tr>
<th>Costs</th>
<th>Article 13</th>
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<tbody>
<tr>
<td>The costs incurred during the actions upon the letter rogatory or the request shall be borne by the Republic of Macedonia if those costs were incurred on its territory unless otherwise stipulated by an international agreement or by this law.</td>
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<table>
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<tr>
<th>Confiscation of property and property benefits</th>
<th>Article 27</th>
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<tbody>
<tr>
<td>(1) The confiscation of property and property benefits in a procedure of international legal assistance shall be made in accordance with the provisions of the Criminal Code, Law on Criminal Proceedings and international agreements.</td>
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<tr>
<td>(2) The money obtained from the enforcement of the property confiscation order shall be at the disposal of the Republic of Macedonia as follows:</td>
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</tr>
<tr>
<td>1) if the amount obtained from the enforcement of the confiscation order is lower than 10,000 EUR or equal to that amount, the amount shall flow into the Budget of the Republic of Macedonia, and</td>
<td></td>
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<tr>
<td>2) in all other cases the Republic of Macedonia shall transfer 50% of the amount obtained from the enforcement of the confiscation order to the foreign state.</td>
<td></td>
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<tr>
<td>(3) The other property apart from money obtained from the enforcement of the confiscation order shall be placed at disposal in one of the following ways upon decision of the domestic competent authority:</td>
<td></td>
</tr>
<tr>
<td>1) the property can be sold and in that case the income from the sales shall be placed at a disposal in accordance with paragraph (2) of this article, and</td>
<td></td>
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<tr>
<td>2) the property can be transferred to a foreign state, and if the confiscation order includes money, the property can be transferred to the foreign state when it gives its consent.</td>
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<table>
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<tr>
<th>Notification about costs</th>
<th>Article 49</th>
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<tbody>
<tr>
<td>(1) The costs for the criminal proceeding determined by the foreign competent authority shall be added to the costs incurred within the criminal proceedings conducted before the domestic competent authority. The costs of the foreign competent authority shall not be reimbursed.</td>
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</tr>
<tr>
<td>(2) In case of assignment of criminal prosecution to a foreign state, the domestic judicial authority shall notify the foreign competent authority about the costs incurred within the criminal proceeding before the domestic judicial authorities which shall not request a reimbursement of those costs.</td>
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</tr>
</tbody>
</table>
Guidance: Information sought may also include the legislative basis providing for States parties to deduct reasonable expenses incurred in investigations, prosecutions or judicial proceedings prior to return or disposition of confiscated property.

If your country does not deduct reasonable expenses, please clarify the rationale behind this decision.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Guidance: Such examples may include jurisprudence, asset sharing agreements, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to implement this provision in practice.

Information sought may, in particular, include cases in which expenses incurred have been deducted or not deducted, and the amount of such expenses.

Article 57, paragraph 5

5. Where appropriate, States Parties may also give special consideration to concluding agreements or mutually acceptable arrangements, on a case-by-case basis, for the final disposal of confiscated property.

1. Is your country in compliance with this provision?

Yes.
2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Law on International Cooperation in Criminal Matters regulates the manner of communicating, as follows:

“Ways of communication

Article 6

(1) The domestic competent authority shall send a letter rogatory for international legal assistance (herein after referred to as: letter rogatory) or a request for international cooperation in criminal matters (herein after referred to as: request) to the foreign competent authorities according to the provisions of this Law.

(2) The letter rogatory or the request by the foreign competent authority shall be sent in writing through the Ministry of Justice (herein after referred to as: the Ministry).

(3) The domestic competent authority shall send the letter rogatory or the request directly to the foreign competent authority in terms of mutuality or if provided for by an international agreement, and a copy of the letter rogatory or the request shall be sent to the Ministry as well.

(4) Referring to paragraph 3 of this article, in case of emergency the letter rogatory or the request shall be sent through the channels of the international police cooperation, and a copy of the letter rogatory or the request shall be sent to the Ministry.

(5) If an international agreement does not exist or if under the international agreement a diplomatic way of communication is not provided, the Ministry shall send the letter rogatory or the request using the diplomatic way through the Ministry of Interior.

(6) The letter rogatory or the request can be received electronically or through another way of telecommunication for which a record shall be kept, and the original shall be sent through a regular mail.”

The Republic of Macedonia gives special consideration to concluding agreements or mutually acceptable arrangements, on a case-by-case basis, for the final disposal of confiscated property.

Please see annexes:
List - bilateral agreements on international legal assistance
List - signed international conventions on mutual legal assistance

Guidance: Information sought may include examples of concluded agreement(s), arrangement(s) or other measure(s) for the final disposal of confiscated property.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Guidance: Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information sought may, in particular, include cases, statistical or other information on recent cases in which such agreements or arrangements were applied. Case examples could also include cases where the country shared jurisdiction over the confiscated assets with another States Party and allowed the other State Party to effect the asset return.

Technical assistance

1. Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Guidance: Required actions could include the passing of a law and a time frame to do this. Related challenges could include inter-agency coordination, specificities in the legal system, competing priorities, limited capacity (e.g. technological, institutional, other), limited resources for implementation (e.g. human, financial, other), lack of a policy framework, and limited expertise and skills. In describing these issues, please be as specific as possible.
2. Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

No assistance would be required

**Guidance:** Please tick this box if you do not require any technical assistance in the implementation of the article under review.

Legislative assistance: Please describe the type of assistance

**Guidance:** The forms of legislative assistance should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of legislative assistance might include e.g. model arrangements and agreements, legal drafting and/or advisory support.
Institution-building: Please describe the type of assistance

**Guidance:** The forms of institution-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article, including domestic coordination issues. Specific forms of assistance in the area of institution-building might include e.g. summary of good practices and lessons learned, model arrangements and agreements, on-site assistance by a relevant expert and/or mentoring, as well as the development of an action plan for implementation.

Policymaking: Please describe the type of assistance

**Guidance:** The forms of policymaking should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of policymaking might include e.g. summary of good practices and lessons learned, sensitization of decision-making bodies, on-site assistance by a relevant expert and/or mentoring.

Capacity-building: Please describe the type of assistance

**Guidance:** The forms of capacity-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of capacity-building might include e.g. case-related assistance, on-site assistance by a relevant expert and/or mentoring, strengthening the operational and/or institutional capacities of relevant authorities through training and online learning, development of an action plan for implementation.

Research/data-gathering and analysis: Please describe the type of assistance

**Guidance:** The forms of research, data-gathering and analysis should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of research, data-gathering and analysis might include e.g. expert advice on data-gathering and storage systems, statistical advice or sample studies.

Facilitation of international cooperation with other countries: Please describe the type of assistance

**Guidance:** The forms of facilitation of international cooperation with other countries should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of facilitation of international cooperation might include e.g. case-related assistance, model legislation or model treaties.

Others: Please specify

3. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.
Article 59. Bilateral and multilateral agreements and arrangements

States Parties shall consider concluding bilateral or multilateral agreements or arrangements to enhance the effectiveness of international cooperation undertaken pursuant to this chapter of the Convention.

1. Is your country in compliance with this provision?

Yes.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Republic of Macedonia is a party to a large number of bilateral and multilateral agreements on international cooperation in civil and criminal matters.

Please see annexes:
List - agreements as of before the independency
List - bilateral agreements on international legal assistance
List - signed international conventions on mutual legal assistance

Guidance: You may wish to refer to any relevant information provided on article 46, paragraph 30 and article 48, paragraph 2 of the Convention in your previous self-assessment report. You may also wish to refer to article 62, paragraph 4 of the Convention in describing measures taken by your country.

Information sought may include the number and the text of any standing agreements signed by your country.

If your country has considered, but not adopted, any measures to implement this provision, please describe these measures and the process in which they were considered.

3. Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Guidance: You may wish to refer to any relevant information provided on article 46, paragraph 30 and article 48, paragraph 2 of the Convention in your previous self-assessment report or Article 62 (4) of the Convention. Such examples may include any bilateral and multilateral agreements and arrangements aimed at enhancing the effectiveness of international cooperation undertaken pursuant to this chapter, jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to implement this provision in practice.

Information sought may also include cases, statistical or other information on recent cases in which such bilateral or multilateral agreements or arrangements were applied.
Technical assistance

1. Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

**Guidance:** Required actions could include the passing of a law and a time frame to do this. Related challenges could include inter-agency coordination, specificities in the legal system, competing priorities, limited capacity (e.g. technological, institutional, other), limited resources for implementation (e.g. human, financial, other), lack of a policy framework, and limited expertise and skills. In describing these issues, please be as specific as possible.

2. Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

**No assistance would be required**

**Guidance:** Please tick this box if you do not require any technical assistance in the implementation of the article under review.

**Legislative assistance: Please describe the type of assistance**

**Guidance:** The forms of legislative assistance should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of legislative assistance might include e.g. model arrangements and agreements, legal drafting and/or advisory support.

**Institution-building: Please describe the type of assistance**

**Guidance:** The forms of institution-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article, including domestic coordination issues. Specific forms of assistance in the area of institution-building might include e.g. summary of good practices and lessons learned, model arrangements and agreements, on-site assistance by a relevant expert and/or mentoring, as well as the development of an action plan for implementation.

**Policymaking: Please describe the type of assistance**

**Guidance:** The forms of policymaking should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of policymaking might include e.g. summary of good practices and lessons learned, sensitization of decision-making bodies, on-site assistance by a relevant expert and/or mentoring.
Capacity-building: Please describe the type of assistance

**Guidance:** The forms of capacity-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of capacity-building might include e.g. case-related assistance, on-site assistance by a relevant expert and/or mentoring, strengthening the operational and/or institutional capacities of relevant authorities through training and online learning, development of an action plan for implementation.

Research/data-gathering and analysis: Please describe the type of assistance

**Guidance:** The forms of research, data-gathering and analysis should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of research, data-gathering and analysis might include e.g. expert advice on data-gathering and storage systems, statistical advice or sample studies.

Facilitation of international cooperation with other countries: Please describe the type of assistance

**Guidance:** The forms of facilitation of international cooperation with other countries should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of facilitation of international cooperation might include e.g. case-related assistance, model legislation or model treaties.

Others: Please specify

3. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

**Guidance:** If you are receiving or have received such assistance, please provide details, including on the assistance provider, description of core objectives, duration, budget, results and impact. Please include information on technical assistance being provided in the most generic way so as to also capture projects that do not directly fit into the anti-corruption category but that address aspects relevant for the implementation of the Convention against Corruption. Please also indicate whether the extension and/or expansion of such assistance would help your country to adopt the measure(s) described in the article under review.