

# **LAW ON PREVENTION OF CORRUPTION**

## **Chapter I**

### **GENERAL PROVISIONS**

#### **Aim of the Law**

##### **Article 1**

- (1) This Law shall regulate the measures for preventing corruption in the exercise of power and in the carrying out of entrusted public mandates, the measures for preventing conflict of interests, as well as the measures for preventing corruption while exercising tasks of public interest to the legal entities related to the realization of government.
- (2) For the implementation of the measures under Paragraph 1 of this Article, a State Commission for Prevention of Corruption shall be established (hereinafter: State Commission).

#### **Principle of legality**

##### **Article 2**

- (1) No one may abuse his public office or duty by performing, or failing to perform an act which under law may not, that is, must be performed, or by subordinating the carrying out of a legal action to his personal interest, or to somebody else's interest.
- (2) No one may be held accountable for corruption except in the cases and conditions defined by this Law, by the Criminal Code and another law, and in a procedure stipulated by law.

#### **Principle of trust**

##### **Article 3**

- (1) No one may misuse the carrying out of authority and consigned special public mandates, or matters of public interest, for accomplishing personal or utilitarian goals.
- (2) The misuse of public position, the position of a responsible person in a legal entity, or of a person carrying out matters of public interest in order to accomplish any advantage for himself or for another person, is considered to be corruption and brings about penal, civil-legal, and disciplinary responsibility.

## **Principle of equality**

### **Article 4**

- (1) Every citizen has the right to an equal approach in the performance of the matters of public interest and to an equal treatment on the part of persons carrying out public functions, without being the victim of corruption.
- (2) Every citizen has the right to a free appearance on the market and to free competition, without fearing that he may be the victim of monopolistic or discriminatory behaviour, which is the result of corruption.
- (3) Every citizen is obliged to prevent or report any treatment representing misuse of the carrying out of public and other offices and duties, in order to effectuate personal advantage or cause damage to another, without suffering any detrimental consequences because of that.

## **Principle of publicity**

### **Article 5**

- (1) The exercise of the functions or duties in the government, of the special public mandates and of the matters of public interest is public and subject to public control.
- (2) No one can call upon to an application of a law or other regulation with which he will limit or exclude the public in order to cover a misuse of office or duty for the purpose of self-interest.

## **Application of the Law**

### **Article 6**

- (1) When expressly stipulated, the provisions of this Law shall apply to juridical persons.
- (2) A juridical person shall be answerable for corruption when a body of administration, a responsible person, or person representing the juridical person performs an act defined as an act of misuse, bribery, or unlawful intervention under the Criminal Code, or as an offence under the law.

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

### **Article 7**

- (1) To establish the meaning of the terms: elected or appointed civil servant, official, legal entity, responsible person in a legal entity, and person performing tasks of public interest, the provisions under Article 122 of the Criminal Code shall apply.
- (2) A benefit, personal advantage, or self-interest means the realisation of any material or nonmaterial benefit in the form of a right or facility that does not belong to that person.

- (3) Family means the spouse, the children, the parents, brothers and sisters, the foster-parent or the foster-child with whom the person of Paragraph 1 of this Article lives in a family.

## **Chapter II**

### **PREVENTION OF POLITICAL CORRUPTION**

#### **Financing political parties, trade unions and associations of citizens**

##### **Article 8**

- (1) The financing of a political party, trade union, or association of citizens is public.
- (2) A political party, trade union, or association of citizens may not collect funds in cash from unidentified sources for financing its activity.

#### **Performing economic and other profitable activities**

##### **Article 9**

- (1) If a legal entity set up by a political party is allowed by law to perform economic or other profitable activities, they shall be reported to the National Commission.
- (2) All contracts and other deals that the juridical person of Paragraph 1 concludes, that is, makes with a state body, body of the local self-government, public enterprise, or other juridical person managing state capital shall be reported to the National Commission.

#### **Prohibition to use budgetary resources**

##### **Article 10**

In order to finance the activity of a political party, trade union, or association of citizens no payments shall be made from the budget of the Republic of Macedonia, from public funds or from resources of public enterprises and other legal entities managing state capital, except when payments are made on the basis of a law.

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

##### **Article 11**

- (1) Resources from the budget of the Republic of Macedonia, public funds, and resources of public enterprises or juridical persons managing state capital may not be used for election campaigns, except when it is set down by law on financing political parties.

- (2) The building of new objects in the infrastructure, such as roads, plumbing, long-distance power lines, sewerage systems, and other facilities, or facilities of social services such as schools, kindergartens and other facilities with funds from the budget or public funds, or using resources of public enterprises or other juridical persons managing state capital, may not begin during the pre-election campaign for President of the Republic, delegates, mayor or members of the council of a local self-government unit, except if funds from the budget have been provided for that purpose previously, that is if it is a realisation of a programme made on the basis of a law in the current year.
- (3) No extraordinary payment of salaries, pensions, public welfare or other payments from the budget or from the public funds, nor transfer of state capital may be done during the election campaign under Paragraph 2 of this Article.

### **Determining abuse of budgetary resources and resources from public funds**

#### **Article 12**

- (1) When there are founded indications that budget resources or resources from public funds, or the funds of public enterprises or other legal entities managing state capital, are directly or indirectly, through investments or in some other way, used to finance election campaign, or to finance election or other political activity in general, the State Commission shall consider such indications and in the shortest term possible shall prepare a report and submit it to the Assembly.
- (2) A question of misuse of budgetary resources or resources from public funds, that is state capital, may also be raised by twenty delegates in the Assembly of the Republic of Macedonia. In such a case the Assembly shall form a Poll Commission which acts in a way determined in Article 17 of this Law.
- (3) A special report for the possible misuses of budgetary resources, public funds, and the funds of the public enterprises and other juridical persons managing state capital, shall be submitted to the Assembly of the Republic of Macedonia by the State Commission, within one month after the conclusion of the election procedure at the latest. The report shall be announced in the media.

### **Prohibition to use resources from illegal sources**

#### **Article 13**

- (1) A political party and a candidate, in the elections, may not collect and use resources from abroad, from unidentified sources, or resources for which there is a ban on usage, stipulated by law.
- (2) If there is suspicion that a candidate at the elections used funds from illegal sources, the State Commission shall ask the competent authorities to check the influx and the usage of the

funds. The check of the influx of funds from abroad, or other payments through a bank, does not constitute violation of the bank confidentiality.

### **Corruption of electors**

#### **Article 14**

- (1) Giving or promising a gift, or any other personal advantage to a voter in the elections or voting at a referendum, in order to vote or not to vote, or to vote for a certain candidate or certain decision, is considered to be electoral corruption.
- (2) If the State Electoral Commission establishes the existence of grounds for suspicion of Paragraph 1 of this Article, during the elections or the voting at referendum, on the basis of indications from citizens, political parties, or candidates, and after their conclusion if there are founded indications for bribery, it is obliged to initiate a procedure before the Supreme Court of the Republic of Macedonia for invalidating the electoral result, that is, the voting.

### **Privileges or discrimination after elections**

#### **Article 15**

- (1) The State Commission shall consider and have insight into all contracts, public procurements, and other profit-making deals, made, that is, executed in the period of one year after the ending of the elections for President of the Republic, elections for delegates in the Assembly of the Republic of Macedonia, or the local elections, between state bodies, local self-government bodies, public enterprises, and other legal entities managing state capital and domestic or foreign juridical persons, as well as all permits, concessions, and other decisions recognising rights or privileges to legal entities as defined by law, or taking away or limiting such rights or privileges.
- (2) The State Commission is obliged to submit a report to the Assembly of the Republic of Macedonia for the insight carried out within 60 days. The report is announced in the media.

### **Influence over election, appointment and discharge to leading positions**

#### **Article 16**

- (1) A political party or person acting on behalf of a political party may not exert pressure at election or appointment to, or discharge of a person from official, leading, or other socially important office or duty, except for the cases in which by law is determined that the President of the Republic, the Assembly and the Government of the Republic of Macedonia, or the bodies of local self-government units are competent to elect, to appoint, or to give opinion or agreement.

- (2) A person discharged against the law under the pressure of a political party, as well as a candidate for election or appointment damaged by election or appointment carried out under such pressure, may with a lawsuit before a competent court demand annulment of the election, appointment, that is, discharge act.
- (3) The lawsuit of Paragraph 2 of this Article is made within thirty days from the passing of the act for election, appointment, or discharge, that is, from the moment of finding out that it has been done under the pressure of a political party, against the law, but no later than a year from the date of passing such an act. The proceeding is urgent and is conducted under the provisions of the Law on Contentious Procedure.

## **Poll Commission**

### **Article 17**

- (1) Twenty delegates in the Assembly of the Republic of Macedonia may raise a question to establish the corruption liability in which are involved elected or appointed civil servants, officials, responsible persons in public enterprises and in other juridical persons managing state capital.
- (2) The Speaker of the Assembly of the Republic of Macedonia is required to put the question on the agenda at the first next session of the Assembly of the Republic of Macedonia, at which, after a preliminary debate, the delegates who have raised the question explain the violations of this Law or of the provisions of the Criminal Code, and a Poll Commission is set up (hereinafter: Commission).
- (3) The Commission is authorized to request from any body, public enterprise, or other juridical person managing state capital, or a political party having its delegate, that is, delegates in the Assembly of the Republic of Macedonia, to submit to it all the necessary documents and other materials of importance for clearing the case, and to call to a hearing any elected or appointed civil servant, official, responsible person in a public enterprise, or in other juridical person, or responsible person of a political party.
- (4) The decisions relating to undertaking certain actions in the examination of the matter shall be made with the majority votes.
- (5) The meetings of the Commission are public. The Commission is required to submit a report to the Assembly of the Republic of Macedonia within sixty days from its setup at the latest. If no agreed opinions have been reached, the report shall contain all opinions of the members of the Commission.
- (6) The President of the Assembly of the Republic of Macedonia is obliged to put the Commission's report for consideration at the first session of the Assembly of the Republic of Macedonia, from the day it was submitted. The report is considered at a public session of the Assembly.

- (7) On the agenda of the Assembly of the Republic of Macedonia may not be put again the question of responsibility for the same case of the same person, body, public enterprise or other juridical person or political party, until six months have expired from the closing of the debate for the question previously raised. Delegates that have raised the question of responsibility and have not succeeded in substantiating their statements by stating true facts or sufficient reasons to believe in the existence thereof, may not raise a question of responsibility again until six months have expired from the date of the formerly raised question.

### **Limitation of state or other secret**

#### **Article 18**

A person who is obliged to keep a state, military or official secret may, upon the State Commission's request, be relieved from that obligation owing to the conduct of a penal or other procedure for a corruption offence.

### **Protection of associates of justice and witnesses**

#### **Article 19**

- (1) Against a person who revealed data indicating the existence of corruption, may not be initiated penal prosecution and he may not be called upon any responsibility.
- (2) A person who has given a statement or witnessed in a procedure for corruption offence shall be protected. The person has the right to a compensation for damage which he or a member of his family may suffer owing to the statement given or appearance as a witness.
- (3) The compensation of Paragraph 2 of this Article shall be paid with funds from the Budget of the Republic of Macedonia.
- (4) The Minister of Justice shall adopt an act to establish the criteria for damage compensation.

### **Protection of persons involved in eradication of corruption**

#### **Article 20**

- (1) Persons working in the bodies for detection and eradication of corruption shall be provided with full protection and independence, with a view to efficient execution of their authority and duty and no pressure whatsoever may be exerted on them in their work or in their undertaking of concrete actions.
- (2) The Government of the Republic of Macedonia, with a special programme, shall provide the personnel, educational, financial and other conditions for efficient exercise of the work on eradicating corruption.

## **Chapter III**

### **PREVENTING CORRUPTION IN THE PERFORMANCE OF PUBLIC MANDATES**

#### **Ban on performing other activities**

##### **Article 21**

- (1) An elected or appointed civil servant during his/her mandate may not carry out any other office, duty or activity incompatible with his/her function.
- (2) An official may not perform any other activity related to realizing profit and incompatible with his official duty. The official may do other work and activities only after prior approval by his/her immediate superior.
- (3) A responsible person in a public enterprise or in other juridical person managing state capital may not carry out any other activity causing damage to the state capital.
- (4) An elected or appointed civil servant or official may not at the same time perform an office of a responsible person or member of an administrative body in a public enterprise. The former office of the person ceases in case of election or appointment, or acquisition of an official capacity.
- (5) An elected or appointed civil servant, official and responsible person in a public enterprise or other juridical person managing state capital may not carry out the office of a member of a Board of Directors or of other administrative body in a trade company or in other juridical person dealing with a profitable activity.

#### **Limitation in cooperation with legal entities**

##### **Article 22**

- (1) An elected or appointed Functionary, as well as official person or responsible person in a public enterprise may not in the performance of his/her office, that is, service, establish business relations with a legal entity founded by him or a member of his family, or in which the responsible person is a member of his family, and if they have been established earlier, he is obliged to exclude himself from any decision-making on them.



- (2) Concerning the business relations of the legal entity of Paragraph 1 of this Article with a state body, body of a local self-government unit or public enterprise, the elected or appointed Functionary, official or responsible person in the public enterprise is obligated to inform the State Commission without delay, and within ten days at the latest after signing the contract or beginning other business cooperation.

### **Using state loans**

#### **Article 23**

If a juridical person, founded by an elected or appointed person, official or responsible person in a public enterprise, or by a member of his family, or in which a member of his family is a responsible person, appears as a user of state loans, credits for which the state gives guarantee, credits from the primary emission or from other state deposits and funds, the elected or appointed official and responsible person is obliged immediately to report it to the National Commission, and within ten days at the latest after obtaining the loan, credit.

### **Managing state property**

#### **Article 24**

An elected or appointed civil servant, official or responsible person in a public enterprise and responsible person managing state capital is obligated, within thirty days from coming to office, to report to the National Commission every management with state property, over which he exercises control, with which enters a legal relation with a juridical person founded by him or by a member of his family, or in which a responsible person is a member of his family.

### **Economical use of state funds**

#### **Article 25**

- (1) An elected or appointed civil servant, official and responsible person in a public enterprise and other juridical person managing state capital is obliged to keep the state resources entrusted to him and to dispose with them in the most economical way and for the previously set purposes. The use of the resources for private goals or giving them to another person to use is prohibited.
- (2) The amount of expenses for representation and their users are determined by law.

## **Notification for the use of foreign aid**

### **Article 26**

- (1) When state bodies appear as the users of donations and other foreign aid they are required to inform the State Commission of the way of their use.
- (2) The State Commission submits an annual report to the Assembly of the Republic of Macedonia about the utilization of the funds and the aid under Paragraph 1 of this Article. The report is announced in the media.

## **Carrying out activities after the cessation of office**

### **Article 27**

An elected or appointed civil servant or an official who, within three years from the date his office terminated, establishes a trade company or begins to deal with a profitable activity in the field in which he worked, is obliged to inform the State Commission thereof.

## **Prohibition to acquire shareholding rights**

### **Article 28**

- (1) An elected or appointed civil servant, official and responsible person in a public enterprise, may not, during his term of office, that is, duty, and within five years after the cessation thereof, acquire on any ground and in any kind shareholder rights in a legal entity over which he or the body in which he works or worked exercises or exercised supervision, unless he acquires those rights by buying shares at the stock exchange or by way of inheritance.
- (2) The person of Paragraph 1 of this Article is obliged to report of the acquisition of shareholder rights during the term of office, that is, service, to the State Commission within thirty days after obtaining them.

## **Ban on exerting influence to employ close relatives**

### **Article 29**

- (1) An elected or appointed civil servant may not exert influence to employ or promote a member of his family in the body in which he is elected or appointed, or in other state body or public enterprise which is under the supervision of the body in which the civil servant is elected or appointed.
- (2) An elected or appointed civil servant, official or responsible person in a public enterprise and other juridical person managing state capital is obligated to inform the State Commission of each election, appointment or employment promotion of a member of his family in a state

body, body of local self-government, public enterprise or other juridical person managing state capital, within ten days of the election, appointment, promotion or employment.

### **Ban on receiving gifts**

#### **Article 30**

An elected or appointed civil servant, official or responsible person in a public enterprise or other juridical person managing state capital may not receive gifts or promise for a gift, except for gifts for a special occasion, such as books, souvenirs and similar objects of smaller value.

### **Misuse of official data**

#### **Article 31**

- (1) An elected or appointed civil servant, official or responsible person in a public enterprise may not use the information at his disposal in order to accomplish advantage for himself or for somebody else.
- (2) The obligation of Paragraph 1 of this Article remains valid within three years from the date of termination of the office, that is, duty, unless otherwise stipulated by law.
- (3) The person of Paragraph 1 of this Article may not keep secret data which under this or other law must be announced, or ask for access to data for which he knows is not authorised to obtain, or act unethically in terms of keeping the data that are secret.

### **Misuse of public procurements**

#### **Article 32**

- (1) Any influence of an elected or appointed civil servant, official or responsible person in a public enterprise or other juridical person managing state capital, over the body or juridical person deciding on the tenders received after a publicly announced competition, announcement or bidding for public procurements, or other public purchases and things, is forbidden.
- (2) If a juridical person founded by an elected or appointed civil servant, or by a member of his family, or in which a responsible person is a member of his family, is among the bidders in the public announcement, announced by any body, public enterprise or other juridical person managing state capital, the civil servant is obliged to inform the State Commission of its participation in the announcement within ten days.
- (3) An official or responsible person in a public enterprise or in another juridical person managing state capital, is required to inform the State Commission within ten days of the participation of a juridical person founded by him, or of a juridical person in which a member

of his family is a responsible person in a public announcement, announced in the body or juridical person in which that person carries out his duty.

- (4) The provisions of Paragraphs 1 through 3 of this Article shall also apply when on the basis of a public competition, announcement or bidding it is decided on giving approvals, concessions, contingencies or permits to perform economic or other profitable activity.

### **Obligation to report property**

#### **Article 33**

- (1) An elected or appointed functionary, official or responsible person in a public enterprise or other juridical person managing state capital, upon the election, that is, beginning his duty, and within thirty days at the latest, fills in an assets declaration with detailed description of real estate, movable objects of greater value, securities and claims and debts, as well as other property that he or the members of his family possess.
- (2) Upon the election, that is, beginning with his duty, and within thirty days at the latest, the person of Paragraph 1 of this Article deposits a statement, certified by a notary, whereby he waives from the protection of a bank secret in terms of all accounts in domestic and foreign banks.
- (3) The assets declaration and statement are submitted to the State Commission and the Public Incomes Administration.
- (4) The content and the form of the assets declaration shall be defined with an act by the Government of the Republic of Macedonia.

### **Reporting changes in the property situation**

#### **Article 34**

- (1) An elected or appointed functionary, official and responsible person in a public enterprise or other juridical person managing state capital, shall be required to report of every increase in his property, that is, property of a member of his family, such as building a house or other facilities, buying real estates, securities, an automobile, or other movable objects worth more than the amount of twenty average salaries in the economy in the previous three-month period in the Republic.
- (2) A contract or other document being the ground for disposing with the property, as well as a document of the way of the payment made, shall be enclosed with the report that is submitted to the State Commission and the Public Revenue Office.

## **Capacity of an official document**

### **Article 35**

The questionnaire, statement and report of Articles 33 and 34 of this Law are considered to be official documents and are treated as official secret, except in the cases decided otherwise by the State Commission.

## **Proceeding to examine a property situation**

### **Article 36**

- (1) Against an elected or appointed civil servant, official or responsible person in a public enterprise or other juridical person managing state capital, a proceeding may be initiated to examine the property and property situation if the person in the questionnaire of Article 33 of this Law has not given data or has given false data, or has not reported a change in the property or in the report of Article 34 has given incorrect data, or if it has been established that his property or the property of a member of his family, during his term of office, that is, carrying out his duties, has been disproportionally increased in regard to the regular incomes in the form of salaries, dividends and other incomes deriving from an activity or property.
- (2) The proceeding is initiated by the Public Revenue Office, after previously pointing out to the person the grounds for its initiation, contained in Paragraph 1 of this Article. A request to initiate a procedure may also be made by the State Commission. The proceeding is conducted under the provisions of the Law on Administrative Proceedings.
- (3) Along with the initiation of the procedure, the Public Revenue Office submits a proposal to the competent basic court for the interim measure prohibiting him to dispose with the property.
- (4) If in the proceeding it is not proved that the property has been obtained, that is, increased as a result of regular incomes, which have been reported and taxed, the Administration will make a decision to impose a tax, taking as the basis of taxation the difference between the established regular, reported and taxed incomes of the person and the members of his family and the estimated market value of the property. The basis fixed in that way is taxed at a rate defined pursuant to the Law on Personal Income Tax.
- (5) An administrative dispute with a lawsuit may be initiated before the Supreme Court of the Republic of Macedonia against the final decision for imposing a tax. The procedure before the court is urgent.
- (6) The Incomes Administration submits a proposal for execution within eight days of the day the decision, that is, the judgment became effective, to the competent basic court, which orders the execution to be enforced immediately, and three days after receiving the proposal at the latest. No complaint is allowed against the decision for execution.

- (7) The effective decision, that is, judgement is enforced on the person's entire property, and on the property of the members of his family, and if the property since the beginning of the proceeding for its check has been transferred to third persons without compensation, or with compensation not corresponding with its established market value, it is enforced on the such transferred property. As to the complaint that the persons have given compensation for the transferred property that corresponds with the market value, the court decides only on the basis of authentic documents of the ground and way of payment, within three days of submitting the complaint. There may be an appeal against the complaint within eight days of receiving the decision. The second instance court decides on the appeal within three days of receiving the same.
- (8) During the court proceeding and the execution proceeding, the chairman of the competent court is required *ex officio* to pay attention to the observance of time limits, delivery of legal acts and expeditiousness of executing the effective decision.

## **Chapter IV**

### **PREVENTING CONFLICT OF INTERESTS**

#### **Basic responsibilities in performing an office**

##### **Article 37**

- (1) An elected or appointed civil servant, official and responsible person in a public enterprise and other juridical person managing state capital, is obliged to subordinate his carrying out of office of duty to the principles of legality, efficiency, trust, independence, autonomy, honesty and professionalism.
- (2) Persons of Paragraph 1 of this Article are obligated in the carrying out of their office or duty to act conscientiously, expertly, without discrimination or privileges towards anyone, with full respect for human freedoms and rights and human dignity and without any personal interest.

#### **Conflict between personal and general interests**

##### **Article 38**

- (1) In case of a conflict between personal and general interests, the elected or appointed civil servant, official and responsible person in a public enterprise or other juridical person managing state capital is obliged to act according to the general interest.

- (2) There is a conflict between personal and general interests when by carrying out certain official or other activity the material or other interests of the person of Paragraph 1 of this Article or the interests of members of his family are being affected.

### **Disqualification**

#### **Article 39**

- (1) When an elected or appointed civil servant, official or responsible person in a public enterprise or other legal entity managing state capital finds out about circumstances indicating a conflict of interests, he is obligated to ask for disqualification.
- (2) The person of Paragraph 1 of this Article shall be excluded from performing certain activity with a decision by the body where he is elected or appointed, or by his superior and without him requesting so, or contrary to his will, if it is evident that there is a personal interest in the specific case.
- (3) The concealing of the existence of a personal interest is serious violation of duty and a basis to initiate a political or disciplinary responsibility proceeding.

### **Unlawful requests by a superior**

#### **Article 40**

- (1) An official from whom his superior, or an elected or appointed civil servant, asks in the performance of his office to act illegally, dishonestly and disloyally towards a state body, or to privilege or discriminate a citizen or juridical person, is obliged to inform the competent state body and the State Commission thereof.
- (2) The official is required to inform his immediate superior in writing, if the latter after the oral opposition still insists on the requests of Paragraph 1 of this Article. After the written statement the official is relieved from the obligation to perform an illegal official activity, and may not be held answerable for its nonperformance.

### **Failure to report penalty liable act**

#### **Article 41**

An elected or appointed civil servant, official and responsible person in a public enterprise and other juridical person managing state capital is required to report every punishable act, as well as each violation of the provisions of this Law, of which he has found out while performing his duty.

### **Ban on exercising influence on others**

## **Article 42**

- (1) An elected or appointed civil servant, official or responsible person in a public enterprise and other juridical person managing state capital may not use his position to influence other person in a state body, public enterprise or other juridical person, to make or not to make certain decision, to do or fail to do something, or to bear something, with a view to making profit or causing damage to somebody.
- (2) The person of Paragraph 1 of this Article may not participate as a mediator or representative in commercial or other deals between juridical persons or citizens.
- (3) Every citizen is obliged to inform the State Commission of a violation of the provisions under Paragraphs 1 and 2 of this Article.

## **Carrying out discretionary powers**

### **Article 43**

- (1) In the performance of discretionary powers every elected or appointed civil servant or official is obliged to make his decisions conscientiously, taking into account all facts and circumstances in the concrete case and the principle of legality and equity.
- (2) A citizen or juridical person dissatisfied by the decision made on the basis of discretionary power, and judging that it has been made due to corruption, may submit a petition with the State Commission.
- (3) The State Commission is obliged to consider the petition and to inform the citizen or juridical person for its dealing with the petition within thirty days of receiving the same.

## **Bribe offer**

### **Article 44**

Should an elected or appointed civil servant, official or responsible person in a public enterprise and other juridical person managing state capital be offered bribe, the person is obliged to take protection measures with a view to identifying and reporting the person who offered it to a competent body.

## **Procedure in case of accusation of corruption**

### **Article 45**

- (1) The person charged with corruption shall, without delay, inform the body in which he is elected or appointed, that, is his superior. An anonymous report shall not be considered an accusation.
- (2) The accusation of corruption is considered in a proceeding defined by law.



## **Invalidity of legal acts and damage compensation**

### **Article 46**

- (1) Legal acts resulting from corruption are invalid. Each person having a legal interest may demand invalidation of such acts, by submitting as evidence an effective court verdict establishing that there has been corruption.
- (2) The person damaged by a corruption act may request damage compensation (actual damage and lost profit) from the offender, qualified as a corruption act by an effective court verdict, as well as from the body or public enterprise and other juridical person managing state capital, in which that person carried out his office or duty at the time of committing the act, according to the principles of joint and several liability.

## **Chapter V**

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

#### **Position and composition**

##### **Article 47**

- (1) The State Commission is an autonomous and independent in the performance of its jobs defined by this Law.
- (2) The State Commission is composed of seven members.
- (3) Administrative, expert and technical matters of the State Commission shall be carried out by the Ministry of Justice.

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

##### **Article 48**

- (1) The Assembly of the Republic of Macedonia shall appoint the members of the State Commission for a term of four years, without the right to reappointment.
- (2) The members of the State Commission shall be appointed from among the distinguished experts in the legal and economic field and who fit the profile for the office.

- (3) The State Commission shall elect a Chairman from among the members appointed under Paragraph 1 of this Article, for a term of one year, without the right to re-election.

## **Jurisdiction**

### **Article 49**

- (1) The State Commission shall have the following spheres of competence:

- adopts a State Programme for Prevention and Repression of Corruption;
- adopts annual programmes and plans for the realisation of the State Programme;
- gives opinion of proposed laws important for corruption prevention;
- raises an initiative before the competent bodies for the control of the financial and material work of the political parties, trade union and citizens' associations;
- brings an initiative to conduct a proceeding before the competent bodies to discharge, replace, criminally prosecute or apply other measures of responsibility to elected or appointed civil servants, officials or responsible persons in public enterprises and other juridical persons managing state capital;
- considers cases of conflict of general and personal interests, determined by this Law;
- makes evidence of, and follows the property situation, changes in property situation and additional profitable and other activities of elected and appointed civil servants, officials and responsible persons in public enterprises and other juridical persons managing state capital, in a manner defined by this Law;
- adopts a Book of Procedures for work;
- proposes funds in the proposal for budget estimate of the Assembly of the Republic of Macedonia necessary for its work;
- prepares annual statements for its work and the measures and activities taken and submits them to the Speaker of the Assembly, the Assembly, the Government, and the Supreme Court of the Republic of Macedonia, and announces them in the media;
- cooperates with other state bodies in the suppression of corruption;
- cooperates with corresponding national bodies of other states, and with international agencies and bodies in the field of suppression of corruption;

- undertakes activities in the area of education of the bodies competent to detect and prosecute corruption and other forms of crime; and
  - performs other tasks defined by this Law.
- (2) The State Commission shall inform the public of the measures and activities taken and of their results, through regular annual reports or when it judges that it is necessary to inform the public.

### **Duties, rights and responsibilities**

#### **Article 50**

- (1) The member of the State Commission has the capacity of an appointed person.
- (2) The members of the State Commission are entitled to a monthly fee in the amount of two average monthly gross salaries determined by the Commission for Matters of Elections and Appointments of the Assembly of the Republic of Macedonia.
- (3) The members of the State Commission for their work are answerable to the Assembly of the Republic of Macedonia.

### **Manner of work**

#### **Article 51**

- (1) The State Commission performs the tasks within its sphere of competence at a session, at which more than one half of the members are present.
- (2) Decisions are made with the majority of votes of the total number of members.
- (3) The Book of Procedures governs the manner of work of the State Commission.
- (4) For more systematic consideration of certain issues, eminent experts may be invited to take part at a session of the State Commission.

### **Summoning persons**

#### **Article 52**

- (1) A person suspected of corruption may also be summoned to attend the session of the State Commission, with a view to clarifying certain issues important for the decision-making to initiate a procedure before other bodies.
- (2) If the person summoned refuses to attend the session, the State Commission shall consider the case on the basis of the other available evidence.
- (3) The preliminary procedure of Paragraph 1 of this Article is secret.

## **Request for informing**

### **Article 53**

- (1) The State Commission may request from an elected or appointed civil servant, official or responsible person in a public enterprise or in other legal entity managing state capital data about his property situation or the property situation of members of his family, about its changes, about the activity carried out by him or by a member of his family, the income realised, or other data relevant for the application of the provisions of this Law.
- (2) If the State Commission requests the data of Paragraph 1 of this Article from a competent body or juridical person, the body or juridical person is obliged without delay to submit the data requested and may not call upon a state, official or other secret.

## **Control over accounts of state bodies**

### **Article 54**

In the performance of the tasks of its competence, the State Commission may request to make direct inquiry into the spending of the funds of bodies and juridical persons managing state capital.

## **Chapter VI**

### **PREVENTION OF CORRUPTION IN THE PERFORMANCE OF TASKS OF PUBLIC INTEREST AND OTHER ACTIVITIES OF JURIDICAL PERSONS**

## **Misuse in performing tasks of public interest**

### **Article 55**

- (1) A person performing matters of public interest may not misuse his position to accomplish personal advantage.
- (2) If there is a well-founded suspicion that the property of the person of Paragraph 1 of this Article, or of a member of his family, during the performance of tasks of public interest has been disproportionally enlarged considering his regular income, or the income of his family members, the Public Incomes Administration may initiate a proceeding to investigate the property situation. The proceeding is conducted under Article 36 of this Law.
- (3) In addition to the activities which, by law, are defined to be of public interest, the activities performed within the framework of the activity of political parties, trade unions and other associations of citizens are considered to be matters of public interest.

## **Protection of the media**

### **Article 56**

- (1) Any force, prevention or influence in another way over the media to announce or not to announce information on cases of corruption is forbidden.
- (2) The journalist has the right to an unobstructed access to all sources of information. No one may exclude the public from the hearing for corruption before a competent body or juridical person, except for a preliminary procedure proclaimed as secret.
- (3) No one may ask a journalist who has announced information on a corruption act to reveal the source of information, except in a procedure before a court.

### **Misuse of the media**

#### **Article 57**

- (1) Anyone announcing information on somebody's corruption is obliged to respect the presumption of innocence and the principles of true, objective and impartial informing, as well as other principles of the code of professional ethics.
- (2) No one may use the media for false accusation of somebody of corruption.

### **Misuse in financial work**

#### **Article 58**

- (1) Every person employed in a bank, savings bank, exchange office, insurance company, stock exchange or other financial institution is obliged to report a dubious transaction which is related to corruption. The report is made with the responsible person in that juridical person or with bodies defined by law.
- (2) The organizer of a stock exchange is required to keep evidence and registry of all transactions at the stock exchange.

### **Preventing corruption in trade companies**

#### **Article 59**

- (1) A responsible person in a trade company or other juridical person may not receive a reward, or any other benefit, or promise for that, for himself or for another person, in order to take advantage of his position to create monopolistic position on the market, discrimination of other trade companies or juridical persons, disintegration of the market, or to cause damage to another natural or juridical person, which is not the result of the competition in business work and business risk.
- (2) Contracts and other legal acts resulting from corruption of a responsible person, as well as the contracts that are the result of corruption, that is, of accomplishing unlawful benefit of the juridical person, are invalid.

- (3) The appearance of the consequence of Paragraph 1 of this Law is a basis for filing a lawsuit by the damaged party for damage compensation (actual damage and lost profit).
- (4) A responsible person in a trade company or other juridical person may not have unreported accounts abroad, or make payments abroad to foreign officials or political parties.
- (5) If there is a well-founded suspicion in the truthfulness of the given final statement, submitted by the legal entity or of the other business books and financial documents, the Public Incomes Administration may initiate a proceeding to investigate the entity's property situation. The procedure is conducted under the provisions of Article 36 of this Law.

## **Chapter VII**

### **Penal provisions**

#### **Article 60**

- (1) A responsible person in a political party, trade union or other citizens' association shall be fined from 200,000 to 300,000 denars if he collects resources in cash or from unidentified sources, if he does not keep regular financial documents, or fails to report the performance of a profitable activity, contrary to Articles 8 and 9 of this Law.
- (2) A responsible person in a political party, trade union and association of citizens shall be fined from 20,000 to 50,000 denars for the offence of Paragraph 1 of this Article.
- (3) The funds from unidentified sources shall be confiscated.

#### **Article 61**

- (1) A candidate in elections who uses funds from abroad, from unidentified sources or funds for which there is a ban on use for election campaigns shall be fined for an offence with a fine from 20,000 to 50,000 denars.
- (2) Funds are confiscated.

#### **Article 62**

The person not observing the prohibitions of Articles 20, 21 and 27 of this Law shall be fined for an offence from 20,000 to 50,000 denars.

#### **Article 63**

The person not making an obligatory claim, that is, not reporting for a property, activity, employment or other data, stipulated in Articles 22, 23, 24, 26, 28, 29, 32, 33, and 34 of this Law shall be fined for an offence from 20,000 to 50,000 denars.

#### **Article 64**

A person who, contrary to Article 41, fails to report a penalty liable deed or other violation of the provisions of this Law, shall be fined for an offence from 20,000 to 50,000 denars, unless the failure to report is a criminal offence.

#### **Article 65**

The person who forces, or in any way forbids to announce or not to announce information about a case of corruption, unless the elements of a criminal offence have been fulfilled, as well as the one who obstructs the access to the sources of information, shall be fined for an offence from 20,000 to 50,000 denars.

#### **Article 66**

The person who fails to report a suspicious transaction contrary to Article 58 of this Law, shall be fined for an offence from 20,000 to 50,000 denars.

#### **Article 67**

- (1) A responsible person not reporting accounts abroad, or making payments abroad contrary to Article 59 paragraph 4 of this Law, unless the elements of a criminal offence have been fulfilled, shall be fined for an offence from 20,000 to 50,000 denars.
- (2) The juridical person shall also be fined for the offence of Paragraph 1 of this Article from 200,000 to 300,000 denars.

### **Punishment of a legal entity**

#### **Article 68**

- (1) If a responsible person commits a criminal offence under the Articles 353, 357, 358 and 359 of the Criminal Code on behalf of and for the benefit of a legal entity, or if that act has been committed by a government body, the legal entity shall be fined for an offence from 200,000 to 300,000 denars.
- (2) The property advantage shall be confiscated.

### **Ban on performing offices and duties**

#### **Article 69**

A person sentenced with an effective court judgement for corruption, may not perform offices and duties of an elected or appointed civil servant, official or responsible person in a public enterprise, for a period of five years from the day the judgement became effective.

## **Chapter VIII**

### **TRANSITIONAL AND FINAL PROVISIONS**

#### **Prohibition of exercising other activities**

##### **Article 70**

The provisions for prohibition of performing other activities, except for the office of a delegate, in the sense of Article 21 of this Law, shall be applied after the appointment of the members to the State Commission.

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

##### **Article 71**

The members to the State Commission shall be appointed six months at the latest after entering into force of this Law.

#### **Passing of necessary acts**

##### **Article 72**

The Government of the Republic of Macedonia shall establish the contents and the form of the assets declaration under Article 33 Paragraph 4 of this Law within six months from the date this Law has become effective.

#### **Entry into force**

##### **Article 73**



This Law shall enter into force on the eighth day from the day it was published in the "Official Gazette of the Republic of Macedonia."

According to Article 75, paragraphs 1 and 2 of the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia and the President of the Parliament of the Republic of Macedonia issue

**DECREE**  
**FOR PROMULGATION OF THE LAW ON AMENDING THE LAW ON**  
**PREVENTION OF CORRUPTION**

The Law on amending The Law on Prevention of Corruption, adopted by the Parliament of the Republic of Macedonia on the session from July 2 2004 is promulgated.

No. 07-2962/1  
July 2 2004  
Skopje

President of the  
Republic of Macedonia,  
**Branko Crvenkovski**

President of the Parliament of the  
Republic of Macedonia,  
PhD Ljupco Jordanovski

**LAW**  
**FOR AMENDING THE LAW ON PREVENTION OF**  
**CORRUPTION**

Article 1

In the Law on Prevention of Corruption ("Official Gazette of the Republic of Macedonia" No. 28/2002), paragraph 1 of Article 1 is amended and is as following:

“(1) The Law shall regulate measures and activities for prevention of corruption in exercising of power, public authorizations, official duty and policy, measures and activities for prevention of conflict of interests, measures and activities for prevention of corruption in performing matters of public interests by legal entities related to exercising public authorizations, as well as measures and activities for prevention of corruption in commercial companies.”

In paragraph 2 the words: “and activities” are added after the word “measures”.

## Article 2

After Article 1, a new title and article, 1-a, are added as following:

### "Definition of corruption

## Article 1-

In terms of this Law, corruption denotes using of function, public authorization, official duty and position for the purpose to gain any benefit for oneself or for other person.”

## Article 3

A new paragraph (1) is added to Article 2, as following:

“(1) Every person is obliged to act in accordance with the Constitution and laws in exercising of function, public authorizations, official duty and position”.

In paragraph (1), now paragraph (2) the words: “abuse their public function or duty” are amended with the words: “use their function, public authorization, official duty and position”.

Paragraph (2) is now paragraph (3).

## Article 4

Article 3 is amended and is as following:

“(1) Each person is obliged to act conscientiously, expertly, responsibly, efficiently and impartially in the performing of their function, public authorization, official duty and position.

(2) No persons may use the performing of the function, public authorizations, official duties and position for realizing personal gains.”

## Article 5

Article 4 paragraph (1) is amended as following:

“(1) Every person has the right to equal access to performing matters of public interest and equal treatment by government officials, persons performing public authorizations, official duties and position.”

In paragraph (2) the word “citizen” is deleted, and after the word “behavior” the comma is replaced with a full-stop and the rest of the sentence is deleted.

Paragraph (3) is amended as following:

“(3) Every person has a right to prevent or report an action that represents using the function, public authorizations, official duties and position, performed for realizing personal gain or to the damage of another party, without facing any consequences.”

#### Article 6

In Article 5 paragraph (1) is amended as following:

“(1) Performing governmental duties, public authorizations, official duty and position, as well as the matters of public interest are public and subject to public control.”

In paragraph (2) the words: “abuse of function or duty for reasons of greed” are replaced with the words: “abuse of function, public authorizations, official duties and position for realizing gain, benefit or advantage for one self or other parties.”

#### Article 7

After Article 5 a new title and a new Article, 5-a, are added as following:

#### “Principle of liability

##### Article 5-a

(1) Every person damaged by an act of corruption is entitled to request compensation for damage, real damage and loss of profit, according to the principles of joint liability by the person committing the act of corruption, as well as from the legal person in which the person committing the act of corruption performed functions or duties at the time of such an act.

(2) The right from paragraph (1) of this Article, may be realized when the act of corruption is established in a standing court decision.”

#### Article 8

The title in front of Article 6 and Article 6 is deleted.

#### Article 9

In Article 7 paragraphs (1) and (2) are amended as following:

“(1) For the purposes of defining the meaning of the terms elected or appointed functionary, as well as other authorized official, legal person, responsible person in a legal person and a person performing activities of public interest, the provisions of meaning of the terms from the Criminal Code are applied.

(2) The term benefit understands realizing any kind of gain, benefit or advantage for one self or another person.”

#### Article 10

In the title before Article 8 the following words are added after the word “citizen”: “and foundations”.

#### Article 11

Article 8 is amended and is as following:

“(1) Financing the work and the activities of a political party, trade union or citizens association and foundation is public and is conducted according to law.

(2) Financing the work and activities of foreign and international non-governmental organizations in the Republic of Macedonia is public.”

#### Article 12

The title in front of Article 9 and Article 9 is deleted.

#### Article 13

In Article 10 after the words: “budget funds of the Republic of Macedonia” the following words are added: “from the budgets of the local self-government units,”, and after the words: “public enterprises” the words “public institution” are added.

#### Article 14

In Article 11 paragraph (1) is amended as following:

“(1) Budget funds of the Republic of Macedonia, funds from the budgets of local self-government units, public funds and funds of public enterprises and public institutions and legal entities that have state capital may not be used for financing an election campaign, unless otherwise provisioned by a law provisioning the financing of election campaigns of political parties.”

#### Article 15

In Article 12 paragraph (1) is amended as following:

“(1) In cases of reasonable doubt that budget funds or assets from public funds, or funds from public enterprises and public institutions or other legal entities with state capital, are directly or indirectly, through investment activities or in another manner, used in an election campaign or, generally, used for financing an election or another political activity, the State commission undertakes measures for determining such doubts.”

A new paragraph (2) is added after paragraph (1), as following:

“(2) If the State commission determines that the doubts from paragraph (1) of this Article are founded, it informs the competent authorities of this and requests from them to undertake activities in the frames of their competences.”

In paragraph (3) in the first line the words: “one month” are replaced with the words: “three months”.

Paragraph (2) is now paragraph (4).

#### Article 16

Article 13 is amended as following:

“(1) A political party or an election candidate may not collect and use funds from illegal sources.

(2) In case of doubt that the political party or an election candidate utilized funds from illegal sources, the State Commission shall request from the competent bodies to perform inspection of the inflow and utilization of the funds.

(3) The inspection of the inflow of funds or other bank payments, at the request of the State commission shall not be considered a violation of banking confidentiality.”

#### Article 17

Article 14 is amended as following:

“(1) Giving or promising a gift, or other benefit for oneself or other persons, to voters during elections or referendums, to vote or not to vote, or to vote for a certain candidate or decision, shall be considered bribery in elections and voting.

(2) If the State Commission finds out or has reasons for doubts of acts from paragraph (1) of this Article, it shall inform the competent Public Prosecutor and the State Election Commission in writing.

(3) The Public Prosecutor and the State Election Commission in 30 days time from the date of receiving the notification from paragraph (2) of this Article inform the State Commission of the measures and activities undertaken in the frames of their competences.”

#### Article 18

In Article 15 paragraph (1) in the first line the words: “also looks at” are deleted.

After paragraph (1) two new paragraphs shall be added (2) and (3), as following:

“(2) The Public procurement office is obliged to submit a report to the State Commission every three months on the public procurement agreements and other agreements from paragraph (1) of this Article made by governmental bodies, bodies of the local self-government units, public enterprises, public institutions and other legal entities that have state capital.

(3) If the State Commission determines privileges or discrimination regarding the agreements, public procurements and other agreements from paragraph (1) of this Article, it shall request from the competent bodies to undertake measures and activities in the range of their competences.”

Paragraph (2) shall be paragraph (4).

#### Article 19

A new Article 16- is added after Article 16, as following:

##### "Article 16-a

(1) A political party or a person representing a political party may not exert influence during employment, allocation or termination of a working relationship of an authorized official.

(2) The decision for employment, allocation and termination of a working relationship must be elaborated and based on legal criteria.

(3) The State Commission may request the competent body for a revision or annulment of a decision adopted in opposition to paragraphs (1) and (2) of this Article.

(4) The body that adopted the decision from paragraph (2) of this Article is obliged to act on the request by the State Commission in 30 days time from the date of receiving the request

#### Article 20

In Article 17 paragraph (1), in the second line, the word “the question” is deleted and replaced with the word “question”.

In paragraph (3) the words: “who ever” are replaced with the words “everyone”, and after the words: “public enterprise” a comma is added and the words: “public institution” are placed.

#### Article 21

In Article 19 paragraph (2), in the second line, the full-stop is deleted after the words “protection” and the words “in accordance with the law” are added.

A new paragraph (3) is added after paragraph (2), as following:

“(3) The indemnification request from paragraph (2) of this Article shall be submitted to a competent body.”

Paragraphs (3) and (4) shall be paragraphs (4) and (5).

#### Article 22

In Article 20 paragraph (1) the words: “generally” and “none at all” are deleted.

Paragraph (2) is amended as following:

“(2) For influencing the work or the undertaking of concrete activities, the persons from paragraph (1) of this Article inform the State Commission.”

A new paragraph (3) is added after paragraph (2), as following:

“(3) The State Commission informs the Parliament of the Republic of Macedonia on the influencing of the work or the undertaking of concrete activities on the members of the State Commission.

#### Article 23

In Article 21 paragraph (2) the words: “his immediate superior” are replaced with the words: “the functionary managing the body.”

In paragraph (4), in the third line, after the words: “public enterprise” the full-stop is deleted and the words “public institution or another legal person with state capital” are added.

#### Article 24

In Article 22 paragraph (1) shall be amended as following:

“(1) An elected or appointed functionary, other authorized official or responsible person in a public enterprise, a public institution or another legal person with state capital may not, in the performing of their function, that is service, create business relations with a legal person founded by him or a member of his family, or in which the responsible person is a member of his family, and in cases when the business relations are created a priori, he is obliged to exclude himself from any decision making and to inform the State Commission of this.”

Paragraph (2) is deleted.

#### Article 25

In Article 23 after the words: “public enterprise” the full-stop is deleted and the words “public institution or another legal person with state capital” are added.

#### Article 26

Article 24 is amended as following:

“An elected or appointed functionary, as well as another official or responsible person in a public enterprise, a public institution or other legal person with state capital is obliged to, immediately and in 15 days time the latest from the date of election, appointment, employment or coming into office, report to the State Commission every turnover with state assets that is a subject of a legal relation with a legal person founded by him or a member of his family, or in which the responsible person is a member of his family.”

#### Article 27

In Article 25 paragraph (1) in the second line after the words: “public enterprises” the words “public institution” are added. Paragraph (2) is deleted.

#### Article 28

In Article 26 paragraph (1) is amended as following:

“(1) When state bodies, public enterprises, public institutions and other legal entities with state capital appear as beneficiaries of donations and other foreign aid they are obliged to inform the State Commission regarding the plan for utilization of the funds and to submit a final report on the utilization of the funds.”

#### Article 29

Article 27 is amended as following:

“An elected or appointed functionary, as well as other authorized officials or a responsible person in a public enterprise, a public institution or another legal person with state capital that in three years time from the date of termination of function, that is office, founds a trade company or conducts activities in the area in which profit is realized from the field in which he worked, is obliged to inform the State Commission of this in 30 days time.”

#### Article 30

In Article 28 paragraph (1) shall be amended as following:

“(1) An elected or appointed functionary, an authorized officials or a responsible person in a public enterprise, a public institution or in another legal person with state capital may not, in the duration of his mandate, that is office and in three years time after the termination of the same, acquire on any basis or in any form shareholding rights in a legal person on which he, or the body he works or worked in, performs, that is performed, supervision, unless those rights are acquired by right of inheritance.”

#### Article 31

In Article 29 paragraph (1) after the words: “public enterprise” the words “public institution or another legal person with state capital” are added.

#### Article 32

In Article 30 the words: “of lesser value” are replaced with the words: “in a value prescribed by law.”

#### Article 33

In Article 32 paragraphs (1), (2) and (3) after the words: “public enterprise”, the words “public institution” are added.

#### Article 34

In Article 33 paragraph (1) is amended as following:

“(1) An elected or appointed functionary, a responsible person in a public enterprise, a public institution or another legal person with state capital, an authorized official in the election, appointment, that is after the employment, and latest in 30 days time from the date of election, appointment, employment or coming into office, fills out a questionnaire with a detailed inventory of real property, movable property of greater value, securities, receivables and liabilities, as well as other assets in his possession or in the possession of the members of his family.”

After paragraph (1) a new paragraph (2) is added, as follows:

“(2) Persons from paragraph (1) of this Article are obliged to fill out a Questionnaire in 30 days time after the termination of office, that is the termination of employment.”

In paragraph (2) that shall be paragraph (3), in the first line, after the words: “In the election” the word “appointment” is added, and after the words: “that is after” the words: “the employment or after” are added.

Paragraph (3) that shall be paragraph (4) shall be amended as following:

“(4) An elected or appointed functionary, a responsible person in a public enterprise, a public institution or another legal person with state capital, submits the Questionnaire from paragraphs (1) and (2) and the statement from paragraph (3) of this Article to the State Commission and the Public Revenue Office, and the authorized official to the body, that is the legal person in which he is employed. The competent body, that is the legal person in which the authorized official is employed submits the Questionnaire to the State Commission in 60 days time from the date of employment.”

After paragraph (4) a new paragraph (5) is added, as following:

“(5) An elected or appointed functionary, a responsible person in the public enterprise, the public institution or another legal person with state capital is obliged to inform the State Commission regarding any changes in function, that is office.”

In paragraph (4) that shall be paragraph (6) the words: “Government of the Republic of Macedonia” are replaced with the words “State Commission.”



#### Article 35

In Article 34 paragraph (1) the words: “realized in the economy” and “in the Republic” are deleted.

#### Article 36

Article 36 shall be amended as following:

“(1) Against an elected or appointed functionary, as well as other authorized officials or a responsible person in a public enterprise, a public institution or another legal person with state capital, a procedure may be initiated for inspection of property and assets, if the person from the Questionnaire from Article 33 of this law:

- did not submit information;
- provided false or incomplete information;
- or if the person has not reported a property change, or in the form from Article 34 of this law it has provided false and incomplete information.

(2) A procedure shall be initiated against the person from paragraph (1) of this Article also if it is determined that his assets or the assets of a member of his family, in the duration of the mandate, that is during the term in office or the duration of the employment, has received a disproportional increase in regard to the regular income in the form of salary, dividend and other revenue from performing activities or assets.

(3) The procedure from paragraph (1) of this Article is initiated by the Public Revenue Office.

(4) A request for initiating a procedure can also be submitted by the State Commission.

(5) With the initiation of the procedure, the Public Revenue Office submits a proposition to the competent first instance court for an interim measure for suspending the disposal of assets.”

#### Article 37

After Article 36 two new articles, 36-a and 36-b, shall be added, as following:

##### "Article 36-a

(1) If, in the procedure for assessing the property and assets it is not proved that the property was acquired, that is increased as a result of regular income, reported and taxed, the Public Revenue Office shall adopt a decision for taxation using as the basis for taxation the difference between the determined regular, reported and taxed income of the person and the members of his family and the estimated market value of the property. The thus established tax basis is taxed with a tax rate of 70% from the difference between the taxed and reported income, that is the market value of the property.

(2) If it is determined that the property has been increased to a large extent, the Public Revenue Office initiates a criminal procedure against that person in the competent Public Prosecutors Office.

(3) For actions undertaken pursuant to paragraphs (1) and (2) of this Article the Public Revenue Office informs the State Commission.

#### Article 36-b

(1) An administrative dispute via complaint can be initiated against the final taxation decision from Article 36-a of this Law in front of the competent court determined by law. The proceedings before the court are urgent.

(2) The Public Revenue Office submits a proposal for enforcement in 8 days time after the coming into power of the decision, that is verdict, to the competent first instance court, that issues an order for immediate enforcement and latest in three days time after receiving the proposal.

(3) The enforcement proposal cannot be appealed against.

(4) The standing decision, that is verdict is enforced on the full assets of the person, as well as the assets of the members of his family, and if the assets have been transferred to third parties from the start of the procedure for their inspection, without compensation or for a compensation incongruent with the assets' market value, the decision is enforced on the thus transferred assets as well. Regarding a complaint that those persons have provided a compensation for the transferred assets in accordance to the market value, the court makes a decision only on the basis of veritable documents for the basis and manner of payment, in three days time from the submission of the complaint. The complaint may be appealed in eight days time from the date of receiving the decision. The second instance court decides on the appeal in three days time from the date of receiving the appeal.

(5) During the court procedure and the enforcement procedure the president of the competent court is obliged ex-officio to maintain the deadlines, the serving of court acts and the expedience in the enforcement of the standing decision."

#### Article 38

In Article 37 paragraph (1) in the second line after the words: "public enterprise" the words "public institution" are added.

In paragraph (2), in the third line, after the word "expertly" the word "impartially" is added.

#### Article 39

Article 40 shall be amended as following:

"(1) An authorized official that is requested by his superior, or elected, or appointed functionary, in the performing of his work to act in opposition to the Constitution, a law or another regulation, is obliged to indicate this to the person issuing them the order.

(2) If, even after the oral indication, the immediate superior repeats the order from paragraph (1) of this Article, the authorized official shall immediately, in writing, inform the immediate superior of the person issuing the order and the State Commission. After the written notice the authorized official is exempt from the liability of committing an illegal official activity and cannot be held liable for it."

#### Article 40

Article 41 shall be amended as following:

"An elected or appointed functionary, as well as other authorized officials and a responsible person in a public enterprise, a public institution or another legal person with state capital is

obliged to report every punishable act related to corruption, as well as all infringements of the provisions from this law, that they have come into knowledge of in the performing of their duties."

#### Article 41

In Article 42 paragraph (1) is amended as following:

"(1) An elected or nominated functionary, other official person or responsible person in a public enterprise, a public institution or another legal person with state capital may not use their position to influence another person in a state body, a public enterprise, a public institution or another legal person, in making or not making a certain decision, in doing something, in making omissions or putting up with something, for realizing gain, benefit or advantage for themselves or another party."

#### Article 42

Article 44 shall be amended as following:

"An elected or appointed functionary, as well as other authorized officials, or a responsible person in a public enterprise, a public institution or another legal person with state capital that has been offered a bribe is obliged to undertake measures for identification of the briber and to report that person to the competent body."

#### Article 43

Article 45 shall be amended as following:

"A person charged with acts of corruption immediately informs the body that elected or appointed it, that is his superior and the State Commission."

#### Article 44

In Article 46 paragraph (1) the words: "Each person that" are replaced with the words: "Anyone who", and the word "verdict" is replaced with the word "decision".

In paragraph (2) the words: "The damaged person" are replaced with the words: "Any person damaged", the word "may" is replaced with the words: "has a right to", and the word "verdict" is replaced with the word "decision".

#### Article 45

In Article 47 paragraph (1) the full-stop at the end of the sentence is deleted and the words: "and has the capacity of a legal person". Paragraph (3) is deleted.

#### Article 46

In Article 48 paragraph (1) after the words: "it nominates them" the words "it dismisses them" are added, and the word "four" is replaced with the word "five". After paragraph (2) a new paragraph (3) is added, as following:

"(3) The members of the State Commission conduct their function professionally." Paragraph (3) shall be paragraph (4).

#### Article 47

After Article 48 three new articles, 48-a, 48-b and 48-c, shall be added, as following:

#### "Article 48-a

A member of the State Commission is dismissed if:

- it is at his own request;
- he is convicted of a criminal act to a unconditional prison sentence of at least six months;
- and
- he is permanently disabled for performing his function.

#### Article 48-b

The funds for performing the activities of the State Commission are provided from the Budget of the Republic of Macedonia.

#### Article 48-c

(1) For performing the expert, administrative and technical activities of the State Commission a Secretariat is founded as the expert office of the State Commission.

(2) The Secretariat is managed by a Secretary appointed and dismissed by the State Commission.

(3) The Secretary and the employees of the Secretariat have the status of civil servants."

#### Article 48

In Article 49, paragraph (1), line 4 after the word "citizens" the words "and foundations" are added.

In line 5, after the word "dismissal" the word "reassignment" is added.

In line 6 the word "this" is deleted.

In the first row of line 7 the comma after the word "condition" is deleted and the word "and" is added, and the words: "additional and other profit activities" are deleted.

Line 9 is deleted.

Line 10 is amended as following:

"- submits an annual report on his work and the undertaken measures and activities to the Parliament of the Republic of Macedonia, and delivers it to the President of the Republic, the Government of the Republic of Macedonia and the media."

In line 11, the word "suppression" is replaced with the word "prevention"

In line 12 the words: "organs and bodies" are replaced with the word "organizations", and the word "suppression" is replaced with the word "prevention."

After line 13 line 14 is added as following:

“- adopts acts for the internal organization and systematization of the working positions in the Secretariat.”

In paragraph (2) after the word “results” the comma is replaced with a full-stop and the rest of the sentence is deleted.

#### Article 49

Paragraph (2) of Article 50 is deleted. Paragraph (3) shall be paragraph (2).

#### Article 50

Article 52 shall be amended as following:

“(1) For explaining certain issues important in the decision making, the State Commission may invite the person in the proceeding in question, as well as other persons.

(2) If the person from paragraph (1) of this Article does not answer the invitation, the State Commission reviews the case depending on the other evidence at their disposal.

(3) The procedure from paragraph (1) of this Article is confidential.”

#### Article 51

The title in front of Article 54 is amended as following: “Inspection of the documents of state bodies and other legal persons.”

#### Article 52

In Article 54 the words: “funds expenditure” are replaced with the word “documentation.”

#### Article 53

In Article 55 paragraph (2) the words: “might be initiated” are replaced with the words: “on personal initiative and on request the State Commission initiates”. In the second sentence after the number “36” the words “and Article 36-a” are added.

In paragraph (3) the full-stop at the end of the sentence is deleted and the words: “and foundations” are added.

#### Article 54

In Article 56 paragraph (2) after the words: “sources of information” the full-stop is deleted and the words: “in accordance with the law” are added, and the word “secret” is replaced with the word “confidential”.

#### Article 55

In Article 58 paragraph (1) is amended as following:

“(1) Every bank, savings bank, exchange office, insurance company, stock exchange or other financial organization employee is obliged to immediately report suspicious transactions

connected to corruption. The report is submitted to the responsible person in that legal person and to the bodies prescribed by law and to the State Commission.”

#### Article 56

In Article 59 paragraph (1) is amended as following:

“(1) A responsible person in a trade company or another legal person may not use his position, receive a reward or any other gain or promise, for themselves or other parties, for the purposes of:

- creating a monopoly position on the market;
- discrimination of other trade companies or other legal persons;
- creating disorder on the market, and
- creating damage to another physical or legal person, that does not come as a result of loyal market competition.”

After paragraph (1) a new paragraph (2) is added, as following:

“(2) A trade company or another legal person may not create relations of business cooperation with a trade company or another legal person in cases of conflict of interests.”

Paragraph (2) shall be paragraph (3).

In paragraph (3) that shall be paragraph (4), in the first line after the number "1" the numbers "2 and 3" are added:

Paragraph (4) is deleted.

Paragraph (5) is amended as following:

“(5) If there is reasonable doubt in the correctness of the annual balance sheet submitted by the legal person or the other accounting records and financial documents, the Public Revenue Office at a request by the State Commission shall perform inspection of the material and financial work.”

After paragraph (5) two new paragraphs shall be added (6) and (7), as following:

“(6) If there is reasonable doubt in the correctness of the information regarding the material and financial work of the trade company or another legal person, at a request by the State Commission, the competent state bodies shall perform control of the material and financial work of that legal person.

(7) If irregularities are determined after the control from paragraph (6) of this Article, the Public Revenue Office shall initiate a procedure for assessment of the property against the responsible person in the trade company and the other legal person, that is the members of the management body of the legal person. The procedure is made according to the provisions of Article 36 and 36-a of this law.”

#### Article 57

Article 60 shall be amended as following:

“(1) A political party that uses funds for financing in opposition to the provisions from Articles 10, 11, 12 and 13 of this Law will be fined with a monetary fine of 200,000 to 300,000 denars.

(2) The responsible person in a legal person acting in opposition to the provisions of Articles

10, 11, 12 and 13 of this Law will be fined with a monetary fine of 30,000 to 50,000 denars,

(3) If the act from paragraph (1) of this Article is committed for purposes of cupidity or a greater substantive damage has been caused, the responsible person in the legal person and the political party will be fined for a violation in the double amount from the amount of the fine from paragraphs (1) and (2) of this Article.

(4) Funds from unidentified sources are seized and confiscated.”

#### Article 58

In Article 62 after the number “21” the number “22” is added.

#### Article 59

In Article 63 after the number “26” the number “27” is added.

#### Article 60

In paragraph (65) the full-stop at the end of the sentence is deleted and the words: “in opposition to Article 56 of this Law” are added.”

#### Article 61

In Article 68 paragraph (2) the word "seizes" is replaced with the word "confiscates."

#### Article 62

A new Article 71- is added after Article 71, as following:

##### "Article 71-a

The mandate provided in Article 48 of this Law shall be in regard to the members of the State Commission elected after the expiry of the mandate of the permanent members of the Commission."

#### Article 63

The acts for internal organization and systematization of the working positions in the Secretariat will be adopted by the State Commission in 30 days time from the date of coming into power of this Law.

#### Article 64

After Article 72 four new articles, 72-a, 72-b, 72-c and 72-d, shall be added, as following:

##### "Article 72-a

The Secretariat from Article 48-c of this Law will be formed in 90 days time from the date of coming into power of the acts from Article 49 of this Law, for internal organization and systematization of the working positions in the Secretariat.

#### Article 72-b

The employees who at the date of coming into power of this Law perform the activities in the Ministry of Justice – Sector for prevention of crime and corruption, will be transferred to the Secretariat of the State Commission, pursuant to the provisions of the Law on Civil Servants.

#### Article 73-c

(1) The bodies, that is the legal persons from Article 33, paragraph (4) of this Law are obliged, in three months time from the date of coming into power of this Law, to provide conditions for reporting and recording the property situation of their employees.

(2) The persons who, at the date of the coming into power of this Law, are employed in the bodies and legal entities from paragraph (1) of this Article, are obliged to report their property in a one month time from the provision of the conditions from paragraph (1) of this Article.

#### Article 73-d

The members of the State Commission continue to realize the right to a monthly salary for performing their functions until the expiry of their mandates.”

#### Article 65

The Legislative Commission of the Parliament of the Republic of Macedonia is authorized to determine the refined text of the Law on Prevention of Corruption.

#### Article 66

This Law shall enter into force eight days from the day of its publication in the “Official Gazette of Republic of Macedonia”.



**LAW ON CHANGES AND AMMENDMENTS  
OF THE LAW ON CORRUPTION PREVENTION**

**Article 1**

In Article 11, Paragraph 1 of the Law on Corruption Prevention (Official Gazette of the Republic of Macedonia No.28/2002 and 46/2004), the words: “for election campaign” will be replaced with the following words: “starting from the date when decision for elections has been adopted till the end of the process of election for President of the Republic of Macedonia, for members of Parliament of the Republic of Macedonia, as well as for election of Mayor or members of Councils of municipalities and of the City of Skopje”. Also, the words “local self-government unit” will be replaced with the following words: ”of the Municipalities and the City of Skopje”.

In Paragraph 2, the words “During election campaign for election of President of Macedonia, for election of members of Parliament, Mayor of Municipal or Council members in the local self-government units” will be replaced with the following word: “From the day when Decision was adopted for elections, till the end of the election process for President of the Republic of Macedonia, members of Parliament of the Republic of Macedonia and election of Government of the Republic of Macedonia in accordance with electoral results, as well as from the day of adoption of Decision for elections till the end of the elections for Mayors or Municipal Council Members i.e. till the council of municipalities and Council of the City of Skopje have been established”.

In Paragraph 3, the words: “During election campaign from Paragraph 2 of this Article will be replaced with the following words: “From the day when Decision was adopted for elections, till the end of the election process for President of the Republic of Macedonia, members of Parliament of the Republic of Macedonia and election of Government of the Republic of Macedonia in accordance with electoral results, as well as from the day of adoption of Decision for elections till the end of the elections for Mayors or Municipal Council Members i.e. till the council of municipalities and Council of the City of Skopje have been established”. The words “neither collective agreements will be signed” will be added following the word “capital”.

**Article 2**

In the headings of Article 13, as well as in Paragraph 1 in Article 13, the words: “funds from illegal elections: will be replaced with the following words: “illegal and anonymous sources of financing”.

**Article 3**

In Article 14, paragraphs 2 and 3, the words: “as well as the State Election Commission” is deleted.

#### **Article 4**

In Article 15, Paragraph 1, the words: “it can/it is possible” will be added following the words “The State Commission”. The words: “in a period of one year from the day of” will be replaced with the word: “after/ following”, and the words: “the end of” will be followed by the words: “elections for”.

Paragraph 2 is deleted.

Paragraph 3 now becomes Paragraph 2.

Paragraph 4, which becomes Paragraph 3, is changed and will be as follows:

“For the insight/ control from Paragraph 1 of this Article, the State Election Commission, within 30 days, provides report to the Parliament of the Republic of Macedonia. The Report is published in the mass media”.

#### **Article 5**

In the Article 16, the words in Paragraph 1: “important for the society” is deleted.

#### **Article 6**

The heading of Article 18 is changed and is now worded as follows: “Relief from having to safeguard/ keep classified information”.

In Article 18, the words: “state, military or official secret” are replaced with the words: “classified information”, the dot at the end of the sentence is deleted and the words: “in accordance with Law” are added.

#### **Article 7**

In Article 26, Paragraph 1, the words: “the municipalities, the City of Skopje” are added following the words: “state bodies”.

The Paragraph 2 is deleted.

#### **Article 8**

In Article 30, the word: “personal” is added following the word: “receives”.

#### **Article 9**

In Article 32, Paragraphs 2 and 3 are deleted.

In Paragraph 4, which now becomes Paragraph 2, the words: “provisions from Paragraphs 1 to 3” are replaced with the words: “the provision from Paragraph 1”.

#### **Article 10**

The Article 33 is changed and will now be worded as follows:

(1) Elected or appointed official, responsible person in public enterprise, public institution or other legal entity with state owned capital, during election of appointment, and at latest as 30 days till the day of election or appointment, fills in a property declaration form listing in details his/her real estate, movable assets of greater value, securities, claims and debts, as well as any other assets in his/her property, or property of his family members, by explaining the reasons how he/she acquired the declared assets/ estate and deposits statement certified by Notary public for revoking protection of banking secrecy in regard to all domestic and foreign bank accounts, as well as statement for consent to publish (make available to the public) all the asset information listed in the questionnaire.

(2) The person from Paragraph 1 of this Article has an obligation to fill in a property declaration form within 30 days after he/she has finished of mandate or has been dismissed from that function.

(3) The person from Paragraph 1 of this Article which, within 30 days after the end of the previous mandate has been elected or appointed on the same or other function, is obliged to notify the State Commission for the new election and appointment, and the property declaration form from Paragraph 2 of this Article will be considered as property declaration form submitted within the deadline from Paragraph 1 of this Article.

(4) The person from Paragraph 1 of this Article submits the property declaration form from Paragraphs 1 and 2 from this Article, as well as the statement from Paragraph 1 of this Article, to the State Commission and Public Revenues Office”.

### **Article 11**

Two new articles – Article 33a and 33b – are added after the Article 33, which are as follows:

#### **“Article 33a**

(1) An official, when employed in state bodies, in municipal administration and administration of the City of Skopje, at latest as 30 days from the day of employment, fills in a property declaration form listing in details his/her real estate, movable assets of greater value, securities, claims and debts, as well as any other assets in his/her property, or property of his family members, by explaining the reasons how he/she acquired the declared assets/ estate.

(2) The person from Paragraph 1 of this Article has an obligation to fill in a property declaration form within 30 days after his employment in the bodies from Paragraph 1 of this Article has been terminated.

(3) For official from Paragraph 1 of this Article employed from one into another body, with no official competition announced for that position, the property declaration form filled in from Paragraph 2 of this Article shall be deemed as property declaration form submitted within the deadline of paragraph 1 of this Article.

(4) The official person from paragraph 1 of this Article submits the property declaration form from paragraphs 1 and 2 from this Article to the body in which he/she has been employed.

(5) The body in which the official has been employed is obliged to submit this property declaration form to the State Commission, following her request.

(6) The Minister of Justice will adopt a Regulation on how to act regarding property declaration forms from this Article.

#### **Article 33b**

The content and form of the property declaration shall be prescribed by the State Commission.

### **Article 12**

In Article 34, paragraph 1, the words: “within 30 days” will be added following the word “compulsory/ is obliged”.

### **Article 13**

The name before Article 35, as well as the Article 35 itself are changed as follows:

“Publicity of the property declaration”.

#### **Article 35**

(1) The information from property declaration is considered as public character information, excluding information protected by law.

(2) The information from property declaration, excluding information protected by law of the persons from Article 33, Paragraph 1 of this Law, are published on the website of the State Commission”.

#### **Article 14**

In Article 36, Paragraph 1, the words “did not provide, or” are added after the words: “if the person”.

#### **Article 15**

In Article 47, Paragraph 1, the word “this” is deleted.

#### **Article 16**

The Article 48 is changed as follows:

“The State Commission members are appointed by the Parliament of the Republic of Macedonia with five years mandate, with no right for re-election.

(2) The State Commission elects president with one-year mandate from the members appointed in accordance with Paragraph 1 of this Article.”

#### **Article 17**

Four new Articles – 48a, 48b, 48c and 48d – are added after the Article 48, as follows:

##### **“Article 48-a**

Person that meets the following conditions can be appointed as a State Commission member:

- must have citizenship of Macedonia and must have permanent residency in Macedonia, and
- must have university degree either in law or economy, he/she has to be respected in his/her profession and must have minimum 8 years of working experience.

##### **Article 48-b**

(1) The Parliament of the Republic of Macedonia announces the competition for appointment of State Commission members in the “Official Gazette of the Republic of Macedonia” as well as in the daily newspapers.

(2) The competition from Paragraph 1 of this Article is open for 15 days from the day it is published in the “Official Gazette of the Republic of Macedonia”.

(3) The principle of equitable and fair representation of minorities must be adhered to when electing the State Commission members.

(4) The Commission for Election and Appointment in the Parliament of Macedonia drafts a list of candidates from all candidates that have applied and submits this list to the Parliament of Macedonia.

#### **Article 48-c**

(1) The State Commission president can be dismissed from his/her position on his/her request, before the end of the mandate.

(2) If the president has been dismissed in accordance with Paragraph 1 of this Article, the State Commission elects president for the rest of the mandate of dismissed president.

#### **Article 48-d**

(1) The State Commission members have a status of appointed persons.

(2) The State Commission members have right to receive monthly remuneration in the amount of 2,5 average net salaries paid per worker in Macedonia”.

#### **Article 18**

The Article 48-a, which now becomes 48-e is changed as follows:

#### **“Article 48-e**

(1) The Parliament of Macedonia dismisses the State Commission member before the end of his/her mandate following proposal by the Commission for Election and Appointments, if:

- that has been requested by the member;
- he/she has been convicted for criminal act for which the verdict is prison sentence of more than six months;
- permanently loses the ability to be in that position and perform that function.

(2) The existence of conditions for dismissal from Paragraph 1 of this Article are established by the State Commission with majority vote from the total number of members and submits initiative for dismissal of a State Commission member to the Parliament of the Republic of Macedonia”.

#### **Article 19**

New Article 48-f is added after the Article 48-e, as follows:

#### **“Article 48-f**

When a State Commission member is dismissed in accordance with the provisions from Article 48-d of this Law, the Parliament of Macedonia announces competition for appointment of a State Commission member and his/her mandate will be until the end of the dismissed member mandate”.

#### **Article 20**

In Article 48-c, which now becomes 48-h, the words “secretary” i.e. “the secretary” in Paragraphs 2 and 3 are replaced with the words: “Secretary General” i.e. “the secretary general”.

#### **Article 21**

In Article 49, Paragraph 1, item 1, the dot and the comma at the end are deleted and the following words are added: “and Action Plan for its realization”.

In item 2, the words: “realization of state program” are replaced with words: “work of the State Commission”.

In item 5, the words: “criminal prosecution” are deleted.

New item 6 is added after item 5, worded as follows:

“-initiate procedure for criminal prosecution of elected of appointed officials, officers or other responsible persons in public institutions, public enterprises and other legal entities that have state capital;”.

Item 6, which now becomes item 7, is changed and is now worded as follows:

“- acts in a case of conflict between the public and private interest, in accordance with the law;”.

In item 7, which now becomes item 8, the word: “officials” is deleted.

In item 13, which now becomes item 14, the word “this” is deleted.

The items 8, 9, 10, 11 and 12 now become items 9, 10, 11, 12 and 13.

## **Article 22**

Two new articles – Article 50-a and 50-b – are added after the Article 50, as follows:

### **“Article 50-a**

(1) Member of the State Commission submits the property declaration form about changes in his assets to the Commission for Election and Appointment of the Parliament of the Republic of Macedonia as well as to the Public Revenues Office.

(2) The provisions from this Law relating to deadlines for submission of property declaration form, the statement and the declaration for changes in assets, accordingly, also apply to the State Commission member.

(3) The request to evaluate/ examine the assets of a State Commission member, pursuant to Article 36 of this Law, can be submitted to the Public Revenues Office by the Commission for Election and Appointment of the Parliament of the Republic of Macedonia.”

### **Article 50-b**

In a case of doubt of conflict of interests for a State Committee member, opinion is sought by the Commission for Election and Appointment of the Parliament of the Republic of Macedonia.”

## **Article 23**

In Article 51, Paragraph 4 is changed and is now worded as follows:

“In considering particular issues, the State Commission can ask for opinions from experts, or the Commission can invite them to participate on the session”.

## **Article 24**

In Article 53, Paragraph 1, the words: “and notifications” are added after the word “data”.

After Paragraph 1, new Paragraph 2 is added, worded as follows:

“(2) The State Commission can also ask for the data and notifications from Paragraph 1 of this Article from relevant body or legal entity.”

Paragraph 2, which now becomes paragraph 3 is changed as follows:

“If the State Commission requests information from Paragraph 1 of this Article from relevant body or legal entity, the body or the legal entity is obliged, without any delay, to compulsory provide the requested information within 15 days. When dealing with classified information, than procedure will be applied in accordance with a Law.”

## **Article 25**

New Article 53-a is added after the Article 53, worded as follows:

**“Article 53-a**

In case no action has been undertaken pursuant to Article 53, paragraph 2 of this Law, the State Commission can initiate accountability procedure against the responsible officer in the competent body or in the legal entity”.

**Article 26**

In the heading of Chapter VII, the word “PENALTY” will be replaced with the word “OFFENSE”.

**Article 27**

In Article 60, Paragraph 1, the words: “With 200.000 to 300.000 denars shall be fined for offence” will be replaced with the following words: “Fine in the amount of 4.000 to 5.000 euros, in denars value, will be imposed for offense against”.

In Paragraph 2, the words: “With 30.000 to 50.000 denars shall be fined for offence” will be replaced with the following words: “Fine in the amount of 1.000 to 2.000 euros, in denars value, will be imposed for offense against”.

In Paragraph 4, the word “unidentified” is replaced with the following words: “illegal and from anonymous”.

**Article 28**

In Article 61, Paragraph 1, the words: “With 20.000 to 50.000 denars shall be fined for offence” will be replaced with the following words: “Fine in the amount of 500 to 1.000 euros, in denars value, will be imposed for offense against”, and the word “unidentified” is replaced with the following words: “illegal and from anonymous”.

**Article 29**

In Article 62 the words: “With 20.000 to 50.000 denars shall be fined for offence” will be replaced with the following words: “Fine in the amount of 500 to 1.000 euros, in denars value, will be imposed for offense against”.

**Article 30**

In Article 63 the words: “With 20.000 to 50.000 denars shall be fined for offence” will be replaced with the following words: “Fine in the amount of 500 to 1.000 euros, in denars value, will be imposed for offense against”.

**Article 31**

In Article 64 the words: “With 20.000 to 50.000 denars shall be fined for offence” will be replaced with the following words: “Fine in the amount of 500 to 1.000 euros, in denars value, will be imposed for offense against”.

**Article 32**

In Article 65 the words: “With 20.000 to 50.000 denars shall be fined for offence” will be replaced with the following words: “Fine in the amount of 500 to 1.000 euros, in denars value, will be imposed for offense against”.

### **Article 33**

In Article 66 the words: “With 20.000 to 50.000 denars shall be fined for offence” will be replaced with the following words: “Fine in the amount of 500 to 1.000 euros, in denars value, will be imposed for offense against”.

### **Article 34**

In Article 67, Paragraph 1, the words: “With 20.000 to 50.000 denars shall be fined for offence” will be replaced with the following words: “Fine in the amount of 1.000 to 2.000 euros, in denars value, will be imposed for offense against”, and the words: “in the legal entity” will be added after the words “responsible person”.

Paragraph 2 is changed and is now worded as follows:

“(2) Fine in the amount of 4.000 to 5.000 euros, in denars value, will be also imposed against the legal entity for the offence from Paragraph 1 of this Article.

### **Article 35**

In Article 68, Paragraph 1, the words: “the legal entity will be fined for offense with 200.000 to 300.000 denars” will be replaced with the following words: “the legal entity will be fined for offense with 4.000 to 5.000 euros, in denars.”

### **Article 36**

Within 15 days after this Law has entered into force, a competition will be announced for appointment of State Commission members, in accordance with this Law.

### **Article 37**

The present State Commission members shall continue to perform their function of State Commission members until new members of the State Commission are appointed, in accordance with this Law.

### **Article 38**

Within 6 months after this Law has entered into force, the State Commission will prescribe the content and the form of the property declaration.

The present property declaration form shall continue to apply until the regulation from Article 33-b of this Law has entered into force.

### **Article 39**

The present property declaration forms submitted till the day when this Law enters into force, shall be deemed filed in accordance with this Law.

### **Article 40**

Within 6 months after this Law has entered into force, the Minister of Justice will adopt the Regulation from Article 33-a, Paragraph 6 of this Law.

### **Article 41**

This Law enters into force on the day it is published in the “Official Gazette of the Republic of Macedonia”.

**20080100112**



## **ASSEMBLY OF REPUBLIC OF MACEDONIA**

According to Article 75, paragraphs 1 and 2 from the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia as well as the President of the Assembly of the Republic of Macedonia, issue the following

### **DECREE FOR ANNOUNCING THE LAW AMENDING THE LAW ON PREVENTION OF CORRUPTION AS VALID**

The Law Amending the Law on Prevention of Corruption, which has been adopted by the Assembly of the Republic of Macedonia on the session held on 16 January 2008, shall be announced as valid.

No. 07-274/1  
16 January 2008  
Skopje

President  
of the Republic of Macedonia,  
**Branko Crvenkovski**, signed

President  
of the Assembly of the Republic of Macedonia,  
**Ljubisha Georgievski**, signed

## **LAW AMENDING THE LAW ON PREVENTION OF CORRUPTION**

### **Article 1**

In Article 33 paragraph (1) of the Law on Prevention of Corruption (“Official Journal of the Republic of Macedonia” no.28/2002, 46/2004 and 126/2006) at the end of the sentence the comma following the word “banks” shall be replaced by full stop, and the words” as well as the statement on consent for public disclosure of the data from the questionnaires on the personal assets” shall be deleted.

### **Article 2**

In Article 36, after the paragraph (5) two more paragraphs (6) and (7) shall be inserted that read as follows:

“(6) In the procedure within paragraph (1) of this Article the person shall be obliged to present to the Public Revenue Office evidence about the sources of the assets with which the property has been acquired as well as the assets that the person and the members of his family have at their disposal.

(7) At the request of the Public Revenue Office and within the period determined by the Public Revenue Office the state authorities, the local self-government units, the payment operations bearers and other natural and legal persons shall be obliged to give all the information necessary for determining the factual condition which is important for assessment of the private assets.“

### Article 3

In Article 36-a the paragraph (1) shall be amended and shall read:

“Unless the procedure for assessment of the assets proves that the property has been acquired and enlarged as a result of reported and taxable incomes, the Public Revenue Office shall bring a decision on taxation with personal tax.

The base for calculating the tax shall be the difference between the value of the property in the time when it was acquired and the proved amount of the assets for the acquiring. The tax on unreported incomes shall be calculated with a rate of 70%. “

Three new paragraphs (2), (3) and (4) shall be inserted after the paragraph (1) that shall read:

“(2) An interest shall be calculated and charged on the amount of the calculated (but unpaid) tax pursuant to the Law on Tax Procedure, as of the day of the adoption of the decision on taxation.

(3) Legal remedy can be announced against the decision pursuant to the Law on Tax Procedure that cannot delay the collection of the tax.

(4) The tax collection within the decision of the paragraph (1) of this Article shall be performed pursuant to the provisions of the Law on Tax Procedure.”

The paragraph (2) becomes paragraph (5).

In paragraph (3), which shall become paragraph (6), the number “(2)” shall be replaced with number “(5)”.

### Article 4

In Article 36-b the paragraphs 2, 3, 4 and 5 shall be deleted.

### Article 5

The title of Chapter VII shall be changed and shall stand: “Penalty and misdemeanor provisions”.

### Article 6

In Chapter VII, after the Article 59 a new Article 59-a shall be inserted that reads:

#### “Article 59-a

(1) The person that shall not report the demanded information on the factual condition for taxation upon the request of the Public Revenue Office in a determined period will be sentenced to three to 12 months of imprisonment.

(2) Should the act in paragraph (1) of this Article be performed by an official from state authorities, local self-government units, payment operations bearers or by a person in charge within the legal person that performs matters of public interest or by other legal persons, that official shall be sentenced to one to three years of imprisonment.”

### Article 7

This law shall enter into force on the day of publication in the “Official Journal of the Republic of Macedonia”.