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FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in
central governments (top executive functions) and
law enforcement agencies

SECOND COMPLIANCE REPORT

NORTH MACEDONIA



Adopted by GRECO
at its 94th Plenary Meeting (Strasbourg, 5-9 June 2023)



Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



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I. INTRODUCTION

1. GRECO's Fifth Evaluation Round deals with "Preventing corruption and promoting integrity in central governments (persons entrusted with top executive functions -PTEF) and law enforcement agencies (LEA)".
2. This [Second Compliance Report](#) assesses the measures taken by the authorities of North Macedonia to implement the recommendations issued in [the Fifth Round Evaluation Report on North Macedonia](#) which was adopted at GRECO's 82th Plenary Meeting (18-22 March 2019) and made public on 27 June 2019, following authorisation by North Macedonia. The corresponding [Compliance Report](#) was adopted by GRECO at its 87th Plenary Meeting (25 March 2021) and made public on 27 April 2021, following authorisation by North Macedonia.
3. As required by GRECO's Rules of Procedure¹, the authorities of North Macedonia submitted a Situation Report on measures taken to implement the recommendations. This report was received on 29 December 2022 and served, together with additional information, as a basis for the Second Compliance Report.
4. GRECO selected the Czech Republic (with respect to top executive functions in central governments) and Azerbaijan (with respect to law enforcement agencies) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Ms Helena KLIMA LIŠUCHOVÁ, on behalf of the Czech Republic, and Mr Elnur MUSAYEV, on behalf of Azerbaijan. They were assisted by GRECO's Secretariat in drawing up the Second Compliance Report.

II. ANALYSIS

5. GRECO, in its Fifth Round Evaluation Report, addressed 23 recommendations to North Macedonia. In the Compliance Report, GRECO concluded that recommendation i, xi, xviii and xxiii had been implemented satisfactorily, recommendations ii-viii, xiv and xxi had been partly implemented and recommendations ix, x, xii, xiii, xv, xvi, xvii, xix, xx and xxii had not been implemented. Compliance with the outstanding recommendations is examined below.

Preventing corruption and promoting integrity in central governments (top executive functions)

Recommendation ii

6. *GRECO recommended (i) to systematically carry out integrity risk assessment in central government covering all functionaries and personal advisers and external associates, as appropriate; (ii) to put in place appropriate remedial measures and to provide adequate resources to internal control units and bodies responsible for offering methodological advice in this area; and (iii) to regularly evaluate the impact and effects of integrity*

¹ The Compliance procedure of GRECO's Fifth Evaluation Round is governed by its Rules of Procedure, as amended: Rule 31 revised bis and Rule 32 revised.

measures in central government (e.g. declaration of interests and assets) and to make the results public.

7. It is recalled that this recommendation was partly implemented in the Compliance Report. GRECO acknowledged that some steps had been taken to increase the resources of the State Commission for the Prevention of Corruption (SCPC), but no integrity risk assessment or regular evaluation of the impact and effects of integrity measures in the central government had been carried out.
8. The authorities now indicate that the SCPC prepared a new five-year National Strategy for the Prevention of Corruption and Conflict of Interest, with an Action Plan for its implementation 2021-2025, based on corruption risk assessment, with an analysis of the sectors with the highest risks for corruption and prioritisation of these sectors for future action. The Parliament adopted the Strategy in April 2021. In addition, an integrity system for central government and local self-government units has also been developed.
9. Corruption risk assessment is thus a key element of the aforementioned anti-corruption framework. Instructions and guidelines have been adopted. By the end of July 2022, 68 entities at central level (out of 97) had adopted risk management strategies and 58 had risk registers in place. Risk management strategies are updated every three years, but they are subject to continuous monitoring and, where risks change significantly, then inspections to minimise risks are carried out and an update of the strategy takes place at least once a year.
10. Annual plans for corruption risk assessment must be published online. The SCPC has developed a methodology that is intended to serve as a model for all institutions to prepare the aforementioned annual plans. In doing so, the SCPC does not only have responsibility for risk identification, monitoring and issuing recommendations, as necessary, but it is also vested with a primordial advisory role vis-à-vis other institutions in terms of how to conduct institutional corruption risk assessments and how to implement other internal control duties. A dedicated Working Group for Corruption Risk Management has been established within the SCPC.
11. The annual plans for corruption risk assessment also include the risks related to all functionaries and personal advisers and external associates. The Cabinet of the Deputy Prime Minister for Good Governance conducted integrity tests for the aforementioned categories of persons (a total of 120 persons) in July 2022. Following the results from such tests, a risk assessment report was prepared in August 2022, with summary conclusions and recommendations for further action which implementation is ongoing. It is foreseen that integrity testing is carried out on a regular basis, and so is the development of targeted training on ethics and other integrity related matters for PTEF.
12. The Public Internal Financial Control Department of the Ministry of Finance has also conducted targeted training on risk management in 2021-2022. It also prepared, in cooperation with international experts, a set of simplified guidelines on risk management, analysis of training needs and a training plan.

13. The resources of the SCPC have been further increased; the budget of the SCPC in 2022 amounted to approximately 935 000 EUR (this represents an increase of 68% as compared to the budget of 2020). Likewise, the current staff, 48 officials, doubles the number employed in 2020. This increase is particularly true with respect to the staff working in the Department for Strategic Planning and Integrity. As of December 2022, the aforementioned Department has a total of 10 employees out of the planned 13. Spatial (new premises) and IT conditions (development of several software tools to increase information sharing with all public institutions for the prevention of corruption and to increase integrity in the public sector, provide protection to whistle-blowers and monitor implementation of the national strategy for the prevention of corruption) of the SCPC have also substantially improved.
14. Finally, the SCPC prepares annual reports on its work, as well as on the implementation of the relevant anti-corruption instruments, which are submitted to Parliament and published online. Annual reports include, *inter alia*, statistical data on cases opened, solved and cases upon which it acts in accordance with its competences, with an analysis; number of initiatives submitted to the public prosecutor's office and other bodies; information about the institutions that have not acted upon the requests of the State Commission; number of cases for which a misdemeanour procedure was initiated; assessment of the implementation of anti-corruption legislation; and assessment of the situation with corruption and the fight against corruption in the country. The Public Internal Financial Control Department of the Ministry of Finance also published annual reports on internal financial control, including statistics on the number of internal audits carried out, the quality and condition of internal controls, and the way forward.
15. GRECO takes note of the positive developments reported. A systematic analysis of integrity-related risks is now in place for the public sector. It comprises, *inter alia*, central government, including functionaries, personal advisers, and external associates. The risk analysis considers the risks faced by them in the exercise of their duties and establishes remedial measures, as well as regular updates and readjustment, as necessary. GRECO welcomes that the human/technical/financial resources of the internal control units and bodies responsible for offering methodological advice in this area have been substantially upgraded. GRECO trusts that the authorities will continue to provide the SCPC with sufficient means to fulfil its broad mandate (see also recommendation viii).
16. GRECO concludes that recommendation ii has been implemented satisfactorily.

Recommendation iii

17. *GRECO recommended that the Ethical Code applicable to persons entrusted with top executive functions i) be subject to enforcement by means of a mechanism equipped with sanctioning powers; and ii) be subject to systematic awareness raising in respect of persons entrusted with top executive functions via training, dedicated guidance and counselling, including confidential counselling*
18. It is recalled that this recommendation was partly implemented in the Compliance Report. GRECO considered that the first part of the recommendation regarding the

enforcement system of the Ethical Code was fully met. As regards the second component, GRECO asked for further evidence of training being carried out for PTEF on a systematic level. Moreover, GRECO was critically concerned that two contradictory functions, i.e. the provision of advice and that of investigation/sanction converged in the hands of the same person, the Deputy Prime Minister.

19. The authorities report that, in February 2022, the Deputy Prime Minister on Good Governance was put in charge of monitoring the implementation of the Ethical Code of PTEF. Amendments were made to the Code in July 2021 to separate the functions of monitoring adherence to the Code with that of providing advice. Accordingly, another official was designated in March 2022 for counselling purposes.
20. In 2022, a total of 15 procedures were initiated for allegations of non-compliance with the Code. Out of these procedures, 11 have been completed, (four have been completed with a warning to the official, while in seven cases no basis has been determined for issuing a warning or other measure). There are four procedures in progress. None of the procedures carried out ended with dismissal from office, based on the provisions of the Code.
21. Moreover, the authorities report that regular training sessions have been/are being organised on the provisions of the Code. They have been attended by PTEF, including the Prime Minister and ministers. The General Secretariat has been entrusted with training responsibilities in relation to PTEF. In August 2022, the Cabinet of the Deputy Prime Minister on Good Governance, with the support of one international and one domestic expert, held a training of trainers on the application of the Code, which was attended by the employees of the General Secretariat of the Government. A Program for the Continuous Training of PTEF has been issued. It covers the provisions of the Code, the Law on Prevention of Corruption and Conflict of Interest and other integrity related regulations. Additionally, the SCPC will also continue to provide training to PTEF (as well as to other officials of the public sector) on corruption prevention and integrity.
22. GRECO is pleased to note that amendments have been introduced to provide for a clear separation of monitoring and advisory/counselling functions, as GRECO advocated in the Compliance Report. In addition, GRECO acknowledges the action that has followed to ensure adherence to the Code and to promote awareness on its provisions via training.
23. GRECO concludes that recommendation iii has been implemented satisfactorily.

Recommendation iv

24. *GRECO recommended amending government rules to ensure that the names and function of all attendees of government sessions, sub-committees and working groups, including any third parties, are publicly accessible online.*
25. It is recalled that this recommendation was partly implemented in the Compliance Report. GRECO welcomed that the names of any third party invited to government sessions were published. It however noted that was not the case regarding

governmental sub-structures (e.g. boards, commissions, expert councils), as required by the recommendation.

26. The authorities indicate that the existing rules of the Government's Rules of Procedure do not contain any restrictive provisions regarding the publication of the names and function of all attendees of government sessions, sub-committees and working groups, including any third party. That said, amendments are underway to provide for a specific obligation in Article 48 to publish on the government's website – immediate publication, the list of all persons invited to the session of a working body (name, surname and function performed) and that of the actual attendees (name, surname and function performed). In addition, it is foreseen that Article 80 of the Government's Rules of Procedure be amended to provide for immediate publication of the list of attendees (name, surname and function performed) to government sessions.
27. GRECO welcomes the reported intention of the authorities to provide for a clear obligation to publish the list of invitees and attendees of working bodies (sub-committees and working groups). It is foreseen that the amendments to the Government's Rules of Procedure would also provide for immediate online publication of the aforementioned lists in respect of not only working bodies, but also government sessions. The corresponding amendments need, however, to be effectively adopted.
28. GRECO concludes that recommendation iv remains partly implemented.

Recommendation v

29. *GRECO recommended introducing rules governing i) the interaction of persons entrusted with top executive functions with lobbyists and third parties seeking to influence the public decision-making process; and ii) the regular disclosure of such contacts, including the subject matter(s) discussed, and the identity of the persons participating and/or represented at such meetings.*
30. It is recalled that this recommendation was partly implemented in the Compliance Report. GRECO welcomed the elaboration of rules governing PTEF's interaction with lobbyists and third parties, which effectively met the first part of the recommendation. As regards the second part of the recommendation, GRECO lacked information on the applicable rules enabling the regular disclosure of such contacts, i.e. where and when minutes/contacts had to be published.
31. The authorities provide further updates as regards the implementation of lobbying legislation, including the issuing of bylaws (five rulebooks)². The SCPC has published a model ([blueprint](#)) to guide PTEF in their obligation to disclose contacts with lobbyists

² Rulebook on the Form and Content of the Application Form and the Statements for Registering in the Register of Lobbyists, Lobby Organizations and Lobbying; Rulebook on the Form and Content of the Form of the Minutes of a Lobbying Contact; Rulebook on the Form and Content of the Report Form on Lobbying Activities; Rulebook on the Form and Manner of Keeping the Register of Lobbyists, Lobby Organizations and Lobbying; Rulebook on the Form and Content of the Misdemeanour Payment Order.

and third parties³, including in the context of informal meetings. This document was sent to Parliament, the local self-government units, and the Cabinet of the Deputy Prime Minister on Good Governance, for its distribution among all State administration and regulatory bodies. The SCPC has also developed and set in operation, in June 2022, a register of lobbyists, which is accessible online.

32. Furthermore, in November 2022, the Government adopted guidelines for making, recording, and identifying contacts for the purpose of lobbying. The guidelines apply to all PTEF. Announcements with data on the official meetings of the Prime Minister and the Deputy Prime Ministers are regularly published on the website of the Government, in the [“Media Centre” section](#). The ministries also regularly publish announcements on their websites with data on their official meetings.
33. The SCPC has conducted targeted training on lobbying, to its own personnel and to the different subjects under the scope of the law. It has also issued information material for the general public, has enabled a dedicated section on its website on lobbying and has opened an email address (lobbying@dsk.org.mk) for questions on lobbying.
34. GRECO welcomes the introduction of detailed rules regarding the regular disclosure of contacts between PTEF and lobbyists/third parties seeking to influence the public decision-making processes, including the subject matter(s) discussed, and the identity of the persons participating and/or represented at such meetings. GRECO is also pleased to note the targeted measures (guidance, training, other awareness-raising initiatives) that have been taken to further support implementation of the Law on Lobbying.
35. GRECO concludes that recommendation v has been implemented satisfactorily.

Recommendation vi

36. *GRECO recommended that the rules on ad hoc disclosure and the management of situations of conflicts of interest be complemented with practical guidance and practical measures for their implementation, such as dedicated training, counselling and awareness-raising for persons entrusted with top executive functions.*
37. It is recalled that this recommendation was partly implemented in the Compliance Report. GRECO welcomed the development of a practical guide for PTEFs on how to identify, prevent and manage conflicts of interest. GRECO asked for additional information on the ensuing awareness-raising measures (e.g. training and counselling) for all members of government.
38. The authorities indicate that the SCPC has conducted two dedicated training sessions on the prevention of conflicts of interest for PTEF (in December 2020 and in March 2022).

³ The Law on Lobbying (Article 24, paragraph 1) stipulates an obligation to establish and record lobbying contacts; identify and record the persons who make contacts in the institutions; transparent processes of preparation, adoption and amendment of public policies i.e. programs, laws or bylaws or other general acts, which includes publishing data on the identity of all participants in the process, the entities whose interests were represented, the conditions under which the participation occurred, and the fees paid for it and proactive publication of announcements for realized official meetings, with data on the present participants and the subject of discussion.

They were attended by high officials, including the Prime Minister. Moreover, in order to raise awareness and to provide dedicated advice and guidance to PTEF on their integrity related obligations, the SCPC has issued guidance on managing conflicts of interest (two separate set of practical guidelines). The SCPC has also e-learning modules on the prevention of conflicts of interest on its website.

39. The Cabinet of the Deputy Prime Minister on Good Governance, with the support of one international and one domestic expert, conducted four trainings on the Code of Ethics, in May-June 2022, for 141 out of a total of 199 PTEF⁴. Within the framework of these trainings, special emphasis was placed on the rules of conduct, i.e., on the avoidance of a conflict of the public and private interests. The authorities further add that efforts are being made to provide all newly appointed officials with the required training on ethics and integrity. In order to establish a systemic solution, 13 persons employed in the General Secretariat of the Government (some of whom work in the Office of the President of the Government and the Cabinet of the Deputy President of the Government in charge of good governance policies) underwent training for trainers in 2023. In June 2023 (and further, on a continuous basis), these persons are expected to impart training on the Code of Ethics for those officials who did not attend previous training.
40. GRECO welcomes the updates provided as to how further practical guidance and training has been provided to PTEF regarding ad hoc disclosure and the management of situations of conflicts of interest.
41. GRECO concludes that recommendation vi has been implemented satisfactorily.

Recommendation vii

42. *GRECO recommended that the existing rules on the acceptance of gifts by persons entrusted with top executive functions be simplified and that advice on how to manage such situations be provided*
43. It is recalled that this recommendation was partly implemented in the Compliance Report. GRECO acknowledged the legislative amendments made to further regulate (and limit) gifts. That said, there was no information on how to manage situations arising from the acceptance of gifts by PTEF.
44. The authorities indicate that the SCPC adopted, in February 2022, [Guidelines on the Handling of Gifts, Favours and Hospitality in the Public Sector](#) and published them on its website. The establishment of a gift catalogue (electronic register) is underway and is expected to be concluded and published online in the next few months; it will include, inter alia, data on the gifts received by PTEF.
45. The Cabinet of the Deputy Minister on Good Governance has also prepared dedicated guidance on gifts for PTEF, which the Government then reviewed at its session held on

⁴ The remaining PTEF (58 out of 199) could not attend the training organised in 2022 for justified reasons but will need to do so in 2023.

20 December 2022. It was decided to make an additional comparative analysis with European practices. The office of the Deputy Prime Minister in charge of good governance policies, with expert support, has started such analysis, which should be followed by recommendations. The analysis is expected to be ready in the first half of 2023.

46. GRECO welcomes that the SCPC has issued additional guidance for the public sector on how to manage situations arising from the acceptance of gifts. The foreseen catalogue on gifts is to provide online details, including on gifts received by PTEF, once it is established. The Cabinet of the Deputy Minister on Good Governance is currently working on dedicated guidance for PTEF on this very same matter.
47. Pending the effective adoption of such guidelines, as well as the operability of a register of gifts, GRECO concludes that recommendation vii remains partly implemented.

Recommendation viii

48. *GRECO recommended that the oversight in respect of declarations of interests and assets of persons entrusted with top executive functions in the government be strengthened by (i) providing the State Commission for the Prevention of Corruption (SCPC) with human and financial resources, competences, methodologies and tools that are proportionate to the proper and effective performance of its duties; (ii) establishing an appropriate verification mechanism and conducting investigations when necessary and (iii) making its results public, as appropriate*
49. It is recalled that this recommendation was partly implemented in the Compliance Report. While GRECO acknowledged that the resources of the SCPC had been upgraded, it was too early to assess whether such increase of means did lead to greater effectiveness in the oversight of asset declarations. Also, the necessary technical tools for verifying asset declarations did not seem to be in place.
50. The authorities stress that the resources of the SCPC have continued to be strengthened (see also recommendation ii), including in relation to the personnel allocated to the Department for Monitoring of Property Status which has five employees (out of the seven foreseen). An in-depth verification of the declarations of interests and assets takes place, including by cross-checking data held by other State authorities. Electronic tools have been developed to connect with the databases of the Ministry of the Interior - for vehicles, the Cadastre Agency -for real estate, with the Public Revenue Office - for tax returns, with the Central Registry - for ownership or management of commercial companies. The SCPC is working on connecting with several other institutions that would provide additional data.
51. The authorities further submit detailed statistics on the number of disclosures submitted and the action that has followed when irregularities were detected, which illustrate how, since 2020, the performance of the SCPC has considerably improved (number of declarations verified, number of investigations carried out, sanctions imposed). The most common problem is related to that of non-filing upon termination of the mandate. The greatest bulk of the investigations performed by the SCPC regarding

asset disclosure takes place ex officio, i.e. around 94%, the rest is initiated upon individual reports.

52. The SCPC continuously processes newly submitted declarations and updates the data on changes in property status. Thus, on 30 June 2022, it published data from the declarations of 8 879 elected and appointed persons on its website. There is an Annual Plan for Monitoring the Property Status and Conflicts of Interest and the Annual Report on the work of the SCPC includes, *inter alia*, detailed statistics on the oversight in respect of declarations of interests and assets, including in respect of PTEF. The annual reports on the work of the SCPC are public documents, including all results of the work of the SCPC.
53. GRECO is pleased to note that the SCPC has continued to fulfil its role proactively and boosted its capacity to verify statements of interest and assets. Electronic tools have been developed to connect with the databases of other State bodies and the SCPC is also working on some other connections which would provide additional data. GRECO looks forward to receiving further updates in this regard. The continuous reinforcement of its resources in recent years is a positive sign which should be pursued until the institution achieves its full operational capacity (currently it is staffed with 48 employees out of the 64 planned). Consequently, GRECO encourages the authorities to continue the positive developments reported.
54. GRECO concludes that recommendation viii remains partly implemented.

Recommendation ix

55. *GRECO recommended analysing the practical application of the system of sanctions in respect of violations of conflicts of interest, integrity and anti-corruption legislation/regulation and ensuring that the sanctions are effective, proportionate and dissuasive*
56. It is recalled that this recommendation was assessed as not implemented in the Compliance Report. GRECO considered that there was no substantiation that an adequate analysis of the practical application of the system of sanctions had been carried out nor that the sanctioning regime had been revised.
57. The authorities refer to the figures gathered by the SCPC in its annual report which provide details on how integrity/anti-corruption related obligations are being enforced. The authorities recognise that it is true that the Law on Prevention of Corruption and Conflict of Interest (LPCCI) does not provide sanctions for all violations of the provisions; some prohibitions and restrictions are formulated as principles for which no sanction is foreseen. Nonetheless, for all violations for which a sanction has been foreseen, the SCPC has acted and imposed appropriate sanctions. The relevant data are contained in the track record tables which are regularly submitted to the EU for the purposes of reports on the progress of the Republic of North Macedonia in the process of European integration. The authorities have also provided GRECO with these figures. For illustration, in 2022, misdemeanour sanctions were imposed on MPs/Ministers/Deputy

Ministers, for violations that do not refer to failure to submit declarations of interests, but for other violations of the provisions of the LPCCI.

58. The authorities further add that the process for the preparation of the amendments to the LPCII is ongoing. Until now, the sanctioning provisions have not been elaborated, however, the work of preparing the amendments to the Law continues by the working group.
59. GRECO reiterates the concern it already expressed in the Compliance Report. Notably, that the Fifth Round Evaluation Report identified several deficiencies inherent in the sanctioning regime foreseen for the violation of conflicts of interest, integrity and anti-corruption rules. For example, sanctions were not provided for all violations established by law, and monetary fines were assessed as not meeting the prerequisites of effectiveness, proportionality, and dissuasiveness. Against this background, it does not appear that an adequate analysis of the practical application of the system of sanctions has been carried out nor that the sanctioning regime has been revised to address the aforementioned shortcomings.
60. GRECO concludes that recommendation ix remains not implemented.

Regarding law enforcement agencies

Recommendation x

61. *GRECO recommended that (i) sufficient operational independence of the police vis-à-vis the Ministry of the Interior be provided and ensured in practice, and (ii) pertinent measures be taken in order to ensure individual police officers' duty to comply with the existing rules on integrity and impartiality in order to carry out their functions in a politically neutral manner in practice (e.g. through awareness, training, sanctions etc.).*
62. It is recalled that this recommendation was assessed as not implemented in the Compliance Report. Draft legislation was in the making but it was still at very incipient stages.
63. The authorities now report that amendments to the Law on Internal Affairs were adopted in April 2022⁵. In so far as the first part of the recommendation is concerned, the said amendments provide that operational orders within the police are to be issued by the Director of the Public Security Bureau (i.e. Head of Police) instead of the Minister of the Interior (Article 20(2), Law on Internal Affairs).
64. With regard to the second part of the recommendation, the aforementioned amendments list in the general employment conditions of service in the Ministry of the Interior (MoI) a prohibition on employees being members of a political party or a body/organ of a political party. Candidates for employment are to submit a written statement in which they pledge compliance in this respect. Non-compliance constitutes a "more serious" disciplinary offence for employed staff.

⁵ Official Gazette No. 89/22.

65. GRECO welcomes the new regulatory measures which are geared towards depoliticising the police. These measures are at initial stages of implementation and it is too early to assess their impact. Therefore, GRECO looks forward to receiving more information as to the implementation of the new law and regulations in practice, as required by the recommendation.
66. GRECO concludes that recommendation x has been partly implemented.

Recommendation xii

67. *GRECO recommended adopting focused, results-oriented and consolidated corruption prevention and integrity policies for the police, fully integrated into the national anti-corruption planning process, based on systematic and comprehensive review of risk prone areas, accompanied by targeted mitigating and control measures which are subject to regular evaluation and impact assessment.*
68. It is recalled that this recommendation was assessed as not implemented in the Compliance Report. GRECO noted that a risk assessment process was yet to be developed for the police, coupled with a follow-up mechanism, and better integrated into the national anti-corruption planning process.
69. The authorities report that in August 2022 a Plan for Integrity of the Jobs in the Mol was adopted for the period 2023-2025, which is publicly available online. It establishes mechanisms for strengthening integrity in the police and assesses risk of each and every position within the Mol. It is based on a previously conducted comprehensive analysis of statistical and analytical data available to the Department for Internal Control, Criminal Investigations and Professional Standards. Six areas that are most exposed to corrupt or other illegal behaviour have been detected at the Mol and consequently the following risks have been covered by the Plan for Integrity: 1. abuse of the official position by authorized officials for administrative services who are in direct contact with citizens in procedures for issuing personal documents, certificates, permits, etc; 2. accepting a bribe by traffic and border police officers; 3. excessive use of force when applying police authorisations; 4. public procurement implementation; 5. human resources management; 6. ethics, impartiality, dignity, protection of the reputation of the Mol.
70. The action plan for the implementation of the Plan for Integrity foresees a set of measures and activities to be undertaken by the competent organisational units in the next three years, in order to reduce or suppress the identified risk. The action plan also specifies the objectives for the implementation of the indicators for the next three years through which the level of implementation of the Plan for Integrity will be monitored. The designated person in the Mol to give advice on integrity, conflict of interest and receiving gifts has direct access to the SCPC Integrity System web-application and at the end of the year fills out the questionnaire on the implementation of the Integrity System in the Mol. The 2023-2025 Mol Integrity Plan and the Action Plan for the Implementation of the Integrity Plan are published at the [Mol's website](#).

71. The Department for Internal Control, Criminal Investigations and Professional Standards has reached out to all MoI employees with the aim of familiarising them with the Integrity Policy. Additionally, the Department conducts trainings for all MoI employees on all topics related to the implementation of the MoI Integrity System, with special emphasis on raising the level of professional integrity of the employees, as well as encouraging the employees to report criminal or other misconduct against the public interest and informing them on whistleblower protection.
72. Moreover, in April 2022, the Minister of the Interior signed an Integrity Policy, which is implemented in cooperation with the SCPC and other relevant institutions, which includes a review of risk prone areas and attaches targeted mitigating and control measures in their respect. The evaluation of the Integrity System at the level of all institutions is carried out by the SCPC.
73. GRECO takes note of the developments reported to provide for a structured approach to corruption prevention within the police on the basis of risk-assessments. In August 2022, a Plan for Integrity of the Jobs in the MoI was adopted for the period 2023-2025. It covers six priority areas and is to be coupled with regular evaluation and impact assessment. GRECO also appreciates that the newly designed integrity policy of the MoI is linked with the overall integrity framework that the SCPC coordinates.
74. GRECO concludes that recommendation xii has been implemented satisfactorily.

Recommendation xiii

75. *GRECO recommended establishing a pertinent mechanism within the police in order to manage risks of corruption.*
76. It is recalled that this recommendation was assessed as not implemented in the Compliance Report. GRECO noted that some preliminary organisational measures had been taken to establish positions with risk management responsibilities, but this was all work in progress and had not yet led to any tangible result.
77. The authorities now report that, on 28 December 2021, the MoI adopted a risk management procedure according to the ISO 9001:2015 standard (point 6.1), pursuant to which a risk register is drawn up and, in this way, a unified approach is taken in the operation of all organisational units in the MoI for risk management purposes. All organisational units in the MoI are responsible for implementing this procedure. Accordingly, the organisational unit first identifies the risk that is likely to occur in its operation, ranks it according to the level of "low", "medium" and "high" risk, and prepares a Risk Identification Report that submits to the Unit for Quality Management in the MoI. Then, it plans measures for risk management, that is, it determines measures and activities aimed at minimising or removing the risk. Organisational units have an obligation to monitor risks as they vary in time.
78. In this direction, as already described before (see under recommendation xii) the Department for Internal Control, Criminal Investigations and Professional Standards

prepared a Plan for the Integrity of the Ministry of the Interior 2023-2025 and an Action Plan for the Implementation of the Plan for Integrity. The Action Plan for implementation of the Integrity Plan foresees a set of measures and activities that the competent organisational units will undertake in the next three years in order to reduce or suppress the detected risks. Such commitments are coupled with indicators of achievement and subject to regular monitoring. All posts with risk management responsibilities, within the Department of Internal Control, Criminal Investigations and Professional Standards (DICCIPS) and the Unit for Strategic Planning, Supervision and Control at the MoI, are now filled.

79. GRECO welcomes that a system to manage risks of corruption within the police has now been established and concludes that recommendation xiii has been implemented satisfactorily.

Recommendation xiv

80. *GRECO recommended (i) revising the Code of Police Ethics in broad consultation with a wide circle of stakeholders including police staff at all levels, their representatives and civil society, with a view to consolidate the existing provisions and offer comprehensive practical guidance on ethical matters inter alia on integrity, conflicts of interest, gifts and corruption prevention; and (ii) systematically raising the awareness of the police in respect of the standards contained in a revised/new Code via training, dedicated guidance and counselling, including confidential counselling.*
81. It is recalled that this recommendation was partly implemented in the Compliance Report. GRECO welcomed the issuing of a new Code of Police Ethics meeting all the requirements of the first component of recommendation xiv. As to the second part of the recommendation, GRECO was also pleased to note that extensive training had been carried out to promote awareness on ethical rules. GRECO asked for additional information on the actual provision of confidential counselling.
82. The authorities provide additional details on confidential counselling. Notably, in February 2022, the Minister of the Interior appointed a confidential counsellor on integrity, conflicts of interest and gifts⁶. The decision and the details of the appointed person have been [published online](#). The confidential counsellor has organised 15 training sessions on the integrity system of the Ministry of the Interior. They were attended by 120 employees who learnt about the applicable integrity provisions in service as well as to the possibility to seek confidential advice in case of ethical dilemmas.
83. The authorities provide further details on training on integrity carried out by the MoI, including training for trainers intended for the employees working in the relevant prevention units. From May 2021 to December 2022, a total of 60 trainers and other management structures in the MoI were trained. Moreover, by December 2022, a total of 2 200 police officers had followed integrity training sessions. The implementation of

⁶ Decision of the Minister of the Interior No.13.1.2-14371/1 dated 16.02.2022. The Code of Ethics and Conduct for MoI employees was supplemented in May 2021 to include a provision in this respect (Article 2).

the training is monitored by the Unit for Integrity, Prevention of Corruption and Protection of Human Rights.

84. Concurrently, additional guidance on ethics is being developed, including Guidelines on the Handling of Gifts, Favours and Hospitality in the Ministry of Interior and Guidelines on the Manner of Action of the Employees of the Mol in Order to Prevent Conflicts of Interest in the Mol.
85. GRECO notes that all elements of this recommendation have been met. Importantly, a new Code of Police Ethics have been put in place and measures for its implementation have also been taken. Systematic integrity training of police officers have been carried out and, lastly, a system of confidential counselling has been established.
86. GRECO concludes that recommendation xiv has been implemented satisfactorily.

Recommendation xv

87. *GRECO recommended (i) ensuring that recruitment to the police, including direct recruitment and transfer from other institutions, is competitive and based on objective and transparent criteria and procedure; and (ii) introducing integrity checks and testing of persons entering the police.*
88. It is recalled that this recommendation was not implemented in the Compliance Report. Draft legislation was in the making but it was still at very incipient stages.
89. The authorities now indicate that, pursuant to amendments to the Law on Internal Affairs, it is established that, as a general rule, recruitment to the police be conducted via open competition (Article 71, Law on Internal Affairs). Direct recruitment is solely reserved for posts specifically listed in the Mol's structure as justifying direct recruitment due to their type, nature, and conditions of service (Article 76, Law on Internal Affairs). For the job positions for which the Act of Systematisation of Job Positions provides for the establishment of an employment relationship in the Ministry without a public announcement, it is necessary to meet the same conditions that are determined for the employment relationship with a public announcement (i.e. Article 76, in conjunction with Article 66 (general conditions), Law on Internal Affairs, as well as any other special condition established by the position in question).
90. As regards the second component of the recommendation, integrity checks are carried out upon recruitment and regularly thereafter, throughout career life, pursuant to the provisions of a newly adopted by law in February 2023⁷.
91. The authorities explain that the aim of integrity testing is to verify that officers/candidates to the police act according to the law. The person subject to the test is placed in a given practical simulated situation to see if s/he breaks the applicable rules. Integrity tests can be carried out (a) based on a written and reasoned initiative of the

⁷ Rulebook on Implementation of Integrity Tests, adopted on 21 February 2023 and published in the Official Gazette of the Republic of North Macedonia No. 41 from 24 February 2023.

Minister of Internal Affairs, or the Director of the Public Security Bureau, or (b) in the event that the organisational unit for internal control in the Mol, within the framework of its operations, determines facts or becomes aware of actions of an employee of the Mol which give ground for conducting the test.

92. Tests are (video/audio) recorded and their results can give rise to disciplinary responsibility or the initiation of a criminal pre-investigation procedure. Information relating to integrity testing (including regarding its preparation, conducting and results) is classified. Finally, integrity tests must conform to the principles of legality and confidentiality and are to be conducted in full respect of human rights and the dignity of the employees tested.
93. GRECO takes note of the legislative changes made to restrict direct recruitment and to provide for open recruitment as a general rule. However, no details have been provided as to the procedure that applies to direct recruitment, nor on the criteria and procedure that governs transfers from other institutions, which would sufficiently substantiate that there have been material improvements in these areas and availing that the relevant processes are indeed competitive, objective, and transparent, as recommended.
94. GRECO takes note of the introduction of integrity testing, but this is a very recent legislative development which efficacy is yet to be tested in practice. Particular attention must be paid to the possibility for the Minister of Internal Affairs to carry out an integrity test in respect of individual officers since this can impinge on due operational independence of the police (as per recommendation x). The recently adopted Rulebook on Implementation of Integrity Tests does not fully describe integrity testing proceedings, at least not in a sufficiently clear and detailed manner. This in turn may open possibilities for misuse.
95. GRECO concludes that recommendation xv has been partly implemented.

Recommendation xvi

96. *GRECO recommended to establish objective and professional criteria for the appointment of the Head of the Police (Public Security Bureau), which correspond to the needs of such a position.*
97. It is recalled that this recommendation was not implemented in the Compliance Report. Draft legislation was in the making but it was still at very early stages.
98. The authorities indicate that, pursuant to recent amendments to the Law on Police – which were introduced in April 2022⁸, Article 16 establishes that the Head of Police is to acquire at least 300 ECTS credits or complete VII/2 education level (Academic Master’s Degree) in one of the following areas: security, defence, law or economy and at least 12 years of professional experience in the area of security, defence or intelligence, of which at least 5 years of managerial experience in the said fields. Furthermore, the Head of Police may not be a member of a political party or of a body/organ of a political party;

⁸ Official Gazette No. 89/22.

is to undergo security clearance to which s/he is to consent in writing and the appointment must not present a security risk; s/he is to declare an absence of conflicts of interest based on the applicable law and is required to have passed an integrity test.

99. GRECO takes note of the recent amendments of the Law on Police which, *inter alia*, establish objective criteria and managerial experience which strengthen the professional requirements for position of the Head of the Police.

100. GRECO concludes that recommendation xvi has been implemented satisfactorily.

Recommendation xvii

101. *GRECO recommended (i) to introduce objective and transparent criteria and procedures for periodical reviews of the integrity of police staff; and (ii) to use the results of such reviews in the promotion procedures.*

102. It is recalled that this recommendation was not implemented in the Compliance Report. Legislative amendments were reportedly under way but still at very early stages.

103. The authorities report that Law on Internal Affairs was amended. It now establishes that police staff undergo regular professional integrity checks. The responsibility for developing and conducting the checks is vested in the Mol's DICCIPS. Failing the test triggers disciplinary procedures in respect of the employee concerned.

104. GRECO notes that police officers are now subject to a requirement to undergo regular professional integrity checks, the negative results of which could play a role in future promotions insofar they could trigger disciplinary action.

105. While it would be premature to anticipate how integrity testing would function in the future (all the more since the corresponding provisions have just been recently adopted and its practical operation is yet to be tested in practice), GRECO is of the view that recommendation xvii has a broader aim. It is recalled that, in the Fifth Round Evaluation Report, GRECO noted that annual performance reviews were not sufficiently regulated leaving the door open to discretion and unfair decisions on promotion. Such an unsatisfactory situation was leading to the perception within the police that persons lacking the necessary competences were being promoted due to political or personal allegiances. Integrity testing could be an element to be considered when carrying out performance appraisals, but not the only one deciding a promotion. Other qualities and merits could be taken on board and the procedure for evaluating those aspects need to be clearly spelled out in law/regulation.

106. GRECO concludes that recommendation xvii has been partly implemented.

Recommendation xix

107. *GRECO recommended that the authorities analyse the need for introducing an obligation to declare assets/interests in respect of the top management and/or concerning certain positions within the police, with a view to introducing such rules.*
108. It is recalled that this recommendation was not implemented in the Compliance Report. The authorities had reported a legislative proposal going beyond recommendation xix as it would require financial disclosure of all police officers (rather than top management and certain vulnerable positions). However, the legislative changes anticipated were still at a very early proposal phase.
109. The authorities now report that amendments were introduced to the Law on Internal Affairs (Article 70-b) to require interests and asset declarations to all employees of the Ministry of the Interior (Mol). Declarations are to be filed within 30 days of appointment, when there is an increase in assets, and within 30 days from leaving office.
110. GRECO notes that the authorities have gone beyond the requirements of recommendation xix since they have extended the interests and asset disclosure obligation to all Mol employees (thus including police staff).
111. GRECO concludes that recommendation xix has been implemented satisfactorily.

Recommendation xx

112. *GRECO recommended securing the autonomy and independence from undue influence of the internal control mechanism of the police and providing it with an appropriate mandate, resources and expertise.*
113. It is recalled that this recommendation was not implemented in the Compliance Report. There had been no change as to the situation assessed in the Fifth Round Evaluation Report.
114. The authorities now refer to the key role that internal control is to play in the conceptualisation and development of the newly introduced integrity tests. Moreover, important amendments were introduced to the Law on Internal Affairs in respect of discipline (Articles 195-199), which now provide for a special organisational unit responsible for managing the procedures for determining disciplinary responsibility. The authorities further argue that, in the previous operation of the Internal Control Department - DICCIPS (in reference to the state of affairs which was in place at the time of the Fifth Round Evaluation visit in 2018), there was no empirical data that the Department acted under any political influence. The DICCIPS is positioned under the Minister of Internal Affairs and monitors the legality of the actions of all employees. The department makes daily efforts to improve existing tools and find new ones, such as the professional integrity test, in order to effectively fight corruption in the Mol.
115. GRECO takes note of the information provided. It welcomes the establishment of a dedicated unit in charge of discipline (instead of the former system of ad-hoc

commissions established by the Minister of the Interior). This could assure a more systematic approach, and hence greater consistency, in disciplinary procedures.

116. That said, GRECO considers that further work lies ahead to fully meet recommendation xx, and more particularly, to reinforce the capacity of DICCIPS. The Fifth Round Evaluation Report described worrying flaws in its operation, including political influence being exerted on its decision-making processes, insufficient resources, limited powers and the lack of expertise and tools. There is no substantiation that these shortcomings are no longer relevant, nor that targeted action has been taken to remedy them.
117. GRECO concludes that recommendation xx has been partly implemented.

Recommendation xxi

118. *GRECO recommended that the available mechanisms of external supervision of the police force, including those of Parliament, the Ombudsman Office and the Public Prosecutor's Office be subject to an appropriate level of transparency in respect of cases dealt with and that related statistics be provided at regular intervals.*
119. It is recalled that this recommendation was partly implemented in the Compliance Report. GRECO acknowledged the steps taken to reinforce external supervision of the police (notably, in respect of the Ombudsman Office and the Public Prosecutor's Office). However, no information had been provided as to the action taken by the relevant bodies regarding public transparency to cases dealt with and the disclosure of statistics at regular intervals. Nothing was reported regarding parliamentary oversight.
120. The authorities indicate that parliament exercises political control and supervision over the Government and other holders of public functions, including the police. As to transparency of this supervisory work, Parliament holds public oversight hearings and can establish inquiry committees. There is a Standing Inquiry Committee for Protection of Civil Rights and Freedoms. Its findings are meant to serve as the basis for investigations of possible human rights abuses. The Committee is also entrusted with overseeing the general protection of individual liberties and providing opinions on rights-abuse complaints submitted by citizens.
121. The Ombudsman publishes [annual reports](#) on its activity on its website. There is a section on police powers, where data from the operation of the Civilian Control Mechanism of the Ombudsman is published. Also, the data from the work of the Unit for Investigation and Prosecution of Criminal Acts Performed by Persons with Police Authorities and Members of the Prison Police are included in the [annual reports](#) of the Public Prosecutor's Office, which are made available online. These reports include statistics on the number of cases reported, investigations initiated, and verdicts made. Moreover, improvements are reported concerning the relevant feedback processes between the Ombudsman and the Public Prosecutor's Office. Further, working meetings between these two bodies were held in 2022 with the aim of simplifying mutual communication and ensure a more efficient and effective action.

122. GRECO takes note of the information provided as to the inclusion of details on the work of the dedicated services within the Ombudsman and the Public Prosecutor's Office for overseeing the police. GRECO welcomes the fact that the competent departments of the Ombudsman and the Public Prosecutor's Office have developed operational arrangements for communication and feedback.
123. Regarding the external oversight performed by Parliament in this domain, nothing new has been added to the situation which was already in place at the time of the Fifth Round Evaluation Report. It is recalled that GRECO was concerned about the passivity of the relevant parliamentary committees despite enough evidence of police brutality (with several judgements of the European Court of Human Rights against North Macedonia in this connection)⁹. No information has been provided as to whether there has been any improvement in this respect.
124. GRECO concludes that recommendation xxi remains partly implemented.

Recommendation xxii

125. *GRECO recommended strengthening substantially the measures for the practical implementation of the Law on the Protection of Whistle-blowers within the police and making related information accessible to the public.*
126. It is recalled that this recommendation was not implemented in the Compliance Report. GRECO noted that the whistleblowing law was adopted in 2016, but there was still no hard data regarding its actual implementation (e.g. number of internal disclosures, if any). GRECO called for more determined action in this domain.
127. The authorities report that 1 200 officials of the MoI authorised to receive whistleblowing reports have attended workshops on internal whistleblowing organised by DICCIPS. Moreover, work is underway to improve the working conditions of the authorised officials for receiving whistle-blower reports, including by providing them with a software tool, which has been developed under the auspices of the SCPC (see also paragraph 13), enabling secure channels of communication. The authorities refer to one whistleblowing case: an internal report was submitted by an MoI employee against a senior level manager. The Department for Internal Control, Criminal Investigations and Professional Standards took the necessary measures, and a procedure was launched, including notification to the Public Prosecutor's Office, which ended in the dismissal of the wrongdoer (the senior manager with whom the whistleblower worked). According to the authorities, this case proves the effectiveness of the whistleblower protection system.
128. GRECO takes note of the new developments reported to support the implementation of whistleblowing legislation, including through awareness-raising measures and the improvement of internal reporting. GRECO further notes that amendments are in the pipeline regarding the current whistleblowing law in order to enhance its effectiveness, notably through a Council of Europe technical assistance project.

⁹ See Fifth Round Evaluation Report on North Macedonia, paragraph 169.

129. GRECO recalls that this recommendation was prompted by the absence of data regarding the practical application of the law. It is recalled that at the time of the Fifth Round Evaluation Report there was an impression within the force that the lack of disclosures could be explained by multiple factors, including a corporatist police culture, partisanship, a lack of trust in the functioning of the system in place to, firstly, investigate integrity breaches, and secondly, provide for adequate protection measures against retaliation, etc. The authorities have now dealt with one whistleblowing case within the Mol. This was reported by the authorities as a success story, providing effective protection to the whistleblower and leading to the dismissal of the wrongdoer (the superior of the whistleblower). GRECO sees this as an encouraging development, but it is a single case which cannot be taken as a pattern. GRECO has not received any other information regarding internal disclosures within the police (other than the one case mentioned) or how any such cases were dealt with.
130. GRECO concludes that recommendation xxii has been partly implemented.

III. CONCLUSIONS

131. **In view of the foregoing, GRECO concludes that North Macedonia has satisfactorily implemented thirteen of the twenty-three recommendations contained in the Fifth Round Evaluation Report.** Of the remaining recommendations, nine have been partly implemented and one has not been implemented.
132. More specifically, recommendations i, ii, iii, v, vi, xi, xii, xiii, xiv, xvi, xviii, xix and xxiii have been implemented satisfactorily, recommendations iv, vii, viii, x, xv, xvii, xx, xxi, xxii have been partly implemented and recommendation ix has not been implemented.
133. With respect to top executive functions (PTEFs), several positive developments have been noted. Integrity risk assessments and regular evaluations of the impact of integrity measures in central government are now in place. The resources of the State Commission for the Prevention of Corruption (SCPC) have been strengthened but are not yet at their full operational capacity. That said, the SCPC has continued to play a most proactive role in providing leadership to the anti-corruption fight, including through its monitoring and advisory tasks. Additional guidance documents have been issued for PTEF regarding gifts, lobbying and the management of conflicts of interest. Members of government have been trained on the Code of Ethics, conflicts of interest and other integrity issues. The oversight system of property and interests declarations has been enhanced, including through the development of new software allowing more efficient crosschecks of data. More efforts are required to assess the adequacy (effectiveness, proportionality, and dissuasiveness) of the current system of sanctions for conflicts of interest and other integrity violations.
134. With respect to law enforcement agencies (police), there is also on-going progress. Amendments to the Law on Internal Affairs and to the Law on Police were introduced in April 2022. They provide, *inter alia*, for the obligation to submit asset and interests declarations for all employees of the Ministry of the Interior, a ban on employees being members of a political party or a body of a political party, a new integrity test – which

efficacy is yet to be assessed in practice, and the establishment of objective and professional criteria for the appointment of the Director of the Public Security Bureau (head of the police). A review of corruption vulnerabilities and risks in the police has been carried out. Additional action appears necessary to step up internal and external oversight mechanisms of the police, and to ensure not only in law, but also in practice, operational independence and political neutrality of the force. Finally, GRECO looks forward to receiving updates on how the newly introduced/planned measures to protect whistleblowers have substantially strengthened the implementation of the legislative framework in practice, including through disclosure patterns.

135. In the light of the foregoing, GRECO notes that North Macedonia is not in sufficient compliance with the recommendations contained in the Fifth Round Evaluation Report within the meaning of Rule 31 revised bis, paragraph 10 of the Rules of Procedure. GRECO therefore decides to apply Rule 32 revised, paragraph 2 (i) and asks the Head of delegation of North Macedonia to provide a report on the progress in implementing the outstanding recommendations (i.e. recommendations iv, vii, viii, ix, x, xv, xvii, xx, xxi, xxii) as soon as possible, however - at the latest - by 30 June 2024.
136. GRECO invites the authorities of North Macedonia to authorise as soon as possible the publication of this report, to translate it into the national language and to make the translation public.