

**LAW ON PREVENTION OF CORRUPTION AND CONFLICT OF INTERESTS**  
**(“Official Gazette of the Republic of Macedonia” No. 12/19)**

**Chapter One**  
GENERAL PROVISIONS

**Purpose of the Law**

**Article 1**

(1) This Law shall regulate the measures and activities for prevention of corruption in the exercise of power, public authorizations, official duty and politics, measures and activities for prevention of conflict of interests, measures and activities for prevention of corruption in undertaking activities of public interest by legal entities related to execution of public authorizations.

(2) The State Commission for Prevention of Corruption shall be competent for the application of the measures and activities referred to in paragraph (1) of this Article.

**Definition of corruption and conflict of interests**

**Article 2**

(1) Corruption, in terms of this Law, shall mean misuse of office, public authorization, official duty or position for the purpose of gaining benefit, directly or by means of an intermediary, for oneself or others.

(2) The term corruption in a sense of this Law, includes the terms of:

Passive corruption - intentional action of a public official who directly or through an intermediary of a public official who, directly or through an intermediary, requests or receives advantages of any kind, for himself or for a third party, or accepts a promise of such an advantage, to act or to refrain from acting in accordance with his/her duty or to exercise his/her duties in a way that is in contrary to his/her official duties.

Active corruption - intentional action of a person who directly or through an intermediary, promises or gives an advantage of any kind to a public official for himself or for a third party for him to act or to refrain from acting in accordance with his duty or in the exercise of his functions in a way which damages or to exercise his/her duties in a way that is in contrary to his/her official duties.

(3) A conflict of interests presents a state where the official person has a private interest which influences or can influence on his/her impartial exercise of his/her public authorizations or official duties.

**Principle of legality**

**Article 3**

(1) Everyone shall be obliged to act in compliance with the Constitution and the laws while exercising the office, public authorizations and official duty.

(2) No one must use the office, public authorization, official duty and position to commit or omit an action which, by law, must not be performed or must be performed, nor to subject the enforcement of a legal action to one's own personal interest or other person's interest.

(3) No one can be held liable for corruption except in the cases and under the conditions stipulated by this Law, the Criminal Code and other law, and in a procedure set forth by law.

**Principle of integrity**

**Article 4**

(1) Everyone shall be obliged to act conscientiously, professionally, responsibly, honestly, efficiently and impartially in the exercise of the office, public authorization and official duty.

(2) The official in the performance of public authorizations and duties shall be obligated to respect the

principle of legality, the principle of equality, the principle of publicity, the ethical norms and the professional standards, without discrimination or privilege of any with full respect of the public interest.

(3) The official person in the performance of his/her function shall be obliged to take care of eventual conflict of interest and in the exercise of his/her public authorizations and duties he/she may not be guided by personal, family, religious, political parties and ethnic interests, pressures and promises from the superiors or another person.

### **Principle of equality**

#### **Article 5**

(1) Everyone shall have the right to equal access to performance of activities of public interest and to equal treatment by holders of power, persons exercising public authorizations and official duties.

(2) Everyone shall have the right to free participation to the market and to free competition without fearing that he/she might be a victim of monopolistic or discriminatory behaviour.

(3) Everyone, without suffering any consequences, shall have the right to prevent or to report corruption or exercising or omission of actions that represent misuse of office, public authorizations, official duty and position with aim to cause damage to others.

### **Principle of publicity**

#### **Article 6**

(1) The exercise of power, office, public authorizations, official duties and public interest activities, shall be public and subject to public control.

(2) No one can invoke the application of a law or other regulation which limits or excludes the public in order to conceal corruption or conflict of interests.

### **Principle of protection and liability**

#### **Article 7**

(1) Everyone has the right to report suspicion or cognizance of corruption and to be protected pursuant to the law.

(2) Everyone being damaged by an act of corruption shall have the right to require compensation for the damage and lost profit, according to the principles of joint liability by the person that has committed the corruption, as well as by the legal entity where the perpetrator of the corruption act has been holding an office or has been performing a duty at the time of committing the act.

(3) The right referred to in paragraph (2) of this Article can be exercised when the act of corruption has been ascertained by a legally valid court decision.

### **Meaning of the terms used in this Law**

#### **Article 8**

(1) For determining the meaning of the terms elected or appointed person, legal entity, responsible person into a legal entity and a person performing public interest activities, the provisions on the meaning of the terms from the Criminal Code shall be applied.

(2) The term "official person" shall mean all elected or appointed persons and public sector employees.

(3) The term "family" in a context of this law shall mean a spouse, an extra - marital partner, children, parents, brothers and sisters and other relatives with whom the person from paragraph (1) of this article lives in a common household.

(4) The term "close persons" refers to persons in a marital or extra-marital union with the official person, blood relatives in a straight line and in the side-line to the fourth degree, the affinitive relatives to the second degree, as well as any physical or legal person with whom the official person has a financial interest.

(5) The term "benefit" means realization of any kind of material or non-material benefit, convenience or advantage for himself/herself or for another.

(6) The term "corruption risk" means any kind of internal or external weakness or a process that may

constitute an opportunity for occurrence of corruption within state bodies, public enterprises and other public sector institutions, which includes issues of conflict of interests, incompatibility of functions, receipt of gifts and other illicit payments, lobbying, lack of whistle-blower protection system, fraud, inappropriate use of powers, discretionary authorizations, financing of political parties and campaigns against the law, trading and unauthorized use of information, transparency of procedures and documents and other issues relevant for the integrity.

(7) The term "integrity" means legal, independent, impartial, ethical, responsible and transparent performing of activities with which official persons protect their reputation and the reputation of the institution they are responsible for, i.e. are employed in, remove risks and remove the suspicions for possibilities of occurring and development of corruption and thus they provide confidence of the citizens in the performing of the public functions and in the work of the public institutions.

(8) The term "public interest" means protection of basic freedoms and human rights recognized by the international law and determined by the Constitution of the Republic of Macedonia, prevention of risks for health, defense and security, protection of environment and nature, protection of property and freedom of market and entrepreneurship, rule of law and prevention of crime and corruption.

(9) The term "public authorization" means authorization to natural or legal person, given by the state or local government, to perform activities of public interest.

(10) The term "official duty" means the sum of obligations that a person is obligated to undertake and which derive from the performance of a certain function or profession or the official position of the person.

(11) The term "administrative matters" means professional-administrative, normative-legal, statistical, planning, IT, personnel, material, financial, accounting, informative and other matters of an administrative nature.

## **Chapter Two**

### **STATE COMMISSION FOR PREVENTION OF CORRUPTION**

#### **Status and composition**

#### **Article 9**

(1) The State Commission for Prevention of Corruption (hereinafter referred to as the State Commission) is autonomous and independent in the performance of the competences determined by this Law and shall have the capacity of a legal entity.

(2) The State Commission shall consist of a president and six members.

(3) The State Commission has a Secretariat which performs administrative matters in the competence of the State Commission (hereinafter: the Secretariat).

(4) The Secretariat shall be headed by the Secretary General.

#### **Election and appointment of the President and members of the State Commission**

#### **Article 10**

(1) The President and the members of the State Commission shall be appointed by the Assembly of the Republic of Macedonia for a period of five years, without a right to repeated election. The person who performed the function of a President of the Commission or a member of the Commission in one term may not be elected for a President nor for a member of the State Commission.

(2) The President and the members of the State Commission shall be elected at a public announcement, published by the Assembly of the Republic of Macedonia in accordance with this law.

(3) The President and members of the State Commission from among the members of the State Commission elect the Deputy Chairman of the State Commission by a majority of votes out of the total composition of the State Commission, on the principle of rotation every six months.

(4) In a case of termination of function of a President or member of the State Commission before the expiration of the term, new President or a member of the State Commission shall be elected for a five years term.

## **Terms of appointment of the President and members of the State Commission**

### **Article 11**

(1) A person who meets the following conditions may be appointed as a President of the State Commission:

- a) to be a citizen of the Republic of Macedonia and have a permanent place of residence in the Republic of Macedonia;
- b) to have legal capacity,
- c) to have a university degree with 300 ECTS credits obtained or VII/1 level of education in the field of legal sciences or university education with 240 ECTS credits obtained or VII/1 level of education in the area of political, communicology or economy sciences;
- d) to have at least ten years of working experience out of which at least eight years of experience after graduation, in the field of detection or prevention of corruption, rule of law or good governance;
- e) prohibition of performing of profession, activity or duty not to be pronounced;
- f) not to be MP, a member of the Government of the Republic of Macedonia and not to be a donor or have performed function in political party organs in the last ten years;
- g) has not utilized the right stipulated in the Article 10 paragraph 1 of this law.

(2) A member of the State Commission may be appointed a person who meets the following conditions:

- a) to be a citizen of the Republic of Macedonia and have a permanent place of residence in the Republic of Macedonia;
- b) to have legal capacity,
- c) to have a university degree with 300 ECTS credits obtained or VII/1 level of education in the field of legal sciences or university education with 240 ECTS credits obtained or VII/1 level of education in the area of political, communicology or economy sciences;
- d) to have at least ten years of working experience out of which at least six years of experience after graduation, in the field of detection or prevention of corruption, rule of law or good governance;
- e) prohibition of performing of profession, activity or duty not to be pronounced;
- f) not to be MP, a member of the Government of the Republic of Macedonia and not to be a donor or have performed function in political party organs in the last ten years;
- g) has not utilized the right stipulated in the Article 10 paragraph 1 of this law.

## **Procedure for election of the President and the members of the State Commission**

### **Article 12**

(1) The procedure for election of the President and the members of the State Commission shall begin three months before the expiry of the mandate of the existing President and members of the State Commission.

(2) In case of termination of the mandate or dismissal of term of the president or member of the State Commission before the expiration of the term, the Assembly of the Republic of Macedonia shall start procedure for election of a new president or member of the State Commission within 10 days from the termination of the term.

(3) The procedure for election of the president and members of the State Commission starts with the publication of the public announcement for election of the president and members of the State commission and it is conducted by the Committee on Election and Appointment Issues of the Assembly of the Republic of Macedonia.

(4) The Assembly of the Republic of Macedonia publishes announcements referred to in paragraph (3) of this Article in the "Official Gazette of the Republic of Macedonia" and in at least three daily newspapers issued on the entire territory of the Republic of Macedonia, two of which are newspapers that are issued in Macedonian language and one is in the language spoken by at least 20% of the citizens who speak an

official language other than the Macedonian language. The announcement is also published on the website of the Assembly of the Republic of Macedonia and of the State Commission.

(5) The deadline for submission of applications for the announcement referred to in paragraph (3) of this Article lasts 10 days from the day of the publication of the announcement in the "Official Gazette of the Republic of Macedonia".

(6) The Committee on Election and Appointment Issues of the Assembly of the Republic of Macedonia within 10 days from publishing of the announcement from paragraph (3) of this article establishes Committee for selection of the president and members of the State Commission (hereinafter: Selection Committee).

(7) The Selection Committee is composed of seven members:

- one member nominated by the Ombudsman;
- representative of the NGOs appointed in the Council for cooperation between Government and civic sector in the field of Democracy and rule of law;
- representative of NGOs appointed for member of the Council for cooperation between the Government and civic sector in the field of Media and IT;
- two MPs from the ruling coalition and
- two MPs from the opposition.

(8) Administrative support of the Selection Committee is given by the organizational unit of the Administration of the Assembly which gives support to the working bodies of the Assembly of the Republic of Macedonia.

(9) Within 3 days from the expiration of the deadline for application referred to in paragraph (5) of this Article, the Selection Committee shall check the fulfilment of the conditions referred to in Article 11 of this law, and shall establish a list of candidates who applied with data on which candidates fulfil the conditions.

(10) The list referred to in paragraph (9) of this Article shall be fully published on the web site of the Assembly of the Republic of Macedonia, with data on the fulfilment of the conditions referred to in the Article 11 of this Law, immediately or within 1 day from the day of its establishing at the latest.

(11) Within five days from the establishing of the list referred to in paragraph (6) of this Article, interview shall be organized for the candidates who fulfil the conditions referred to in the Article 11 of this Law (hereinafter referred to as: the interview) which shall be transmitted to the Assembly television Channel. If any of the candidates does not appear for the interview, it shall be considered that he/she has withdrawn the application for president or member of the State Commission.

(12) The term for holding the interview shall be published on the web site of the Assembly of the Republic of Macedonia on the day of the publishing of the list referred to in paragraph (9) of this Article.

(13) The interview shall be conducted by the Selection Committee on public session of the Committee of the Election and Appointment Issues of the Assembly of the Republic of Macedonia.

(14) The manner of carrying out the interview, evaluation and ranking of the candidates shall be determined by an act adopted by the Assembly of the Republic of Macedonia.

(15) At the same time with the publishing of the announcement referred to in paragraph (3) of this Article, an invitation to the Ombudsman, the Macedonian Academy of Sciences and Arts and the Interuniversity Conference shall be published on the web site of the Assembly of the Republic of Macedonia to nominate their representatives who will participate at the interview within 10 days after the announcement of the invitation.

(16) At the same time with the publication of the announcement referred to in paragraph (3) of this Article, a call shall be made to the associations of journalists and other associations and foundations on the web site of the Assembly of the Republic of Macedonia to participate at the interview, in accordance with paragraph (17) of this Article. The deadline for applying at the call is 10 days from the date of its publication.

(17) All associations of journalists established in accordance with the law, or registered for more than five years, and all associations or foundations registered in accordance with the law and with experience of at least five years in the field of prevention of corruption, rule of law or good governance shall have

the right to apply to the call and participate in the interview, with one representative for whom they submit identification data.

(18) Apart from the MPs in the Assembly of the Republic of Macedonia, the representatives registered or nominated in accordance with paragraphs (15) and (19) of this Article shall have a right to ask questions to the candidates for president or members of the State Commission during the interview and after the end of the interview the same day.

(19) Within three days from the completion of the interview, the Selection Committee determines a rank-list of the candidates in accordance with the criteria determined in the act from paragraph (14) of this article, and submits it to the Committee for Elections and Appointment Issues of the Assembly of the Republic of Macedonia, which within two days proposes the best ranked candidates to the Assembly of the Republic of Macedonia in a single proposal list for president and members of the State Commission, with an explanation for each of the proposed candidates.

(20) If the Committee on Election and Appointment Issues of the Assembly of the Republic of Macedonia does not establish the list referred to in paragraph (19) of this Article within the stipulated deadline, the Assembly discusses and votes individually for each of the candidates that fulfil the conditions in accordance with the ranking list prepared by the Selection Committee.

(21) If the Assembly does not elect a president and members of the State Commission, the selection procedure shall be entirely repeated with publishing of an announcement immediately, and not later than 10 days.

(22) The principle of adequate and equitable representation and the principle of equal gender representation shall be taken into account in the procedure for electing a president and members of the State Commission.

(23) The candidates for president or a member of the State Commission who consider that the provisions of Articles (10), (11) and (12) of this Law are violated in the procedure for election of a president or a member of the State Commission are entitled to a complaint to the Administrative court. The procedure before the Administrative Court is urgent.

### **Status of the President and members of the State Commission**

#### **Article 13**

(1) The President and the members of the State Commission shall have a capacity of an appointed person.

(2) The President and the members of the State Commission shall perform their function professionally and in full working time.

(3) The function of a President and a member of a State Commission is incompatible with other public function, profession and a function in a political party.

(4) The salary of the President of the State Commission shall be determined by the coefficient for determining the salary of the Vice-President of the Assembly of the Republic of Macedonia, stipulated by the law determining the salaries of the elected and appointed persons.

(5) The salary of the member of the State Commission shall be determined by the coefficient for determining the salary of a Member of the Parliament of the Republic of Macedonia, stipulated by the law determining the salaries of the elected and appointed persons.

### **Termination of the mandate and dismissal of the President and members of the State Commission**

#### **Article 14**

(1) The function of the President and the member of the State Commission shall terminate before the expiration of the mandate in the following cases:

- if he/she resigns;
- if he/she permanently loses the ability to perform the function, which is determined by the Assembly of the Republic of Macedonia;
- if he / she has been convicted with an effective (final) court verdict for a criminal offense of

unconditional imprisonment of at least six months; or

- if he/she dies.

(2) In the cases referred to in paragraph (1) of this Article, the Assembly of the Republic of Macedonia shall declare termination of the function.

(3) The Assembly of the Republic of Macedonia shall dismiss the President and the member of the State Commission prior to the expiration of the mandate, upon proposal of the Commission on Election and Appointment Issues of the Assembly of the Republic of Macedonia, if one of the following conditions is fulfilled:

- it is determined that he/she does not fulfil the requirements of Article 11 of this Law, or

- if he refuses to submit statement of assets and interests according to this law and if his statement contains gross inaccuracies;

- manifestly violates the rules of prevention of the conflict of interests or for exemption in situations in which the member or the president of the commission knew or should have known about the existence of one of the grounds for conflict of interests or exemption provided for by law.

- if without justified reasons does not respect the deadlines for performing the activities prescribed in this law, or

- unexcused absence from the work of the Commission longer than 6 months.

(4) For the existence of the conditions for termination of the function referred to in paragraph (1) of this Article and the existence of the conditions for dismissal referred to in paragraph (3) of this Article, the President of the State Commission, and in his/her absence the Deputy President of the State Commission, is obliged to notify the Assembly of the Republic of Macedonia in a period of 5 days of determination of the conditions.

(5) The Assembly may act in the cases referred to in paragraphs (1) and (3) of this Article without obtaining the notification referred to in paragraph (4) of this Article.

(6) In the event of termination of mandate or dismissal of the President of the State Commission, until the election of a new President of the State Commission, the position of President of the State Commission shall be performed by the Vice-President of the State Commission, with all the duties and powers of the President.

(7) In the case of dismissal or termination of the mandate of the President or the member of the State Commission before the expiration of the mandate, the Assembly of the Republic of Macedonia shall initiate a procedure for the election of a new president or a member of the State Commission within 10 days at the latest.

### **Rights, duties and responsibilities of the President, Vice-President and members of the State Commission**

#### **Article 15**

(1) The President of the State Commission represents the State Commission and chairs and organizes its work.

(2) In case of inability of the President of the State Commission, the State Commission shall be represented by the Vice President of the State Commission, elected in accordance with the provisions of this Law.

(3) The President and the members of the State Commission shall be accountable to the Assembly of the Republic of Macedonia for their work.

#### **Article 16**

(1) The President and a member of the State Commission, as well as the Secretary General of the Secretariat, shall submit the declarations of assets and interests referred to in Article 82 of this Law, to the State Commission in the same procedure as the persons of Article 82 paragraph (1) of this law.

(2) The provisions of this Law referring to the deadlines for filing, publishing and the procedure for checking declarations of assets and interests shall also apply to the President, the members of the State Commission and the Secretary General in the Secretariat.

(3) The procedure for checking statements of assets and interests of the President, members of the State Commission and the Secretary General in the Secretariat of the State Commission shall be conducted every year, latest by March 31 of the current year for the previous year.

(4) The State Commission shall notify the Assembly of the Republic of Macedonia about the results of the conducted procedure referred to in paragraph (3) of this Article within 10 days of the conducted procedure.

(5) The Committee on Election and Appointment Issues of the Assembly of the Republic of Macedonia shall have the right to submit a request for examination of the assets and interests of the President, a member of the State Commission or the Secretary General in the Secretariat in a case of their failure to act in accordance with Articles 82 and 85 of this Law, as well as in the case of information or suspicions for disproportionately increased property or conflict of interests.

### **Competence Article 17**

The State Commission has the following competencies:

1. adopts a national strategy for the prevention of corruption and conflicts of interest, with an action plan for its implementation;
2. conducts corruption proofing of laws, by-laws and other general acts, in accordance with the methodology it adopts;
3. acts upon reports from individuals and legal entities about suspicions for corruption and conflict of interest;
4. instigates initiatives before the competent authorities for procedure for determining liability of officials;
5. instigates initiatives for criminal prosecution in the cases in which it acts;
6. monitors the legality of the financing of the political parties;
7. monitors the legality of the financing of the election campaigns;
8. instigates initiatives before the competent authorities on the basis of reports from the State Audit Office;
9. acts in cases of conflict of interest;
10. records and monitors the assets and interests in a procedure in accordance with this Law;
11. prescribes a form of declarations of assets and interests;
12. checks the data from the declarations of assets and interests;
13. cooperates with other state authorities in providing the necessary information;
14. cooperates with national bodies of other countries, as well as with international organizations in the field of prevention of corruption;
15. exchanges information with competent bodies of other states and international organizations, on the basis of obligations undertaken with international agreements ratified in accordance with the Constitution of the Republic of Macedonia;
16. cooperates with associations, foundations, scientific institutions and the private sector in relation to the prevention of corruption and conflicts of interest;
17. prepares analyses of the risks of corruption in different sectors;
18. undertakes activities in the direction of strengthening personal and institutional integrity;
19. undertakes activities in the field of education and awareness raising on corruption and conflict of interest;
20. keeps a register of elected and appointed persons;
21. keeps a register of authorized persons for receiving disclosures from whistle-blowers, in accordance with the Law on Protection of Whistle-Blowers;
22. prepares a catalogue of gifts on the basis of data obtained in accordance with Article 58 of this Law and publishes it on its website;
23. conducts public opinion surveys to assess its own performance and the situation with the corruption;
24. adopts annual working program of the State Commission;

25. adopts a Code of Ethics of the State Commission and the Secretariat;
26. adopts Rules of Procedure of the State Commission;
27. adopts acts for internal organization and systematization of the posts in the Secretariat;
28. regularly informs the public about its work related to its competencies determined by this Law and in accordance with the Rules of Procedure of the State Commission and
29. performs other activities determined by law.

## **National Strategy for Prevention of Corruption and Conflict of Interest**

### **Article 18**

- (1) The State Commission adopts a **five-year** national strategy for preventing of corruption and conflict of interests (hereinafter: the national strategy).
- (2) The State Commission shall prepare the national strategy on the basis of a previously conducted analysis from risk of corruption.
- (3) The National Strategy shall be submitted to the Assembly of the Republic of Macedonia for adoption.
- (4) The State Commission prepares a methodology for drafting of the national strategy, before starting the process of preparation of the national strategy.
- (5) The national strategy shall be prepared with the participation of representatives of state bodies, institutions, associations, foundations, private sector and media.
- (6) The State Commission monitors the implementation of the measures from the national strategy and prepares annual reports and a final report on the implementation of the national strategy.
- (7) The State Commission shall submit the reports referred to in paragraph (6) of this Article to the Assembly of the Republic of Macedonia no later than March 31 of the current year, for the previous year.
- (8) The State Commission shall adopt a decision on amending the national strategy when on the basis of analyses or observations made by the annual reports on its implementation it will determine that it is necessary. The amendment of the national strategy shall be prepared in the procedure stipulated in paragraph (5) of this Article and shall be submitted to the Assembly of the Republic of Macedonia for adoption.
- (9) The National Strategy, the changes to the national strategy, as well as the reports referred to in paragraph (6) of this Article, shall be published on the State Commission's web-site.

## **Annual plan and annual report for the work of the State Commission**

### **Article 19**

- (1) The State Commission in the last three months of the current year adopts an annual plan for the following year for the control of political party financing and monitoring of property condition and conflicts of interest, applying an approach based on the assessment of the risk of corruption, thus having an obligation to take into account:
  - data on identified risks of corruption in accordance with the analysis of the risk of corruption referred to in Article 17, paragraph 1, item 17 of this Law,
  - data for the risk of certain categories of entities, individual entities and other available data for the entities, etc.
- (2) The State Commission for its work shall submit an annual report to the Assembly of the Republic of Macedonia no later than March 31 of the current year for the previous year. The State Commission also submits the annual report to the President of the Republic of Macedonia, the Government of the Republic of Macedonia and the mass media.
- (3) The annual report referred to in paragraph (2) of this Article shall contain in particular:
  - statistical data on cases opened, solved and cases upon which it acts in accordance with its competencies, by analysis,

- number of initiatives submitted to the public prosecutor's office and other bodies,
  - information about the institutions that have not acted upon the requests of the State Commission,
  - number of cases for which a misdemeanour procedure was initiated,
  - assessment of the implementation of this law and
  - assessment of the state of corruption and the fight against corruption in the country.
- (4) At the request of the Assembly of the Republic of Macedonia, the State Commission shall be obliged to submit a report for a period shorter than one year.
- (5) The Assembly of the Republic of Macedonia shall review and adopt the reports referred to in paragraphs (2) and (4) of this Article.

### **Secretariat of the State Commission**

#### **Article 20**

- (1) The Secretary General and the employees of the Secretariat shall have a status of administrative officials.
- (2) The Secretary General shall be elected by the State Commission by a majority of votes.
- (3) Regarding the issues related to the employment of the employees referred to in paragraph (1) of this article, the provisions of the Law on Administrative Servants, the general regulations on labour relations and this Law shall be applied.
- (4) The Secretariat enables uninterrupted implementation of the competencies of the State Commission with performing administrative matters, including monitoring of assets and interest, monitoring of the legality of the financing of the political parties and electoral campaigns, performing checks, inviting persons to give statements, issuing opinions, proposals and recommendations in competence of the State Commission according with the provisions of this law, responding to the demands for access to the information of public character, according to the Law on free access to information of public character, and on the received demands and complaints carries administrative check and the result of this check forwards to the State Commission and competent bodies for further actions.
- (5) Employees in the secretariat in the State Commission shall have the right to salary supplements for:
- special working conditions,
  - existence of high risk and
  - confidentiality.
- (6) The salary supplements referred to in paragraph (5) of this Article shall not be mutually excluding.
- (7) The total amount of the supplements referred to in paragraph (5) of this Article may not be more than 30% of the employee's basic salary.

### **Budget of the State Commission**

#### **Article 21**

- (1) The funds for performing the function of the State Commission shall be provided from the Budget of the Republic of Macedonia.
- (2) For obtaining the funding from paragraph (1) of this article, State Commission prepares proposal and submits it to the Ministry of Finance according to the Law on Budgets.
- (3) The President of the State Commission, and if he is absent Deputy-President of the State Commission, participates in the session of the working bodies of the Parliament on which the proposal of the Budget is discussed in order to present and elaborate the needs for funding from paragraph (1) of this article.

### **Chapter Three**

## **THE MANNER OF MAKING DECISIONS OF THE STATE COMMISSION**

### **Commission sessions**

#### **Article 22**

- (1) The State Commission shall bring the decisions of its competence to a session chaired by the

President of the State Commission, by the majority of votes of the total composition of the State Commission.

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

(3) The sessions of the State Commission shall be public.

(4) Notwithstanding paragraph (4) of this Article, the public may be excluded when dealing with cases containing classified information and data protected by law.

(5) In reviewing certain issues, the State Commission may request an opinion from experts or invite experts to participate in a session of the State Commission.

(6) The State Commission shall make its decisions upon cases within 60 days from the commencement of the procedure, unless otherwise stipulated by law.

(7) The decisions of the State Commission must contain an explanation and shall be published on its website within five days from the day of their adoption.

### **Acting of the State Commission**

#### **Article 23**

(1) The State Commission shall act upon its own initiative and on the basis of received reports.

(2) In order to fully determine the factual situation, the State Commission may request data and information from competent institutions, legal entities and natural persons.

(3) The responsible person at the competent institution or a person authorized by him/her, shall undertake all measures and activities for submitting the requested information and shall submit them within 15 days from the day of receiving the request by the State Commission.

(4) In case of failure to act upon the request by the competent institution within the period determined by paragraph (3) of this Article, the State Commission shall initiate misdemeanour procedure.

### **Procedure following the decision of the State Commission on violation of the provisions of the Law**

#### **Article 24**

(1) In case of determined violation of the provisions of this Law, the State Commission shall notify the body in which the official person performs public authorizations and the body competent for elections and appointments of the official person.

(2) After the receipt of notification from the State Commission on the violation referred to in paragraph (1) of this Article, the competent authority shall be obliged to notify the State Commission in writing about the undertaken measures within 60 days from the day of receiving the notification, unless otherwise stipulated by this law.

(3) The State Commission shall initiate a misdemeanour procedure if the provisions of this Law are violated.

### **Requests for data from banks and other financial institutions and access to data bases**

#### **Article 25**

(1) **Upon initiated procedure** the State Commission may request data from banks and other financial institutions **and the official person or the responsible person of the legal entity for which data are requested shall be informed thereof, immediately.**

(2) The banks and other financial institutions shall be obliged, within 15 days, to submit to the State Commission the requested data referred to in paragraph (1) of this Article.

(3) The submission of the requested data referred to in paragraph (1) of this Article shall not constitute a breach of bank secrecy.

(4) In the performance of its competencies the State Commission has access to data bases managed by other bodies and institutions, that is direct electronic access, and uses the data from the data bases at no charge from:

1. Ministry of Interior:

- data from the registration number of the ID number,
- data from the register of citizens of the Republic of Macedonia,
- data from the register of issued ID cards,
- data from the records of approvals for procurement of collector's weapons,
- data from the records of collector's weapons licenses,
- records from collectors' records,
- data from the records of seized, found, delivered weapons and ammunition,
- data records of registered motor vehicles (list of vehicles owned by a natural or legal person, list of owners of motor vehicles),
- data records for registered vessels,
- data from the register of households, etc.

2. Pension and Disability Insurance Fund of Macedonia:

- data from the records for persons insured according to the regulations on pension and disability insurance and status,
- data from the pensioner's record and pensioner's status.

3. Health Insurance Fund of Macedonia:

- data from the records of persons insured under the regulations on compulsory health insurance.

4. Public Revenue Office:

- data from the records of EMBS (Unique Entity Identification Number) and EDB (Unique Tax Number),
- data from the register of tax registry,
- data from the records on revenues from annual tax returns for individuals for personal income tax,
- data from the monthly tax returns records in relation to VAT,
- data from the records of the refund of more or wrongly collected tax,
- data from the record for VAT refund,
- data from the records on conducted tax audits and investigations,
- data from the records on registered activities that make cash payments,
- data from the records for certified accountants of legal entities.

5. Employment Agency of the Republic of Macedonia:

- data from the records of employed persons (historical M1/M2 form, employed in a particular company),
- data of the records of unemployed persons and other jobseekers,
- data from the records of foreign nationals and stateless persons employed in the Republic of Macedonia.

6. Agency for Real Estate Cadastre:

- data from the Register of Spatial Units,
- data from the register of property lists,
- data from the register of prices and leases,
- data for the movement of ownership of property.

7. Central Securities Depository AD Skopje:

- data from the Register of Securities,
- data from the register of securities holders,
- data from the register of settlement of trade transactions,
- data from the register of non-trade transfer of securities,
- data from the register of borrowed securities.

8. Data from a single register of transaction accounts - Clearing House "KIBS" AD Skopje:

- data from the registers of transaction accounts.

9. Data from credit bureau:

- data from portal MOJ.MKB.MK.

10. Central Registry of the Republic of Macedonia:

- data from the trade register and register of other legal entities,
- data from the Register of annual accounts,
- data from a pledge register,

- data from the lease register,
- data from the register of investments in real estate,
- data from the real estate rights register,
- data from the register of direct investments of residents abroad,
- data from the register of direct investments of non-residents in the Republic of Macedonia,
- data from the security register with transfer of ownership of items and transfer of rights (fiduciary register),
- data from the Register of Sales of Movable Items with Retention of the Ownership.

11. Customs Administration:

- data from records of customs declarations of a natural person,
- data of records for customs declarations of a legal entity,
- data from the records for the performed import and for the performed export,
- data from the register of excise tax bonds,
- records of a single customs document,
- data records for entered, exported foreign currencies and securities.

12. Ministry of Justice - Directorate for keeping records:

- data from birth registers,
- data from registers of marriages,
- data from the registers of deceased persons,
- data from records of parents/guardians of a certain person,
- data from kinship records.

13. Ministry of Labour and Social Policy:

- data records of persons beneficiaries of social assistance.

14. State Audit Office:

- data from records of performed audits,
- data from electronic audit management system.

15. Macedonian Stock Exchange:

- data from records contained in MB NET,
- data from records of concluded transactions, including block transactions.

16. National Bank of the Republic of Macedonia:

- data from records of international payment operations.

17. Ministry of Economy

- data from the register of concluded concession contracts.

(5) The president, the members and the employees of the State Commission who shall have access to the data bases referred to in paragraph (4) of this Article are obliged to keep them, may use them exclusively for the purposes for which they are obtained and must not reveal them to third persons contrary to a law.

### **Summoning of persons**

#### **Article 26**

(1) Upon initiated procedure and for the purpose of clarifying certain issues related to reaching a decision of its competence, the State Commission may call upon the person for whom the procedure is being conducted.

(2) The person may respond to the request referred to in paragraph (1) in person or in written by letter sent to the State Commission.

(3) If the persons referred to in paragraph (1) of this Article do not respond to the request from the invitation of the State Commission, the State Commission on the basis of other evidence at its disposal shall review the case for which the procedure is conducted.

(4) The procedure referred to in paragraph (1) of this Article shall be confidential.

### **Inspecting the documentation of public institutions and other legal entities**

### **Article 27**

In performing the activities within its competence, stipulated by this Law, the State Commission may request immediate insight in the documentation of public institutions and other legal entities.

### **Use of external experts**

#### **Article 28**

- (1) In the performance of its tasks and competences, the State Commission may use external expertise.
- (2) The natural or legal entity in charge of the expertise referred to in paragraph (1) of this Article, must not disclose, publish or share with third parties the data or information received or reported to him/her, within or in connection with the execution of his work.
- (3) Expertise prepared for the needs of the State Commission, shall be its property, and may be published on the web-site of the state Commission or otherwise delivered to the public only by the State Commission.

### **Article 29**

- (1) The competent bodies to which initiatives referred to in Article 17, indents 4, 5 and 8 of this Law are submitted, shall be obliged within 60 days to inform the State Commission about the adopted decisions regarding them.
- (2) At the request of the State Commission, the competent bodies referred to in paragraph (1) of this Article shall be obliged to provide information on the course of action following the initiatives it has started.

### **Cooperation with associations and foundations, scientific institutions and the private sector**

#### **Article 30**

In the frames of realization of their program activities that include research, analysis, trainings, informing and raising the awareness of the public and the public sector institutions and transfer of good practices, the State Commission may co-operate with associations and foundations, scientific institutions and the private sector, in the area of prevention of corruption.

## **Chapter Four**

### **PREVENTION OF CORRUPTION IN THE POLITICS**

#### **Monitoring the legality of the financing of political parties**

##### **Article 31**

- (1) In the event of a suspicion of unlawful financing of a political party, the State Commission on its own initiative or on the initiative of state authorities, political parties or associations and foundations that work in the area of prevention of corruption, rule of law or good governance, may adopt a decision on initiating a procedure for examining the financing of a political party.
- (2) The State Commission shall submit the initiative and the decision on initiating a procedure to the political party whose financing it examines with a call to declare the allegations in the initiative within 15 days from the date of its submission to the political party.
- (3) The State Commission shall be obliged within 60 days to complete the procedure to inform the person who initiated the initiative for examining the funding of a political party and to inform the public about the findings of the initiated procedure.
- (4) If it is established that the suspicion referred to in paragraph (1) of this Article is founded, the State Commission shall initiate a procedure for determining responsibility before the competent authorities.

- (5) The political parties are obliged to submit the reports for financing to the State Commission within a deadline determined in the Law on Financing of Political Parties.
- (6) The political parties are obliged to submit other data upon request of the State Commission for the purpose of carrying out its competence for conducting a procedure for monitoring the legality of the financing of political parties.

### **Monitoring the legality of financing of the election campaigns**

#### **Article 32**

- (1) In a case of suspicion for unlawful financing of an election campaign, the State Commission initiates a procedure for determining the factual situation on its own initiative or upon a complaint by an election campaign organizer or accredited observers.
- (2) The State Commission shall submit the objection referred to in paragraph (1) of this Article to the person against whom it is filed, within 24 hours from the receipt of the objection.
- (3) The person referred to in paragraph (2) of this Article may respond to the allegations in the objection within three days from the day of its receipt.
- (4) The State Commission shall be obliged, at a public session, to examine the allegations and to act upon the objection within a period of not more than five days from the day of receiving the complaint.
- (5) The State Commission decides upon the objections at a public session and is obliged, within 24 hours from the day of the scheduled public session, to publish the decision on its website. The complainant is invited and has the right to attend the public session, as well as an authorized representative of the campaign organizer against whom the complaint has been filed.
- (6) Against the decision referred to in paragraph (5) of this Article, a lawsuit shall be allowed to the Administrative Court within 24 hours from the receipt of the decision. The Administrative Court is obliged to make a decision within 48 hours from the receipt of the complaint.
- (7) If it is determined that the suspicions referred to in paragraph (1) of this Article are founded, the State Commission is obliged to initiate a procedure for determining responsibility before the competent authorities within 15 days of the adoption of the decision.
- (8) The organizers of the election campaign shall be obliged to submit the reports for financing the election campaign to the State Commission within a deadline determined by the Electoral Code.
- (9) The organizers of the election campaigns shall be obliged to submit other data upon request of the State Commission for the purpose of carrying out its competence for monitoring the legality of the financing of the election campaigns.
- (10) The State Commission shall submit to the Assembly of the Republic of Macedonia a special report on the determined situations in the financing of the election campaign, for consideration, no later than three months after the end of the elections. The report is published on the State Commission's website.

### **Control of misuse of budget funds in the period after the announcement of elections**

#### **Article 33**

- (1) The State Commission shall be competent to monitor the legality of the use i.e. the disposal of the budget funds from the day of the announcement until the end of the elections.
- (2) In the event of a suspicion of violation of the provisions of the Election Code prohibiting the use of budget funds, i.e. prohibited actions of public institutions from the day of announcing the elections, as well as violation of the provisions of this Law that regulate the prohibited conduct from the moment when the decision is made for announcing the elections, the State Commission on its own initiative or upon a complaint filed by the election campaign organizer, opens a procedure for determining the actual situation.
- (3) The State Commission shall submit the objection referred to in paragraph (1) of this Article to the person against whom it was filed within 24 hours from the receipt of the objection. The person may respond the allegations in the complaint, within three days from the date of receipt of the complaint.
- (4) The State Commission shall be obliged, at a public session, to examine the allegations and to act

upon the objection within a period of not more than five days from the day of receiving the complaint.

(5) The State Commission shall decide on the complaints in a public session and is obliged, within 24 hours of the scheduled public session, to publish the decision on its web site. The complainant, as well as an authorized representative of the public institution against which the complaint is filed, is called upon and entitled to attend the public session.

(6) Against the decision referred to in paragraph (5) of this Article, a lawsuit shall be allowed to the Administrative Court within 24 hours from the receipt of the decision. The Administrative Court is obliged to make a decision within 48 hours from the receipt of the complaint.

(7) If it is established that the suspicions referred to in paragraph (2) of this Article are established, the State Commission shall be obliged to initiate a procedure for determining responsibility before the competent authorities within 15 days from the day of the decision.

### **Ban on new investments and extraordinary payments**

#### **Article 34**

From the day of the decision to announce the election until the day of the end of the election of the President of the Republic of Macedonia, the Members of Parliament in the Assembly of the Republic of Macedonia and the election of the Government of the Republic of Macedonia, as well as from the day when the decision for announcing the elections at the end of the elections for mayor or council members, or until the constitution of the council of the municipalities and the city of Skopje, it cannot:

- start construction, with funds from the budget or public funds, or with funds from public enterprises or other legal entities that dispose with state capital, of new infrastructure objects, such as roads, water supply, power lines, sewers and other facilities, or facilities for social activities- schools, kindergartens and other facilities, unless for that purpose funds from the budget have been previously provided, i.e. it presents implementation of a program adopted on the basis of a law in the current year;
- make payments of salaries, pensions, social assistance or other payments and material allowances from budget funds or public funds that are not regular monthly payments i.e. all annual transfers and payments or one-off transfers from budget funds or from public funds, nor to alienate state capital, nor to sign collective agreements;
- to initiate a procedure for employment of new persons or a procedure for termination of employment in state and public institutions, and the initiated procedures are put on hold, except in cases of urgent and non-prolongable matters.

### **Ban on using illegal and anonymous sources of funding during elections**

#### **Article 35**

(1) A political party or candidate in the elections must not collect and use funds illegally or from anonymous sources.

(2) If there is a suspicion that a political party or candidate in the elections used funds illegally or from anonymous sources, the State Commission will ask the competent bodies to check the source of funds and submit detailed report on the use of the funds.

(3) The check of the incomes or other payments through a bank, upon a request of the State Commission, shall not constitute a breach of bank secrecy.

(4) If it is established that the suspicions referred to in paragraph (2) of this Article have been established, the State Commission shall initiate a procedure for determining responsibility before the competent bodies within seven days from the day of determining the suspicion of the suspicions.

### **Determining the abuse of financing of political parties during the election campaign**

#### **Article 36**

(1) Where there are grounds for suspicion that assets in property of the Republic of Macedonia or units of local self-government or the budget funds, or public funds or funds of public enterprises and public institutions or other legal entities that dispose with state capital are directly or indirectly, through

investment activities or otherwise, are used for election campaigns or in general for financing of election and other political activity, the State Commission undertakes measures for determining such suspicions.

(2) If the State Commission determines that the suspicions referred to in paragraph (1) of this Article are established, it shall inform the competent authorities without delay and shall require them to undertake activities within their competencies.

(3) The State Commission shall submit a special report to the Assembly of the Republic of Macedonia on the identified abuses in the financing of the election campaign within a period of three months from the day of the completion of the elections. The report shall be published in the mass media.

### **Bribery of the voters**

#### **Article 37**

(1) If the State Commission finds out or has grounds for suspicion of bribery in elections and voting, i.e. giving or promising a gift, or another benefit for oneself or for another, to a voter during elections or voting in a referendum, in order to vote or not vote, or vote for a particular candidate or a certain decision, it shall, without delay, inform the competent public prosecutor in writing.

(2) Within 30 days from the day of receipt of the notification referred to in paragraph (2) of this Article, the public prosecutor shall notify the State Commission about the undertaken measures and activities within its competences.

### **Privilege or discrimination in public procurement and other contracts**

#### **Article 38**

(1) The State Commission may inspect the public procurement documentation and agreements related to the realization of profits concluded between state bodies, local self-government bodies, public enterprises and other legal entities that have state capital with domestic or foreign legal entities, as well as all permits, concessions and other decisions by which legal persons are granted rights or privileges determined by law or are deprived or restricted of such rights or benefits.

(2) If the State Commission determines privileges or discrimination in respect of public procurement contracts and other agreements referred to in paragraph (1) of this Article, it shall without delay request the competent authorities to undertake measures and activities within their competencies.

### **Impact on selection, appointment and dismissal of managerial positions**

#### **Article 39**

(1) A political party or a person who acts on behalf of a political party shall not exert pressure on the election or appointment or dismissal of a person in official, managerial or other function or duty, except in cases where there is legally determined competence of the president the Republic, the Parliament and the Government of the Republic of Macedonia, or the bodies of the local self-government units to make a choice, appointment, or to give an opinion or consent.

(2) A person who is dismissed contrary to a law under the pressure of a political party, as well as a candidate for election or appointment that is damaged by appointment or the appointment is made under such pressure, may request an annulment of the act for election, appointment, i.e. dismissal.

(3) The complaint referred to in paragraph (2) of this Article shall be filed within 30 days after the adoption of the act for election, appointment or dismissal, i.e. from the moment when it is learned that this was done under the pressure of a political party, contrary to the law, but not after the expiration of one year from the day of the enactment of the act. The procedure before a competent court is urgent.

#### **Article 40**

(1) A political party or a person acting on behalf of a political party must not influence the employment, deployment and termination of employment of an official person.

(2) The State Commission may ask the competent authority to review or annul the decision taken contrary to paragraph (1) of this Article.

(3) The body that has adopted the decision referred to in paragraph (1) of this Article shall be obliged to

act upon the request of the State Commission within 30 days from the day of receipt of the request.

#### **Article 41**

Information determined as a classified information with certain degree of classification shall not be considered as classified information if it covers a corruption or other offense or an unlawful act or procedure in accordance with the provisions of the law on Classified Information.

#### **Protection of collaborators of justice and witnesses**

##### **Article 42**

(1) A person who has disclosed data indicating the existence of corruption cannot be prosecuted or responsible in any other way.

(2) A person who has given a statement or testified in the procedure for a corruptive act shall be provided protection in accordance with the law. The person is entitled to compensation for damage that may be suffered by him/her or a member of his/her family due to a given statement or testimony.

(3) The request for compensation referred to in paragraph (2) of this Article shall be submitted to the competent authority.

#### **Protection of persons working on prevention of corruption**

##### **Article 43**

(1) The persons working in the bodies for detection and suppression of corruption shall be provided full protection and independence in order to effectively exercise their powers and duties and shall not be subjected to pressure in the work or in the undertaking of specific actions.

(2) The persons authorised to receive disclosures from whistle-blowers shall receive full protection and independence for the purpose of receiving disclosures from whistle-blowers, for the purpose of efficient performance of their powers and duties, and they must not be pressured in their work or in undertaking specific actions.

(3) The persons referred to in paragraphs (1) and (2) of this Article shall inform the State Commission about the pressure being made on them, in their work or in the undertaking of concrete actions.

(4) The State Commission shall immediately inform the Assembly of the Republic of Macedonia about the pressure on the work or the undertaking of concrete actions against the members of the State Commission.

### **Chapter Five**

## **PREVENTION OF CORRUPTION IN THE PERFORMANCE OF PUBLIC AUTHORISATIONS**

#### **Prohibition of performing other activities**

##### **Article 44**

(1) Elected or appointed person during the term of office is obliged to respect the rules for incompatibility of his/her function with other functions and activities determined by the Constitution and laws.

(2) The position President of the Republic, President of the Government of the Republic of Macedonia, Minister, Member of the Parliament, Member of the local council, Mayor, Judge, Public Prosecutor, Public Attorney, Ombudsman and other positions that are elected or appointed by the Parliament of the Republic of Macedonia, Government of

the Republic of Macedonia or bodies of the local self-government are incompatible to each other.

(3) The previous work position of the elected or appointed persons, whose functions are performed professionally, shall cease temporarily.

(4) An elected or appointed person may not simultaneously perform the function of a responsible person or a member of a management or supervisory body in a public enterprise, public institution or other legal entity disposing with state capital.

(5) An elected or appointed person and responsible person in a public enterprise or other legal entity with dominant state capital may not perform the function of a member of a management board or other management body in a trading company or other legal entity that deals with a profitable business.

(6) Official person may earn income from scientific, teaching, cultural, artistic and sporting activities and from copyrights, patents and similar rights, intellectual and industrial property, unless otherwise stipulated by law.

(7) If official person employed in the local administration is elected for member of the council of the municipality or of the City of Skopje, his/her work in the administration will cease temporarily from the day of verification of the mandate.

### **Restrictions on doing business during the performance of an official function**

#### **Article 45**

(1) If a person who enters the function of elected or appointed person manages a trade company or institution as an owner, with the exception of the persons who enter function that is not performed professionally, shall be obliged to entrust the management to another person or body, other than members of his / her family, for the time of performance of the function, public authorizations or duties.

(2) Every elected or appointed person, responsible person in a public enterprise, public institution or other legal entity disposing with state capital shall be obliged, within 30 days from the day of entering the function, to declare to the institution i.e. the body in which he/she performs his/her function the legal entities in his/her ownership or in which he/she holds stocks or shares or has a managing function.

(3) The body referred to in paragraph (2) of this Article shall be obliged to publish this data.

(4) If in the trade company or other subject from paragraph (1) of this article, the management body is formed in which the elected or appointed person performs the managerial rights, transfer of the managerial rights, includes the obligation of the elected or appointed person the submit resignation of the membership in the managerial body, according to the law.

(5) The elected or appointed person is obliged, in period of 30 days from transferring of the managerial rights, to submit to the State Commission information on the person to whom the rights were transferred and the evidence for that. The person to whom the elected or appointed person has transferred the managerial rights is considered the person with whom the official person has private interest according to the Article 8 paragraph (4) from this law.

### **Limitation of supervision**

#### **Article 46**

Persons who are close persons to an official person, for whom it is reasonably considered that there is an interest that connects them with the official person, may not perform supervisory or control monitoring over his/her work.

### **Restriction for doing business after termination of the function**

#### **Article 47**

(1) Within three years after the termination of the performance of public competences or duties, the official person may not:

- be employed in a trade company in which he\she has conducted supervision or has established any contractual relationship in the exercise of public authorizations or duties;
- acquire on any basis stocks or shares in the legal entity in which he/she worked or conducted supervision.

(2) The official person, within two years after the termination of the performance of the public competences or duties, or after the termination of employment, may not:

- advocate for international or other organization as its representative in the body in which he/she previously worked or with which has or are establishing contractual or business relationship,
- represent a legal or a natural person before the body in which he/she had exercised public authorisations in cases for which he/she participated as an official person in making decisions,
- perform management or auditing activities in the legal entity in which at least one year before the termination of the performance of public authorisations, his/her work was related to a supervisory or monitoring function.

#### **Article 48**

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 who within a period of three years from the day of termination of the performance of public authorizations or duties shall establish a trade company or start to engage in profitable activity in the field in which he/she worked as an official person, shall be obliged to notify the State Commission thereof within 30 days.

### **Membership in management and supervisory bodies**

#### **Article 49**

(1) An elected or appointed person may not be a member of an management or supervisory body in a trade company, public enterprises, agencies, funds and other legal entities with dominant state capital, unless otherwise stipulated by law.

(2) A public sector employee may be a member of one management or supervisory body in a trade company, public enterprises, agencies, funds and other organizational forms with dominant state capital legal entities with dominant state capital.

### **Prohibition of misuse of official data**

#### **Article 50**

(1) An official person must not use the information that are at disposal to him/her in the performance of his/her functions, public authorizations and official duties, in order to obtain benefit or advantage for himself/herself or for another person.

(2) The obligation referred to in paragraph (1) of this Article shall remain within three years from the day of termination of function or duty, unless otherwise stipulated by the law.

(3) The person referred to in paragraph (1) of this Article must not keep confidential data that according to this or other law must be published or to request access to data that he / she knows is not authorized to receive, or to act recklessly regarding the keeping of data that is secret according to a law.

### **Limitations on cooperation with legal entities**

#### **Article 51**

(1) An official person during performing of its function, public authorisations or duties may not establish a business relationship with a legal entity that is his/her property or property of member of his/her family, or in which he/her or member of his/her family holds stocks or shares or is founded by him/her or a member of his/her family.

(2) If an official person acts contrary to the paragraph (1) of this Article, the provisions from nullity of the Law on Obligations apply to the contract.

### **Prohibition of use of loans and other types of state support**

#### **Article 52**

If a legal entity established or owned by an elected or appointed person, or by a member of his / her family, or in which a member of his / her family is a responsible person, or legal entity in which the elected or appointed person hold shares appears cannot be a beneficiary of a grant, loan i.e. a financial

support from the state or as a beneficiary of loans in which the lender is the state or local self-government unit.

**Disposing with state property**  
**Article 53**

An elected or appointed person or responsible person in a public enterprise, public institution or other legal entity disposing with state capital shall be obliged to report to the State Commission, immediately or at the latest within 10 days, any trade with the state property, with which it is entered into a legal relationship with a legal entity established by him/her or a member of his/her family, or in which the responsible person is a member of his/her family.

**Economical use of state funds**  
**Article 54**

Every official person shall be obliged to keep the state funds entrusted to him/her and to manage them in the most economical manner and for the predetermined purposes. The use of the funds for private purposes or giving the funds to others for their use is forbidden.

**Prohibition of acquisition of shareholder's rights**  
**Article 55**

(1) An official person may not, during the term of office or duty and within three years after its termination, acquire on any basis and in any form a shareholder's rights in a legal entity over which he or the body in which he works or has worked, performed monitoring or supervision, unless those rights are acquired by inheritance.

(2) The person referred to in paragraph (1) of this Article shall be obliged to report to the State Commission the acquisition of shareholder's rights during the term of office i.e. the service or employment, within 30 days after their acquisition.

**Prohibition of influence on employment of close relatives**  
**Article 56**

(1) An official person must not influence the employment or promotion of a close person in the body in which he/she is elected or appointed or in another state body or public enterprise, public institution or other legal entity disposing with state capital over which supervision is performed by the body in which the person is elected or appointed.

(2) An elected or appointed person or responsible person in a public enterprise and other legal entity disposing with state capital, shall be obliged to inform the State Commission for each election, appointment or employment, promotion of a member of his / her family in a state body, body of the local self-government, public enterprise or other legal entity disposing with state capital, within ten days after the election, appointment, promotion or employment.

**Prohibition of influence on public procurement procedures**  
**Article 57**

(1) An official person may not exercise any illicit influence in public procurement procedure.

(2) The provision referred to in paragraph (1) of this Article shall also apply when it is decided on the basis of a public announcement, advertisement or auction, to issue approvals, concessions, contingents or licenses for performing commercial or other profitable activities.

**Prohibition of receiving gifts**  
**Article 58**

(1) The official person in the exercise of public authorizations and duties may not receive gifts, except in the cases stipulated, up to the amount and in a manner stipulated in the Law on use and disposal of the assets in state ownership and assets in municipal ownership or the Law on Public Sector Employees.

(2) The state bodies and other bodies and organizations shall be obliged to submit to the State Commission a copy of the list of records of the received gifts referred to in paragraph (1) of this Article, at latest by March 31 of the current year for the previous year.

(3) If the State Commission, when reviewing the list referred to in paragraph (2) of this Article, determines deviation from the legally prescribed criteria, it shall notify the body or the institution that submitted the list thereof.

(4) If the State Commission assesses that an official person has received a gift that affects or may affect the objective and impartial performance of the functions, public authorizations or official duties, shall inform the competent authorities thereof, and the gifts shall become the property of the Republic of Macedonia or of the unit of local self-government.

### **Sponsorships and donations**

#### **Article 59**

(1) An elected or appointed person or responsible person in a public enterprise or other legal entity disposing with state capital, in connection with the performance of the public functions, authorizations and duties may not sign a sponsorship contract on his/her own behalf.

(2) A legal entity or a natural person over whom supervision was performed or supervision is performed by the elected or appointed person or by responsible person or other legal entity disposing with state capital, may not be a sponsor or donation provider to the legal entity in which the official person or a member of his/her family has an interest.

(3) Legal or natural person over whom elected or appointed person or responsible person in a public enterprise or other legal entity disposing with state capital, may not conclude a sponsorship contract nor receive a donation on behalf of the body in which he/she performs public authorizations, that influence or may influence the lawful, objective and impartial performance of public authorizations.

### **Chapter Six**

## **PREVENTION OF CORRUPTION IN THE EXERCISE OF PUBLIC INTEREST MATTERS AND OTHER ACTIVITIES OF LEGAL ENTITIES**

### **Unlawful requests of a supervisor**

#### **Article 60**

(1) The official person from whom his/her supervisor, or elected or appointed person, during the performance of the service, requires to act contrary to the Constitution, law or other regulation, shall be obliged to point out this fact to the person who issued the order.

(2) If, after an oral warning, the superiors reiterate the order referred to in paragraph (1) of this Article, the official shall immediately inform the immediate superiors, in writing, for the order and the State Commission in writing. Upon written notice, the official person is exempted from the obligation to illegally perform an official act and cannot be held responsible for it or suffer consequences.

(3) The official person who acted according his/her duty for whistleblowing determined in this article has right to protection according Article 42 of this law, as well as according the provisions from the Law on Whistleblowers.

(4) After the information from paragraph (2) of this Article, the State Commission takes measures as for application of whistleblower, in procedure and deadlines from the Law on Protection of Whistleblowers.

### **Not reporting a criminal act**

#### **Article 61**

An official person is obliged to report any criminal offense related to corruption, as well as any violation of the provisions of this Law, which he/she has learned in the performance of his/her duties.

**Prohibition of exerting influence on another**  
**Article 62**

- (1) An official must not use his/her position by exercising influence over another person in a state body, public enterprise, public institution or other legal entity, with aim this person to make or not make a decision, to do something, to omit or to tolerate, with aim to gain benefit.
- (2) Every citizen shall be entitled to notify the State Commission of the violation of the provisions of paragraph (1) of this Article.

**Perform discretionary powers**  
**Article 63**

- (1) Every official person, in the exercise of discretionary powers, is obliged to bring the decisions conscientiously, taking into account all the facts and circumstances of the particular case and the principle of legality and fairness.
- (2) A natural person or legal entity that is dissatisfied with the decision issued on the basis of a discretionary authorization and that considers that the decision has been taken because of corruption, may submit a complaint to the State Commission.
- (3) The State Commission shall be obliged to consider the complaint referred to in paragraph (1) of this Article and to notify the natural person or legal entity about the proceeding thereof, within 30 days from the day of receiving the complaint.
- (4) The State Commission shall publish twice a year on its web-page statistics on submitted complaints referred to in paragraph (1) of this Article.

**Offering a bribe**  
**Article 64**

An official person who is offered a bribe is obliged to take measures to identify the briber and to report him/her to the competent authority.

**A proceeding in the case of a charge of corruption**  
**Article 65**

An official person who has been convicted of a corruptive act with an effective court decision, shall notify the body that has elected or appointed him or his superior without delay.

**Annulment of legal acts**  
**Article 66**

- (1) The legal acts that result from corruption or conflict of interest or are adopted i.e. concluded for corruption or situation of conflict of interest are null and void.
- (2) Anyone who has a legal interest may request annulment of the legal acts referred to in paragraph(1) of this Article by submitting as evidence an effective court decision or decision of a competent authority determining the existence of corruption or conflict of interest.

**Abuse in performing public interest matters**  
**Article 67**

- (1) A person performing public interest matters must not abuse his/her position for making a profit.
- (2) In addition to the activities defined by law as matters of public interest, activities of public interest shall be considered activities that are carried out within the activities of political parties, trade unions, associations and foundations.

**Protection of the media**  
**Article 68**

- (1) Any kind of coercion, prevention or other influence on the media to publish or not to publish information on cases of corruption and conflict of interest shall be prohibited.

(2) The journalist shall be entitled to unobstructed access to all sources of information in accordance with the law. No one can exclude the public from the discussion on corruption and conflict of interests before a competent authority or legal entity, except in the case of pre-trial proceedings that have been declared confidential.

(3) No one may ask the journalist who has published information on an act of corruption and conflict of interest to disclose the source of the information.

### **Abuse of the media**

#### **Article 69**

(1) Anyone who publishes information about corruptness of another should respect the presumed innocence and the principles of truthful, objective and impartial information, as well as other principles of the code of professional ethics.

(2) No one can use the media for false accusation of another for corruption.

### **Abuse in financial operations**

#### **Article 70**

(1) Every employee in a bank, savings house, exchange office, insurance company, stock exchange or other financial organization shall immediately report a suspicious transaction related to corruption. The report shall be submitted to the responsible person in that legal entity and the bodies designated by law, as well as to the State Commission.

(2) The organizer of a stock exchange shall be obliged to keep a record and register of all transactions executed on the stock exchange.

### **Prevention of corruption in trade companies**

#### **Article 71**

(1) A responsible person in a company or other legal entity must not use his/her position, receive a reward, or any other benefit or promise for it, for himself/herself or for another, for the sake of:

- creating a monopoly position on the market;
- discrimination of other trade companies or other legal entities;
- causing market disorder and
- causing damage to another natural person or legal entity that is not a result of loyal competition on the market.

(2) The agreements and other legal acts that result from corruption of the responsible person, as well as the agreements resulting from corruption, i.e. achieving unlawful benefits for the legal entity, are null and void.

(3) The occurrence of the consequence referred to in paragraphs (1) and (2) of this Article shall constitute the basis for filing a complaint from the damaged party for compensation of damage (real damage and lost profits).

(4) If there is a reasonable suspicion of the veracity of the annual final account submitted by the legal entity or other business books and financial documents, at the request of the State Commission, the Public Revenue Office shall carry out control of the material and financial operations.

(5) If there is a reasonable doubt for the authenticity of the data on the financial and material performance of the company or other legal entity, upon request of the State Commission, the competent authorities shall control the material and financial operations of that legal entity.

(6) If, after the conducted control referred to in paragraph (5) of this Article, irregularities are determined, the Public Revenue Office shall initiate a procedure for examination of the property status of the responsible person in the company and other legal entity or members of the managing body of the legal entity.

**Chapter Seven**  
**PREVENTING OF CONFLICT OF INTERESTS**

**Acting in a case of existing conflict of interest**

**Article 72**

- (1) The official person in its work shall be obliged to be cautious of potential conflict of interest and to undertake measures for its avoidance.
- (2) In case of doubt about the possibility of a conflict of interests, the official person shall be obliged to take all necessary measures to prevent the influence of his/her private interest or the private interest of another person on the performance of his/her authorizations and duties and to notify his/her superior thereof.
- (3) In the case of a suspicion of a conflict of interests, the official person is obliged to request an opinion from the State Commission.

**Reporting a conflict of interest situation**

**Article 73**

- (1) If an official person participates in a discussion of an authority or an body that decides on matters for which he/she or a close person has private interest, the official person is obliged to report the existence of the private interest and to exempt themselves before the hearing and the decision making, at the latest before the start of the decision.
- (2) The authority or the body at which session the person referred to in paragraph (1) of this Article has announced the existence of a private interest, shall be obliged to state this and record it in the minutes.
- (3) The concealment of the existence of a private interest by an official person is a violation of the duty and it is a basis for instigating a procedure for determining accountability and imposing measures in accordance with this law.

**Article 74**

- (1) An official person who participates or decides in the election, appointment or employment procedure or is involved as a member of the body carrying out that procedure shall be obliged to inform the head of the institution where he/she exercises public authorisations about all actions that may cause a conflict of interests.
- (2) After determining the relation of the official with the candidate for election, appointment or employment, the head of the institution referred to in paragraph (1) of this shall Article shall be obliged to take all necessary measures to prevent the occurrence of a conflict of interest.
- (3) In the case of suspicion of a conflict of interests, in the cases referred to in paragraph (1) of this Article, the official person and the head of the institution referred to in paragraph (1) of this Article may request an opinion from the State Commission.

**Exemption**

**Article 75**

- (1) When the official person finds out about circumstances indicating the existence of a conflict of interest, or a potential conflict of interests, he / she shall be obliged to immediately ask to be exempted and to stop his / her actions.
- (2) The official person shall be exempted from performing certain activity with a decision of the body in which he/she is elected or appointed, i.e. where that person performs public functions, authorisations of official duties, also at the request of an interested person that found out about circumstances that indicate existence of conflict of interest or potential conflict of interest.

**Procedure before the State Commission for Determining of a Conflict of Interest**

**Article 76**

- (1) In cases when there is reasonable doubt that indicates a conflict of interest, the State Commission

shall initiate a procedure for determining of conflict of interests.

(2) The procedure referred to in paragraph (1) of this Article shall be initiated:

- ex officio;
- at the request of an official person;
- upon a report of another person;
- at a request of the head of the body or institution where the official person performs functions, public authorisations or official duties; and
- upon anonymous report.

(3) In the procedure referred to in paragraph (1) of this Article, for the purpose of determining the factual situation in the case, the State Commission shall collect documents, data and information from natural and legal persons, as well as from the official person.

(4) The persons referred to in paragraph (3) of this Article, shall be obliged to submit the documents, data and information available to them within 15 days from the day of receiving the request from the State Commission.

(5) If the persons referred to paragraph (3) of this Article do not respond within the deadline stipulated in paragraph (4) of this Article, the State Commission shall check the allegations of existence of a conflict of interest ex officio.

(6) The State Commission shall be obliged to render a decision on the existence or non-existence of a conflict of interests within 30 days after the responses of the persons referred to in paragraph (3) of this Article i.e. after the verification of the allegations.

#### **Article 77**

(1) If the State Commission determines the existence of a conflict of interests, it shall be obliged to inform the official person and to request from him/her, within 15 days from the delivery of the decision, to remove the conflict of interests.

(2) If the official acts upon the request referred to in paragraph (1) of this Article, the State Commission shall stop the procedure and shall inform the official person and the applicant of the report thereof.

(3) If the official person does not act upon request referred to in paragraph (1) of this Article and does not notify the State Commission thereof within the stipulated deadline, the State Commission shall without delay:

- with demand to initiate a disciplinary procedure if the official person is not appointed or elected person;
- instigate an initiative to the competent authority for dismissal / termination of performance of public competences or duties, if the official person is appointed or elected person; or
- render a decision on imposing public warning measure in accordance with Article 79 of this Law, if the official person is elected on direct elections.

#### **Article 78**

The body to which the initiative for initiating of a disciplinary procedure or a procedure for dismissal has been submitted, shall be obliged to make a decision at the latest within 60 days from the day of submission of the initiative.

#### **Article 79**

(1) If an official person elected on direct elections does not act in accordance with the request referred to in Article 77 paragraph (1) of this Law, the State Commission shall render a decision for pronouncing public warning measure which shall be delivered to the official person and starts misdemeanors procedure.

(2) The public warning referred to in paragraph (1) of this Article shall be published on the web-site of the State Commission and in public media.

### **Obligation to inform the public about cases of conflict of interests**

### **Article 80**

(1) The State Commission shall inform the public about cases of conflict of interest on which it acted upon, in accordance with the law.

(2) The State Commission shall be obliged to protect the data obtained during the conduct of the procedure for determining of conflict of interests from misuses for discrimination or disparagement of the official person.

### **Article 81**

The data on the official person that were obtained by the State Commission in the course of performing of the work of its competence can be given for the inspection of the courts, inspection bodies and other competent state bodies, and with that the data must not be misused for discriminating or disparagement of the official person or to be publicly displayed as if they were data that were determined by the court, or other competent authority.

## **Chapter eight**

### **REPORTING OF PROPERTY STATUS AND INTERESTS**

### **Article 82**

(1) An elected or appointed person, responsible person in a public enterprise, public institution or other legal entity disposing with state capital, notary, enforcement agent, administrative officer of category A determined by law or a person employed in the cabinet of the President of the Republic of Macedonia, the President and the Vice-Presidents of the Assembly of the Republic of Macedonia, the President of the Government of the Republic of Macedonia, the Deputy Prime Ministers of the Government of the Republic of Macedonia, the Ministers and the Secretary General of the Government with aim to carry out tasks of a special adviser, in the selection, appointment, designation or employment, and no later than 30 days after the election, appointment, designation or employment shall submit a declaration of assets and interests.

(2) The declaration referred to in paragraph (1) of this Article shall contain:

- a detailed inventory of real estate, movables with a value exceeding the amount of twenty average net salaries in the previous three-month period, securities, receivables and debts, as well as other property in his/her possession, or ownership of the members of his/her family, stating the basis for acquiring the declared property;

- a statement of interest for him/her and his/her family members, which contains information on jobs and membership in management boards, membership in associations and foundations, and other data required by the prescribed form.

(3) The person referred to in paragraph (1) of this Article shall be obliged to submit a declaration of assets and interests and within 30 days from the day of termination of the function or employment.

(4) The person referred to in paragraph (1) of this Article shall submit the declaration of assets and interests to the State Commission.

(5) The person referred to in paragraph (1) of this Article shall submit the declaration of assets and interests in electronic form, and shall also submit a printed copy to the State Commission.

### **Article 83**

On the basis of corruption risk assessment, a law that regulates the performance of activity in the field of defense, internal affairs or finance, may prescribe for the persons with special authorizations obligation for submission of declaration of assets and interests.

### **Article 84**

The State Commission may request an official person who according to this Law is not obliged to submit a declaration of assets and interests, to submit a declaration, and to conduct a procedure for examining his/her property status, when acting on the case in which that person is involved.

## **Reporting changes in assets and interests**

### **Article 85**

(1) An elected or appointed person and a responsible person in a public enterprise or other legal entity disposing of state capital, notary, enforcement agent or administrative officer of category A determined by law or a person employed in the cabinet of the President of the Republic of Macedonia, the President of the Assembly of the Republic of the Republic Macedonia, the Vice-Presidents of the Assembly of the Republic of Macedonia, the President of the Government of the Republic of Macedonia, the Deputy Prime Ministers of the Government of the Republic of Macedonia, the Ministers and the Secretary General of the Government for the performance of tasks of a special adviser, shall be obliged within 30 days to report any increase in his/her property i.e. the property of a member of his/her family, in a value that exceeds the amount of twenty average net salaries in the Republic of Macedonia the previous three-month period, as well as change of interests (hereinafter: reporting changes in the assets and interests).

(2) The obligation referred to in paragraph (1) of this Article shall also apply to the persons referred to in Article 83 of this Law.

(3) An agreement or other document that is the basis for the change shall be attached to the report referred to in paragraph (1) of this Article.

(4) The persons referred to in paragraph (1) of this Article shall report the changes in the assets and interests by electronic submission of a form on changes in property situation and interests to the State Commission. A printed copy of the electronically filed form shall be submitted to the State Commission.

(5) The persons referred to in paragraph (2) of this Article shall report changes in their assets and interests by submitting a printed form for declaration of property situation and interests to the authorities in which they are employed.

### **Article 86**

The form and content of the form of the declaration of assets and interests and the form for reporting changes in the assets and interests shall be prescribed by the State Commission.

## **Publicity of the declaration of assets and interests**

### **Article 87**

(1) The data from the declaration of assets and interests and the report for change in the assets and interests are information of public character, except for data protected by law.

(2) The data from the declaration of assets and interests and reports for change in the assets and interests submitted to the State Commission, except the data protected by law, shall be published on the web site of the State Commission.

## **Protection of personal data**

### **Article 88**

(1) Personal data collected in the application of the provisions of this Law shall be processed and stored fairly and appropriately for specific and clear objectives set forth in the provisions of this Law.

(2) The personal data referred to in paragraph (1) of this Article shall be kept in a form that enables identification subject of the personal data.

(3) The personal data referred to in paragraph (1) of this Article shall be kept for no longer than it is necessary to fulfil the purposes for which the data were collected for further processing in accordance with the provisions of this Law.

(4) At the request of the subject of the personal data, the State Commission shall be obliged to supplement, modify, delete or suspend the use of personal data if the data are incomplete, incorrect or not updated and if their processing is not in accordance with the law.

(5) In the content of the request referred to in paragraph (4) of this Article, the subject of personal data shall indicate for which data the addition, modification, deletion or stopping of the use of personal data is required, and if the addition or modification is required, the new data making addition or modification is also filled in.

(6) In case when it is determined that the personal data are incomplete, inaccurate or not updated, the State Commission undertakes measures to supplement, modify or delete the same, regardless of whether the subject personal data has submitted an application for supplementing or modifying the personal data.

(7) The State Commission shall notify the subject of personal data in person, the users of personal data or third parties to whom personal data have been disclosed in accordance with the law, within 15 days from the day of receipt of the request, for the supplemented, modified or deleted personal data pursuant to paragraph 4 of this Article.

### **Register** **Article 89**

(1) The State Commission shall keep a register of elected and appointed persons, responsible persons in public enterprises, public institutions or other legal entities disposing of state capital, notaries, enforcement agents and administrative officers of category A determined by law or a person employed in the president's cabinet of the President of the republic of Macedonia, the President of the Assembly of the Republic of Macedonia, the Vice-Presidents of the Assembly of the Republic of Macedonia, the President of the Government of the Republic of Macedonia, the Deputy Prime Ministers of the Government of the Republic of Macedonia, the Minister and the Secretary General of the Government of the Republic of Macedonia for the performance of tasks of a special adviser, who are obliged to submit a declaration of assets and interests (hereinafter: the Registry).

(2) The register shall be the sole basis.

### **Article 90**

(1) The data entered in the Register shall be public information, except for data protected by law.

(2) The data from the Register which are not protected by law shall be published on the State Commission's web site.

### **Article 91**

(1) Managers in institutions and election and appointing bodies or authorized persons shall, without delay, provide data for the persons referred to in Article 82 paragraph (1) of this Law to the State Commission not later than 15 days after the day of verification of the

mandate, appointment and designation, as well as after the termination of the function, that is, the duty of the elected, appointed or appointed person.

(2) The State Commission shall be obliged to enter data for persons referred to in Article 82 paragraph (1) of this Law in the Register in a period of 15 days from the date of their receipt.

(3) Recorded data for the persons referred to in Article 82 paragraph (1) of this Law and the accompanying documentation shall be kept in accordance with the law.

(4) The data referred to in paragraph (3) of this Article, entered in the Register in electronic form and which are published, shall be withdrawn from the web-page of the State Commission after expiration of the ten years period after the termination of office of the person to whom the data relate.

(5) The form and content of the form referred to in paragraph (1) of this Article, as well as the content, form and manner of keeping the Registry shall be prescribed by the State Commission.

### **Procedure for checking data on assets and interests**

#### **Article 92**

(1) The State Commission shall verify the authenticity of the data entered in the statement of assets and interests in case it acts on a specific case or on the basis of the annual plan referred to in Article 19 paragraph (1) of this Law.

(2) The State Commission shall carry out a check referred to in paragraph (1) of this Article by collecting, comparing and analysing data obtained from legal entities and individuals who have the necessary data.

### **Investigation of assets**

#### **Article 93**

(1) If there is a reasonable suspicion that the property of a person who is obligated to submit a declaration of assets and interests in accordance with this Law is disproportionately increased in comparison with his/her regular income or the income of his/her family members, the State Commission shall initiate a procedure for examining the property condition.

(2) When examining the assets referred to in paragraph (1) of this Article, the State Commission shall invite the person for whom the procedure is being conducted to submit data for the basis for the acquisition of the property. The person is obliged to respond to a request of the State Commission within 15 days from the day of receipt of the request.

#### **Article 94**

(1) The state bodies, the bodies of the local self-government units, the payment operations actors and other natural and legal persons, at the request of the State Commission and within the time limit that it determines, are obliged to provide all the information necessary for determining the actual situation, which is important for checking the data and examining the property and assets.

(2) If the entities referred to in paragraph (1) of this Article fail to act upon the request of the State Commission in the deadline determined in Article 23 paragraph (3) of this Law, they shall be obliged to inform the State Commission without delay about the reasons for failure to act.

(3) For the cases referred to in paragraph (2) of this Article, the State Commission shall notify the body that supervises the work of entities referred to in paragraph (1) of this Article, and may submit a special report to the Assembly of the Republic of Macedonia, or to inform the public.

#### **Article 95**

(1) If in the procedure for examining the property and property status it is not proved that the property was acquired or increased as a result of receipts that were reported and taxed, the State Commission shall file an initiative for initiation of a criminal procedure to the Public Prosecution against the person for whom the procedure was conducted.

(2) For the undertaken activities referred to in paragraph (1) of this Article, the State Commission shall notify the body that has appointed or elected the person or in which the person is employed or is performing the function.

### **Article 96**

If there is evidence that a member of the family or a close person of the official person has acquired significant property during the performance of the public authorizations or duties of the official, that exceeds his/her regular income, so that there is a reasonable suspicion that the official, with the intention of concealing the origin of the property, transferred the property to that family member, i.e. close person, the State Commission will instigate initiation of a procedure for examining the basis for obtaining the property of that member i.e. close person.

### **Procedures for reporting violations of the law**

#### **Article 97**

(1) The State Commission shall be obliged to establish effective procedures for reporting a violation of this Law that will provide:

- a simple and easily accessible method of submitting notifications for committed misdemeanour,
- internal procedures for receiving and processing of notifications for committed misdemeanour and
- protection of the personal data of the person who has submitted a notification of a committed misdemeanour in accordance with the regulations for protection of personal data.

(2) The State Commission must not disclose the identity of the person who has reported the committed misdemeanour without providing his/her previous consent.

(3) The State Commission shall also act upon anonymous complaints.

### **Information on pronounced fines**

#### **Article 98**

(1) For the purposes of preventing and deterring from performing activities that are considered violations in accordance with this Law, the State Commission shall be obliged to publicly disclose the information on the performed controls, the conducted procedures and fines pronounced for the committed misdemeanours in accordance with this Law.

(2) The information referred to in paragraph (1) of this Article shall contain data on:

- the perpetrator of the misdemeanour,
- misdemeanour: description of the act that presents a misdemeanour and
- the fine pronounced.

(3) The information referred to in paragraph (1) of this Article shall be published on the web site of the State Commission immediately after the completion of the procedure and shall be available within two years from the date of its publication.

#### **Article 99**

The State Commission shall supervise the implementation of the provisions of this Law.

## **Chapter Nine MISDEMEANOR PROVISIONS**

#### **Article 100**

A fine in the amount of 200 to 400 Euros in MKD shall be imposed to the responsible person in the competent institution or to the person authorized by him/her who shall not undertake all measures and activities for submission of the requested information by the State Commission and shall not submit them to the Commission at the latest within 15 days from the date of receipt of the request (Article 23).

#### **Article 101**

(1) A fine in the amount of 1.000 Euros in MKD shall be imposed to the financial institution that shall not submit the to the State Commission the requested data within 15 days in accordance with Article 25 of

this Law or in accordance with Article 94 of this Law.

(2) To the responsible person or to person authorized by him in the financial institution referred to paragraph (1) of this Article a fine shall be imposed in the amount of 300 Euros in MKD.

#### **Article 102**

A fine in the amount of 500 in MKD shall be imposed to the person engaged by the State Commission to provide expertise, if the person reveals, publishes or shares with third persons the data or information acquired or found within or in relation to the exercise of his/her work (Article 28 paragraph (1)).

#### **Article 103**

A fine in the amount of 200 to 400 Euros in MKD shall be imposed to the head of the competent authority or to the person authorized by him/her who:

- following the notification sent by the State Commission about the determined violation of Article 24 paragraph (1) of this Law, shall not inform the State Commission about the undertaken measures, within 60 days from receipt of the notification, unless otherwise stipulated by this Law.
- shall not inform the State Commission, within 60 days, about the decisions made in relation to the instigated initiatives referred to Article 17, indents 4,5 and 8 of this Law and shall not provide information about the course of action upon the instigated initiatives.

#### **Article 104**

A fine in the amount stipulated by the Election Code and by the Law on Financing Political Parties shall be imposed to the political party or the organiser of the election campaign who shall fail within the deadline prescribed by Law to submit the reports to be delivered to the State Commission in accordance with the Law on Financing Political Parties and the Election Code and in accordance with Article 31 and Article 32 of this Law.

#### **Article 105**

A fine in the amount of 300 to 500 Euros in MKD shall be imposed to the official person in the public enterprise or other legal person disposing with state capital if he/she:

- contrary to Article 44 performs another function, duty or business that is incompatible with his/her function;
- as owner who managed a trade company or institution prior to entering public authorization did not entrust the management of the trade company or institution to another person, for the time of performing public authorisations or duties, in accordance with Article 45 of this Law;
- is employed in a trade company over which he/she performed supervision or with which he/she has established any contractual relation during performance of the public authorisations or duties;
- acquires, on any basis, stocks or shares in a legal entity in which he/she worked or performed supervision;
- within two years after termination of performing public authorisations or duties or after termination of employment, performs advocacy as a representative of an international or another organization with which the body in which he/she previously worked has established or is establishing contractual or business relations;
- within two years after termination of performing public authorisations or duties or after termination of employment, represents a legal or natural person before the body in which he/she performed public authorization in cases for which as an official person participated in reaching decisions;
- within two years after termination of performing public authorisations or duties or after termination of employment, performs managerial or audit tasks in a legal entity in which at least one year before the termination of performing public authorization his/her work was related with supervisory or monitoring function;
- within three years after termination of performing public authorisations or duties shall found a trade

company or begin to engage in a profitable business in the area in which the official person worked, and failed to inform the State Commission thereof within 30 days;

- within three years after termination of performing public functions or duties, uses the information at his disposal for obtaining benefit for him/herself or for another person, unless otherwise stipulated by law, as well as if he/she holds in confidentiality data that in accordance with this or another Law must be published or if he/she requests access to data for which he/she knows that he/she is not authorized to receive or acts recklessly towards keeping data that represent secret;

- shall establish business relations with a legal entity owned or found by him/her or a member of his/her family, or in which he/she or member of his/her family owns shares or stakes, or in which the responsible person is a member of his/her family;

- legal entity which founder or owner has been or is an elected or appointed person or owner is or has been a member of his/her family, or in which a member of his/her family is responsible person, or in which elected or appointed person owns shares or stakes is a beneficiary of a grant, loan or financial support from the state or local self-government unit;

- immediately and at the latest 15 days from the day of election, appointment, employment or entering into duty, fails to report to the State Commission any trade with the state property with which it is entered into a legal relationship with a legal entity established by him/her or a member of his/her family, or in which the responsible person is a member of his/her family;

- during the term of office or duty, as well as within three years after its termination, acquires, on any basis, any type of shareholder's rights in a legal entity over which he/she or the body in which he/she works or worked, performs or performed supervision, unless those rights were acquired by inheritance, and if he/she fails to inform the State Commission thereof within 30 days from their acquiring;

- fails to notify the State Commission about every election, appointment or employment or promotion of a member of his/her family in a state body, body of local self-government, public enterprise or another legal entity disposing with state capital, within ten days after the election, appointment, promotion or employment;

- did not reject the offer when contrary to the provisions of the law gift or other benefit was offered related to the exercise of the official duty;

- uses his/her position for exercising influence over another person in a state body, public enterprise or other legal entity, so that the person reach or does not render a decision to perform and action, to omit or to tolerate, for the purposes of acquiring benefit, convenience or advantage for himself/herself or for another.

(2) A fine of 1.000 Euros in MKD shall be imposed to the legal entity which contrary of the Article 52 paragraph (1) of this law will be user of the grant, loan or financial support by the state or units of local self-government.

(3) A fine of 300 Euros in MKD shall be imposed on the responsible person in legal person from paragraph (2) of this Article.

### **Article 106**

A fine in the amount of 250 Euros in MKD shall be imposed to a person who is a close person to the official person and for whom it is reasonably considered that there is an interest that connects him/her with the official person, if he/she performs supervisory or control monitoring over the work of the official person.

### **Article 107**

A fine in the amount of 500 Euros in MKD shall be imposed to the official person in public enterprise or other legal entity disposing with state capital if he/she:

- participates or decides in election, appointment or employment procedure and shall fail to notify the head of the institution where he/she performs public authorisations about all actions that may cause conflict of interest;
- finds out about the circumstances that indicate existing of conflict of interest and for that fails to request to be exempt from taking further actions and decision making;
- within 15 days from the receipt of the decision, shall fail to undertake actions to remove the conflict of interest and notify the State Commission thereof;
- within 15 days from the receipt of the request of the State commission shall fail to provide detailed data about the grounds for acquiring of the property, in accordance with Article 93 of this Law, in a procedure for checking of property status in which it is determined that his/her property and revenues are incompatible with the data of the performed check.

### **Article 108**

A fine in the amount of 200 to 400 Euros in MKD shall be imposed to head of the entity or to a person authorized by him/her referred to Article 76 paragraph (4) of this Law if they fail to deliver to the State Commission the documents, data and information at their disposal, within 15 days from the day of receipt of the State Commission.

### **Article 109**

A fine in the amount of 300 to 500 Euros in MKD shall be imposed to the elected or appointed person, responsible person in public enterprise, public institution or other legal entity disposing with state capital, notary public, enforcement agent, administrative servant of category A determined by Law or a person employed in the cabinets of the President of the Republic of Macedonia, the President of the Assembly of the Republic of Macedonia, the vice-presidents of the Assembly of the Republic of Macedonia, the President of the Government of the Republic of Macedonia, the deputies of the President of the Government of the Republic of Macedonia, ministers and Secretary General of the Government of the Republic of Macedonia, for the performing of working tasks of a special advisor, if:

- upon the election, appointment, designation or employment, and at the latest within 30 days from the election or appointment fails to submit to the State Commission an asset declaration or statement of property status and interest in accordance with Article 82 of this Law.
- fails to complete asset declaration or statement of property status and interest, within 30 days after the termination of the function or the employment.
- within 30 days fails to report any increase of his/her property or property of a member of his/her family, in accordance with Article 85 of this Law.

### **Article 110**

A fine in the amount of 200 to 400 Euros in MKD shall be imposed to the administrative, judicial and public prosecutor's servant referred to in Article 83 of this Law, if:

- within 30 days from the day of employment fails to complete and submit to the body where he/she is employed an asset declaration or declaration of property status and interest for himself/herself or for the members of his/her family in accordance with Article 83 of this Law.
- fails to complete and submit asset declaration or declaration of property status and interest, within 30 days after the termination of the employment in the bodies referred to in Article 83 paragraph (1) of this Law.
- fails to declare changes in the property status in the body in which he/she is employed.

#### **Article 111**

A fine in the amount of 200 to 400 Euros in MKD shall be imposed to the official person who upon the request of the State Commission, when acting upon a case in which the official person is involved, shall fail to submit asset declaration for property status and statement of interest.

#### **Article 112**

A fine in the amount of 300 to 500 Euros in MKD shall be imposed to the head of the institution or body that conduct elections and appointments or to the person authorized by him/her who without delay, or within 15 days from the day of verification of terms of office, election and appointment, as well as termination of function or duty of the elected and appointed person at the latest, shall fail to submit to the State Commission form completed with data on the persons Article 82 paragraph (1) of this Law (Article 91).

#### **Article 113**

A fine in the amount of 200 to 400 Euros in MKD shall be imposed to the head of the entity or to the person authorized by him/her referred to in Article 94 paragraph (1) and paragraph (2) of this Law who shall not deliver all necessary information for determining of the factual situation which are relevant for the examination of the property and the property status and interest and if shall not inform the State Commission about the reasons for failure to act accordingly.

#### **Article 114**

- (1) For misdemeanors determined in this law, the Misdemeanors Commission of the State Commission leads misdemeanors procedure and enforces misdemeanor sanctions.
- (2) Members of the Misdemeanors Commission from the paragraph (1) of this Article are authorized officials in the Secretariat of the Commission with education and working experience determined in the law, from who at least one is graduated lawyer with Bar exam.
- (3) Before submitting request for initiating misdemeanour procedure, shall propose to the offender a settlement procedure by issuing a misdemeanor payment order, according to the Law on misdemeanors.
- (4) The authorised persons referred to in paragraph (2) of this Article shall be obliged to keep records of the issued misdemeanour payment orders and of the outcome from the instigated procedures.
- (5) In the records referred to in paragraph (4) of this Article, the following data shall be collected, processed and kept: name and surname or title of the offender, domicile or residence, seat, type of misdemeanour, the number of misdemeanour payment order that is issued and the outcome of the procedure.
- (6) The personal data referred to in paragraph (5) of this Article shall be kept ten years from the date of entry in the records.
- (7) The State Commission shall prescribe the form and content of the misdemeanour payment order.

#### **Article 115**

The determining of the fine imposed to a legal entity shall be conducted in accordance with the Law on Misdemeanours.

#### **Article 116**

For the misdemeanours prescribed by this Law, the right to legal remedy and procedure for it shall be conducted in accordance with the Law on Misdemeanors.

### **Chapter ten TRANSITIONAL AND FINAL PROVISIONS**

#### **Appointment of members of the State Commission**

## **Article 117**

(1) The President of the Assembly of the Republic of Macedonia shall publish an announcement for the appointment of a president and members of the State Commission within a period of three days from the day of entry into force of this Law.

(2) Within the procedure for appointing president and members of the State Commission referred to in paragraph (1) of this Article, the time limits provided for in Article 12 of this Law shall be shortened in accordance with a schedule issued by the President of the Assembly.

(3) The President of the Assembly shall publish the schedule for the implementation of the procedure for the appointment of a president and members of the State Commission together with the announcement referred to in paragraph (1) of this Article.

## **Article 118**

(1) With the appointment of the president and the members of the State Commission in accordance with the provisions of this Law, the mandate of the members of the State Commission appointed before the entry into force of this Law shall terminate.

(2) The limit of the number of mandates for the president and the members of the State Commission shall also include the mandates that a person performed in the composition of the State Commission selected in accordance with the provisions of the Law on Prevention of Corruption ("Official Gazette of the Republic of Macedonia" no.28/02, 46/04, 126/06, 10/08, 161/08, 145/10, 97/15 and 148/15), regardless of the duration of the mandate.

## **Adoption of the necessary acts**

### **Article 119**

(1) The bylaws envisaged by this Law shall be adopted by the State Commission within six months from the appointment of the President and the members of the State Commission conducted in a procedure in accordance with the provisions of this Law.

(2) Until the adoption of the bylaws determined by this Law, the existing bylaws adopted in accordance with the provisions of the Law on Prevention of Corruption ("Official Gazette of the Republic of Macedonia" No. 28/02, 46/04, 126/06, 10/08, 161/08, 145/10, 97/15 and 148/15) and the Law on Prevention of Conflicts of Interest ("Official Gazette of the Republic of Macedonia" No. 70/2007, 114/2009, 6/2012 and 153/15).

(3) Until the entry into force of the bylaws referred to in paragraph (1) of this Article, the registration and checking of the assets and interests will continue in accordance with the provisions of the Law on Prevention of Corruption ("Official Gazette of the Republic of Macedonia" No. 28/02, 46/04, 126/06, 10/08, 161/08, 145/10, 97/15 and 148/15) and the Law on Prevention of Conflict of Interests ("Official Gazette of the Republic of Macedonia", no. 70/2007, 114/2009, 6/2012 and 153/15) and the bylaws deriving from them.

(4) The asset declarations, the statements of interests and the reports on changes in the property status submitted by the day of entry into force of the bylaws referred to in paragraph (1) of this Article shall be considered as submitted declarations of assets and interests i.e. reports on changes in property status in accordance with this law.

(5) Within 60 days of its constitution, the State Commission shall prescribe a form for declaration of assets and interests.

(6) The persons who did not have the obligation to submit declarations and statements of interests, in accordance with the Law on Prevention of Corruption ("Official Gazette of the Republic of Macedonia" No. 28/02, 46/04, 126/06, 10/08, 161/08, 145/10, 97/15 and 148/15) and the Law on Prevention of Conflicts of Interest ("Official Gazette of the Republic of Macedonia" No. 70/2007, 114/2009, 6/2012 and 153/15), shall be obliged to submit declarations of assets and interests within 30 days from the day of prescribing the form referred to in paragraph (5) of this Article.

(7) The State Commission has the right to make a decision for publishing a call to the persons who have

submitted the declarations and statements of interests, in accordance with the Law on Prevention of Corruption ("Official Gazette of the Republic of Macedonia" No. 28/02, 46/04, 126/06, 10/08, 161/08, 145/10, 97/15 and 148/15) and the Law on Prevention of Conflict of Interests ("Official Gazette of the Republic of Macedonia", No. 70/2007, 114/2009, 6/2012 and 153/15) to submit declarations in the form referred to in paragraph (5) of this Article within 30 days from the date of publication of the call.

#### **Article 120**

(1) Within one month from the day of the appointment of the President and the members of the State Commission in accordance with the provisions of this Law, the State Commission shall organize taking over of the asset declarations, statements of interests and reports for changes in the property status that administrative officers of category A determined by law submitted to the institutions or bodies in which they are appointed/designated. The takeover is carried out by a commission established by the State Commission.

(2) The institutions or bodies in which the administrative officials from category A determined by law are appointed/designated are obliged to act upon the requests of the State Commission regarding the implementation of the takeover referred to in paragraph (1) of this Article.

#### **Article 121**

With the entry into force of this Law shall terminate the validity of the Law on Prevention of Corruption ("Official Gazette of the Republic of Macedonia" No. 28/02, 46/04, 126/06, 10/08, 161/08, 145/10, 97/15 and 148/15) and the Law on Prevention of Conflicts of Interest ("Official Gazette of the Republic of Macedonia" No. 70/2007, 114/2009, 6/2012 and 153/15).

#### **Entry into force of the law**

#### **Article 122**

This Law shall enter into force on the eighth day from the day of its publication in the "Official Gazette of the Republic of Macedonia".