

Adoption: 25 March 2022

**Confidential**  
GrecoRC4(2022)7

## FOURTH EVALUATION ROUND

Corruption prevention in respect of  
members of parliament, judges and prosecutors

### ADDENDUM TO THE SECOND COMPLIANCE REPORT NORTH MACEDONIA

Adopted by GRECO at its 90<sup>th</sup> Plenary Meeting  
(Strasbourg, 21-25 March 2022)

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## **I. INTRODUCTION**

1. This Addendum to the Second Compliance Report assesses the measures taken by the authorities of North Macedonia to implement the recommendations issued in the Fourth Round Evaluation Report on that country (see paragraph 2) dealing with "Corruption prevention in respect of members of parliament, judges and prosecutors".
2. The Fourth Round Evaluation Report on North Macedonia was adopted at GRECO's 62<sup>nd</sup> Plenary Meeting (6 December 2013) and made public on 17 March 2014, following authorisation by North Macedonia ([GrecoEval4Rep\(2013\)4E](#)). The corresponding first Compliance Report was adopted at GRECO's 72<sup>nd</sup> Plenary Meeting (1 July 2016) and made public on 12 October 2016 ([GrecoRC4\(2016\)8](#)).
3. In the Second Compliance Report ([GrecoRC4\(2018\)6](#)) adopted by GRECO at its 80<sup>th</sup> Plenary Meeting (22 June 2018) and made public on 9 August 2018, following authorisation by North Macedonia, it was concluded that North Macedonia had implemented satisfactorily or dealt with in a satisfactory manner six of the 19 recommendations contained in the Fourth Round Evaluation Report. In this light, GRECO concluded that the very low level of compliance was "globally unsatisfactory" in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. GRECO therefore decided to apply Rule 32, paragraph 2(1) concerning members found not to be in compliance with the recommendations contained in the mutual evaluation report.
4. In the Interim Compliance Report ([GrecoRC4\(2020\)4](#)) adopted by GRECO at its 85<sup>th</sup> Plenary Meeting (25 September 2020) and made public on 2 October 2020, following authorisation by North Macedonia, it was concluded that North Macedonia had implemented satisfactorily or dealt with in a satisfactory manner nine of the 19 recommendations contained in the Fourth Round Evaluation Report. Of the remaining recommendations eight had been partly implemented and two had not been implemented. In view of these achievements, the level of compliance was no longer considered "globally unsatisfactory". GRECO therefore decided not to continue applying Rule 32 of its Rules of Procedure and asked the Head of the Delegation of North Macedonia to provide a report on the progress in implementing the pending recommendations (namely recommendations i-v, xii, xiv-xvi and xviii) by 30 September 2021. This report was received on the requested date and served as a basis for this Second Interim Compliance Report.
5. GRECO selected Armenia and Denmark to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Ms Mariam Galstyan, on behalf of Armenia, and Mr. Anders Dyrvig Rechendorff, on behalf of Denmark. They were assisted by GRECO's Secretariat in drawing up this Addendum to the Second Compliance Report.
6. This Addendum to the Second Compliance Report assesses the further implementation of the ten recommendations pending since the adoption of the Interim Compliance Report and performs an overall appraisal of the level of compliance of North Macedonia with these recommendations.

## **II. ANALYSIS**

### *Corruption prevention in respect of Members of Parliament*

#### **Recommendation i.**

7. GRECO recommended (i) swiftly proceeding with the development of a code of conduct for members of the Assembly and ensuring that the future code is made

*easily accessible to the public; (ii) establishing a suitable mechanism within the Assembly, both to promote the code and raise awareness among its members on the standards expected of them, but also to enforce such standards where necessary.*

8. This recommendation had been partly implemented in the Interim Compliance Report. A revision of the Code of Ethics for MPs went in the right direction, and sanctions for breaches of the Code had been expanded. However, the Code had not generated greater clarity or consistency, and awareness raising and training of MPs needed further development.
9. The authorities now report that the Assembly is currently preparing a new draft Code of Ethics for MPs which will cover: i) expected behaviour in the public sphere; ii) prevention of corruption and conflicts of interest; iii) transparency and accountability; and iv) measures aimed at promoting proper use of public finances and funds. The Assembly's Committee on Rules of Procedure and Mandate-Immunity Issues, the competent body for the implementation of the Code, has held several awareness-raising workshops for MPs, as well as meetings to refine and further improve the Code, including with support from OSCE/ODIHR, according to the authorities. The authorities additionally refer to the new draft Guidelines on the implementation of the Code, which are being prepared as well.
10. GRECO notes the development of a new Code of Ethics for MPs and of new Guidelines on the implementation of the Code, the preliminary texts of which have been provided for its scrutiny. Overall, the new Code represents a suitable framework for promoting integrity and guiding the ethical behaviour of MPs as it lays down appropriate standards of conduct with respect to conflicts of interest, auxiliary activities, engagement with lobbyists, gifts, post-employment, etc. (cf. also recommendations ii and iii). This being said, the Code and the Guidelines would benefit from further refinement and streamlining so as to render them more user-friendly, eliminate redundant content and ensure clarity and coherence of corresponding provisions. As regards the establishment of a mechanism to promote the Code and to raise awareness of MPs on the standards expected of them, GRECO notes that the Parliamentary Institute and Parliamentary services are in charge, which are to cooperate closely with the Assembly's Committee on Rules of Procedure and Mandate-Immunity. The reported awareness-raising activities for MPs are welcome but would need to be adjusted to the new Code and Guidelines, once in place.
11. GRECO concludes that recommendation i remains partly implemented.

### **Recommendation ii.**

12. *GRECO recommended that internal mechanisms and guidance be further developed within the Assembly on the prevention of conflicts of interest and the acceptance of gifts, hospitality and other advantages and that compliance by parliamentarians with these rules be properly monitored.*
13. This recommendation had been partly implemented in the Interim Compliance Report. Amendments to the Code of Ethics for MPs had established internal mechanisms for preventing conflicts of interests and reporting gifts, and sanctions for related breaches. Yet, specific conduct for various situations of conflicts of interest was not prescribed, the distinction between foreign and domestic gifts was not clarified, and hospitality and other advantages were not covered. The new Guidelines on the implementation of the Code largely reiterated the existing rules or set out new standards/principles. Specific information on the actual role/activities of the supervisory body - the Assembly's Committee on Rules of Procedure and Mandate-Immunity Issues - had not been provided.

14. The authorities now refer to the new draft Code of ethics for MPs as well as the new draft Guidelines<sup>1</sup> on the implementation of the Code (cf. recommendation i). As regards the supervisory role of the Committee on Rules of Procedure and Mandate-Immunity Issues, it has not as yet received any written reports on the misuse of ethical norms by MPs.
15. GRECO notes that the new draft Code of ethics for MPs and the accompanying new Guidelines contain elaborate provisions on conflicts of interest, gifts, hospitality and other advantages, as required by the recommendation. Yet, more needs to be done to ensure that the Code brings together all applicable rules, whereas the Guidelines only present related explanations and examples. In the drafts presented to GRECO, these are not clearly separated which creates confusion and requires multiple cross-checking. Besides, the principle of accountability is not included amongst key ethical principles/values and compliance mechanisms are not designated. According to the Code, it is up to the Assembly to monitor and evaluate progress in its implementation. Sanctions for breaches are not defined, except that it is stated that they are not compulsory. Although confidential counselling and mentoring are foreseen, to which parliamentary bodies these functions are assigned is not specified. As concerns the functioning of the Assembly's Committee on Procedure and Mandate-Immunity Issues, it does not appear to have carried out any activities yet and its role in the new framework to be created by the new Code and the Guidelines requires clarification.

16. GRECO concludes that recommendation ii remains partly implemented.

### **Recommendation iii.**

17. *GRECO recommended to introduce rules on how Members of Parliament engage with lobbyists and other third parties who seek to influence the legislative process.*
18. This recommendation had not been implemented in the Interim Compliance Report. Earlier plans to include relevant rules in the Code of Ethics for MPs had not materialised. The then effective Law on Lobbying obliged the legislature to regulate the procedure for lobbying but relevant internal acts had not been adopted. The same obligation was articulated more explicitly in the new draft law but stipulated liability for failure to do so only in respect of "a manager of an authority concerned".
19. The authorities now report that the new draft Code of ethics for MPs as well as the new draft Guidelines set out rules on MPs' engagement with lobbyists. Moreover, the new Law on Lobbying (made available to GRECO) was adopted in June 2021 and will enter into force on 10 June 2022. Similarly to the currently effective one, it stipulates obligations for the legislature, the executive and local self-government as regards their interaction with lobbyists.
20. GRECO welcomes the inclusion in the new draft Code of ethics and Guidelines of the rules, explanations and examples on MPs' interaction with lobbyists. Specifically, MPs may not lobby for the duration of their mandate, are to respect the provisions of the Law on Lobbying and to report on meetings with lobbyists and contacts with third parties. Information on such meetings is to be prepared in writing and to include subject matters discussed as well as the degree of support to be provided by the MP concerned in regard to each lobbying request. Relevant reports are to be stored in the Register of Interests maintained by the Assembly. GRECO is generally satisfied with this new regulatory framework, except for the introductory part of the Guidelines

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<sup>1</sup> The Guidelines are being developed with involvement of the Swiss Parliamentary Support Programme, the US National Democratic Institute and OSCE/ODIHR.<sup>2</sup> The established sanctions (fines ranging from 300 to 500 EUR) had decreased compared to the previous legislation (500 to 1000 EUR).

which appears to present lobbyists as only foreign persons. This shortcoming requires addressing. As concerns the new Law on Lobbying which reiterates the obligation for the legislative branch to establish internal rules and procedures for managing contacts with lobbyists (Article 24), GRECO notes that such internal acts have not as yet been developed. Pending the adoption of the draft Code of ethics for MPs, this recommendation remains only partly complied with.

21. GRECO concludes that recommendation iii has been partly implemented.

**Recommendation iv.**

22. *GRECO recommended to ensure (i) that sanctions are provided in the relevant laws for all infringements they contain and (ii) that appropriate enforcement action is taken in all cases of misconduct by Members of Parliament.*
23. This recommendation had been partly implemented in the Interim Compliance Report. The sanctioning regime under the new Law on Prevention of Corruption and Conflicts of Interest (LPCCI) had been noted. Nevertheless, sanctions did not apply for some infringements (e.g. engaging in lobbying when in office and one year after entitlement to public remuneration ceases), and the dissuasiveness of sanctions had not been ensured<sup>2</sup>. Regarding part (ii) of the recommendation, clear enforcement data with respect to MPs had not been presented.
24. The authorities now report in respect of part (i) of the recommendation that in April 2021 a revision of the LPCCI had started. A Working Group has been established, *inter alia* to deal with this recommendation. The deadline for submitting amendments to the Government was 31 December 2021. Regarding the reduced fines contained in the current LPCCI (adopted in January 2019), the authorities recall that these result from the harmonisation of the country's legislation with the new Law on Misdemeanours, which aims at softening the country's general penal policy. Nevertheless, GRECO's recommendation will be further considered. As regards sanctions for engaging in lobbying by MPs when in office and one year after entitlement to public remuneration ceases, the authorities refer to the provisions of the new Law on Lobbying (cf. paragraph 19).
25. With respect to part (ii) of the recommendation, the authorities report that in the first semester of 2021, the State Commission for Prevention of Corruption (SCPC) *ex officio* opened 19 cases for checking the property status and interests of MPs and found no violations. Additionally, between 2019 and 2021, misdemeanor fines were imposed on 24 MPs for failure to submit an asset declaration or to report changes in assets, 14 MPs complied and requests for initiating misdemeanor proceedings were issued in respect of 7 MP. Moreover, in 2021, the SCPC's Department for Preventing Conflicts of Interest opened *ex officio* 5 cases regarding MPs (four cases in connection with illegal management of assets and one in connection with accumulation of functions). All of these violations were confirmed, the MPs concerned were instructed to remedy them, and settlement procedures, which precede the misdemeanor procedure and entail the payment of a misdemeanor fine, were initiated. In four cases fines were paid and the respective procedures stopped, and in the fifth case the procedure is on-going.
26. GRECO notes the intention to address the remaining elements of part (i) of the recommendation – to enhance the dissuasiveness of sanctions provided for under the LPCCI - as part of future amendments to the LPCCI. Pending the realisation of these measures, this part of the recommendation remains only partly implemented.

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<sup>2</sup> The established sanctions (fines ranging from 300 to 500 EUR) had decreased compared to the previous legislation (500 to 1000 EUR).

27. Regarding part (ii) of the recommendation, GRECO notes the enforcement data presented but would need more details regarding the 19 cases where the SCPC had checked the property status and interests of MPs. It seems that, for the time being, only violations by MPs based on purely procedural grounds (i.e. failure to meet the deadlines for submitting the two types of asset declaration) have been established, as opposed to violations on the substance (cf. also recommendation xviii). Pending receipt of such additional information, this part of the recommendation is considered partly implemented.
28. GRECO concludes that recommendation iv remains partly implemented.

*Corruption prevention in respect of Judges*

**Recommendation v.**

29. *GRECO recommended that, in order to strengthen the independence of the judiciary from undue political influence, the ex officio membership of the Minister of Justice in the Judicial Council be abolished.*
30. This recommendation had been downgraded from partly implemented to not implemented in the Second Compliance Report. In the Interim Compliance Report the authorities had reiterated that the Ministers of Justice of the last two governments had not participated in the work of the Judicial Council. However, a new Law on the Judicial Council had retained the membership of the Minister of Justice in the Council albeit without voting rights and the right to participate in sessions of the Council dealing with the liability, election and dismissal of a judge/court president.
31. The authorities now reiterate the same information as above. They add that *ex officio* members of the Judicial Council do not receive any working materials in respect of procedures they do not attend. The Minister of Justice therefore has no information on cases in which liability, election or dismissal of a judge/court president are to be determined and, for this reason, s/he is not in a position to exert any influence on such procedures. This state of affairs is expected to last until a constitutional amendment is adopted which will remove the Minister of Justice from the composition of the Council.
32. GRECO regrets the persisting lack of progress under this recommendation and recalls that the potential for political influence by a Minister of Justice even without voting rights or formal attendance of meetings is well documented in the Evaluation Report (cf. pars. 100 and 118).
33. GRECO concludes that recommendation v remains not implemented.

**Recommendation xii.**

34. *GRECO recommended (I) that disciplinary infringements applicable to judges be clearly defined and that the range of sanctions be extended to ensure better proportionality and (ii) that dismissal of a judge only be possible for the most serious cases of misconduct, ensuring, in particular, that the possibility to dismiss a judge solely in case one of his/her decisions is found to be in violation of the right to a trial within a reasonable time be abolished.*
35. This recommendation had been partly implemented in the Interim Compliance Report. GRECO had acknowledged commendable efforts to clarify disciplinary infringements applicable to judges (to discipline and to dismiss a judge) as provided

for in the 2019 Law on Courts, and confirmed by Opinion No. 944/2018 of the Venice Commission. Nonetheless, the range of sanctions had not been extended to ensure better proportionality, and GRECO's concerns about a lack of proportionality with respect to the role of the Judicial Council in disciplinary procedures against judges and political pressures exercised to dismiss certain judges had not been dispelled.

36. The authorities now refer, with respect to part (i) of the recommendation, to Article 78 (2) of the Law on Courts. It stipulates that, if a disciplinary measure of a reduction in salary is imposed on a judge, s/he cannot be elected to a higher court, as a member of the Judicial Council, deputy/director of the Academy for Judges and Public Prosecutors or nominated as a judge in an international court. As regards part (ii) of the recommendation, the authorities reiterate that the 2019 amendments to the Law on Courts and the Law on the Judicial Council introduced precise and strict criteria for the election/promotion of a judge/court president and ensured greater publicity of the Council's sessions to secure objectivity and public control, and are seen as guarantees of judicial independence and of political neutrality of the procedures in question. Besides, in 2020, the Council adopted *inter alia* new internal rules on the modalities for ranking candidate judges recruited from the Academy for Judges and Public Prosecutors and candidates for judge positions in higher courts (Appellate, Administrative, Supreme Administrative and Supreme Courts). Moreover, the Council adopted an internal plan for monitoring and evaluating the work of courts, judges and court presidents for 2021.
37. The authorities additionally state that, pursuant to Article 63(1) of the Law on Judicial Council, the Commission for Rapporteurs of the Judicial Council, which deals with judges' liability, is only composed of the Judicial Council members with voting rights and is to exclude members who file a request to initiate a disciplinary procedure in respect of a particular judge. The Commission is to reject untimely, incomplete or obviously unfounded requests. In 2020, the Commission received 58 requests concerning 140 judges for determining their liability. Of these, 44 were rejected, one was discontinued, one resulted in a written reprimand, one request was withdrawn, and 5 judges were dismissed for unprofessional and negligent performance. In 2021, 43 requests concerning 67 judges were received of which 20 were rejected, 2 procedures were discontinued, one judge received a written warning and 7 judges were dismissed.
38. The authorities indicate that, when making decisions, the Council pays attention to whether a violation was committed with intent or obvious negligence, as result of a judge's fault, without justified reasons and whether it led to severe consequences. Decisions of the Council on election/promotion/dismissal of a judge/court president are available here: [www.sud.mk](http://www.sud.mk).
39. GRECO notes that the only pending element of part (i) of the recommendation – the extension of disciplinary sanctions applicable to judges to ensure better proportionality – has now been addressed, so this part of the recommendation has been fully complied with. Concerning part (ii) of the recommendation, GRECO had previously commended efforts to reform the disciplinary mechanisms as provided for in the Law on Courts and the Law on the Judicial Council as amended in 2019 and found the system, as conceived by these laws, to be satisfactory overall. As concerns practical implementation, GRECO has still not received any evidence that its concerns about a lack of proportionality with respect to the role of the Judicial Council in disciplinary procedures against judges and political pressures exercised to dismiss certain judges have been properly tackled. Moreover, the Minister of Justice remains a member of the Council and is still in a position to exert influence on proceedings pertaining to the election/promotion/dismissal of a judge (cf. recommendation v). For these reasons, GRECO cannot as yet conclude that all the elements of this part of the recommendation have been complied with.

40. GRECO concludes that recommendation xii remains partly implemented.

*Corruption prevention in respect of prosecutors*

**Recommendation xiv.**

41. *GRECO recommended that a set of clear standards/code of professional conduct, accompanied by explanatory comments and/or practical examples, be established which will apply to all prosecutors.*

42. This recommendation had been partly implemented in the Interim Compliance Report. One of the two codes of ethics (adopted by the Association of Public Prosecutors) had been repealed, and one single code adopted by the Prosecutor General in 2014 then governed the conduct of all prosecutors. This latter code had been amended in 2019 to incorporate *inter alia* rules on conflicts of interests and gifts. The problem of the co-existence of a number of inconsistent rules on prosecutorial conduct (the 2014 code, the accompanying Guidelines, the internal rulebooks) nevertheless persisted, and the objectives of coherence and clarity with respect to the applicable standards and their interpretation were not fully met.

43. The authorities now report that, in May 2021, the Council of Public Prosecutors has adopted a new Code of ethics for all prosecutors (made available to GRECO), which was promptly made public<sup>3</sup>. The preparation of new Guidelines to accompany the Code, to define and further explain its provisions is planned.

44. GRECO welcomes the adoption of the new Code of ethics which establishes principles and rules of conduct for all prosecutors in North Macedonia. It is a comprehensive set of integrity rules and provides guidance *inter alia* on conflicts of interest, gifts (cf. also recommendation xv), ancillary activities and the applicability of certain integrity rules in respect of close family members. As before, the Ethics Council is responsible for supervising the application of the code. Moreover, advisory opinions regarding ethical dilemmas not covered by the Code can now be requested from newly established “integrity officers” specifically appointed within the prosecution service. Overall, GRECO is satisfied with the contents of the new Code but notes that related explanatory comments/guidelines are in the making. These will have to be examined by GRECO once adopted. In the meantime, this recommendation is assessed as partly implemented.

45. GRECO concludes that recommendation xiv remains partly implemented.

**Recommendation xv.**

46. *GRECO recommended that rules and guidance be developed for prosecutors on the acceptance of gifts, hospitality and other advantages and that compliance with these rules be properly monitored.*

47. This recommendation had been partly implemented in the Interim Compliance Report. The multiplication of gift-related rules (the 2014 code of ethics, the related guidelines, an internal Rulebook and a Rulebook on protocol gifts for the Prosecutor General’s Office<sup>4</sup>) had remained a source of concern; clarity on which standard applied in which situation was lacking. Also the supervision of the rules by the Ethics Council and the sanctioning was unclear.

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<sup>3</sup> <https://jorm.gov.mk/etichki-kodeks-na-%D1%98avnite-obviniteli-2021/>

<sup>4</sup> Reference to this Rulebook is made in the 2018 Guidelines for the Application of the Code of Ethics.

48. The authorities now refer to new rules on gifts in Article 7 of the newly adopted Code of ethics for prosecutors (cf. recommendation xiv) and to Articles 28-29 of the Code aimed at ensuring prosecutors' compliance with these rules. The authorities also indicate that the above-mentioned internal Rulebook will soon be revised so as to harmonise it with the new code.
49. GRECO takes note of the revised rules on gifts included in the new Code of ethics for prosecutors. It welcomes that the acceptance of all gifts/loans/services by prosecutors and their household/family members, except protocol gifts valued at less than 3000 denars/EUR 48 Euros, has now been prohibited. Tangible, intangible and protocol gifts have been defined, and a register for protocol gifts has been established under the responsibility of "integrity officers" (cf. recommendation xiv). The data from this register is to be submitted to the Ethics Council, a supervisory body under the code, whose decisions regarding ethical breaches, including those pertaining to gifts, now automatically trigger disciplinary procedures. While these are positive developments, GRECO is concerned that the notion of "hospitality" is still not explicitly covered by the Code. Moreover, the above-mentioned internal Rulebooks and the Guidelines have not been aligned with the new Code, which provides for uncertainty (e.g. different thresholds for acceptable protocol gifts). Therefore, GRECO cannot yet conclude that all the prerequisites of this recommendation have been met.

50. GRECO concludes that recommendation xv remains partly implemented.

#### **Recommendation xvi.**

51. *GRECO recommended that the disciplinary regime applicable to prosecutors be reviewed so that (i) infringements are clearly defined and that (ii) the range of available sanctions be extended to ensure better proportionality ensuring, in particular, that dismissal of a prosecutor is only possible for the most serious cases of misconduct.*
52. This recommendation had been partly implemented in the Interim Compliance Report. The February 2020 Law on Public Prosecution had clarified disciplinary infringements applicable to prosecutors along the lines of those established for judges (cf. recommendation xii). Dismissal was only made possible for the most serious cases of intentional misconduct or due to gross negligence. However, an extension of the range of sanctions available for disciplinary violations by prosecutors was not foreseen.
53. The authorities now report that the pending element of this recommendation will be addressed by the future amendments to the Law on Public Prosecution.
54. GRECO recalls that, compared to the situation described in the Evaluation Report, the current Law on Public Prosecution provides for a reduction, not an extension of the range of sanctions available for disciplinary violations by prosecutors. Pending future legislative reforms, this recommendation remains only partly implemented.
55. GRECO concludes that recommendation xvi remains partly implemented.

#### *Corruption prevention in respect of all categories*

#### **Recommendation xviii.**

56. *GRECO recommended that appropriate legal, institutional and operational measures be put in place to ensure a more in-depth scrutiny of statements of interest and asset declarations submitted by Members of Parliament, judges and prosecutors, in*

*particular by streamlining the verification process under the aegis of the State Commission for the Prevention of Corruption.*

57. This recommendation had been partly implemented in the Interim Compliance Report. On paper, the new Law on Prevention of Corruption and Conflicts of Interest (LPCCI), had consolidated and streamlined the verification of public officials' interests and assets. The State Commission for Prevention of Corruption (SCPC) was in charge of the procedure and its institutional and operational capacities had been strengthened. However, a more *in-depth* scrutiny of the statements was required *in practice* in respect of compliance, detection of inaccurate and incomplete statements and the use of sanctions for violations.

58. The authorities now provide the following statistics related to this recommendation:

***Submitted asset declarations and declarations for reporting change in property status by MPs:***

Year	Declaration submitted upon beginning of an office/ function	Declaration submitted after termination of office	Declaration submitted for reporting change in property status
2019	4	4	39
2020	127	124	19
2021	2	1	19

***Submitted asset declarations and declarations for reporting change in property status by judges:***

Year	Declaration submitted upon beginning of an office/ function	Declaration submitted after termination of office	Declaration submitted for reporting change in property status
2019	11	7	120
2020	25	8	116
2021	11	7	75

***Submitted asset declarations and declarations for reporting change in property status by public prosecutors:***

Year	Declaration submitted upon beginning of an office/ function	Declaration submitted after termination of office	Declaration submitted for reporting change in property status
2019	26	11	49
2020	9	3	49
2021	12	8	26

***Number of initiated cases for checks of the data on the property status and interests of judges, public prosecutors and MPs for 2019, 2020 and 2021:***

Year	Judges	Public prosecutors	MPs
2019	14	3	/
2020	37	16	18
Till 30.07.2021	5	2	1

***Misdemeanor fine orders issued to judges, public prosecutors and MPs for 2019, 2020 and 2021:***

Year	Judges	Public prosecutors	MPs
2019	1 (paid 1)	1	1 (paid 1)
2020	17 (paid 7)	10	18 (paid 10)
2021	3 (paid 3)	/	5 (paid 3)

***Requests submitted for initiating misdemeanor proceedings against judges, public prosecutors and MPs for 2019, 2020 and 2021:***

Year	Judges	Public prosecutors	MPs
2019	/	/	/
2020	/	10	/
2021	3	/	10

The authorities add that, according to the SCPC's Annual Plan for monitoring the property and interests in respect of 2020, asset declarations of presidents of all basic and appellate courts (31 in total) and of former public prosecutors of the Special Public Prosecution Office (11) had been examined in-depth. In 17 cases in respect of judges and in 10 cases in respect of prosecutors, a misdemeanour was pronounced for failure to submit an asset declaration or failure to report a property status. In-depth checks of asset declarations of 15 judges are now performed in respect of 2021 and, declarations of 10 judges and 10 prosecutors will be examined in the same way in respect of 2022.

59. The authorities additionally state that MPs, judges and prosecutors also submit declarations of interests. Such declarations include data on their personal engagements as well as personal engagements of persons related to them. These declarations are also checked by the SCPC by means of comparing data from public registries and requesting information from competent authorities. The authorities furthermore indicate that, by March 2022, five procedures had been completed in which breaches of conflicts of interest rules by MPs had been identified, resulting in the imposition of misdemeanor fines on the MPs concerned.
60. GRECO takes note of the data provided regarding the supervision exercised by the SCPC over the content of asset declarations<sup>5</sup> submitted by MPs, judges and prosecutors. The available statistics appear to point to a greater compliance with the reporting obligation by all three professional groups, thanks to the administrative checks performed by the SCPC. This being said, an in-depth scrutiny by the SCPC has only been foreseen for asset declarations of a limited number of judges and prosecutors. Most violations have only been established based on purely procedural grounds (i.e. failure to meet the deadlines for submitting the two types of asset

<sup>5</sup> In 2019, statements of interests and asset declarations were merged into one consolidated electronic statement.

declaration), rather than in-depth checks. Information regarding a more in-depth scrutiny of declarations of interests has been provided only in respect of some MPs. Given these persisting shortcomings, this recommendation remains only partly complied with.

61. GRECO concludes that recommendation xviii remains partly implemented.

### **III. CONCLUSIONS**

62. **In view of the foregoing, only modest progress can be noted in the implementation of the recommendations addressed to North Macedonia in the Fourth Round Evaluation Report.** Nine of the nineteen recommendations have been implemented satisfactory or dealt with in a satisfactory manner, nine recommendations have been partly implemented and one recommendation has not been implemented.
63. More specifically, recommendations vi, vii, viii, ix, x, xi, xiii, xvii and xix have been implemented satisfactorily or dealt with in a satisfactory manner, recommendations i, iii, ii, iv, xii, xiv, xv, xvi and xviii have been partly implemented and recommendation v have not been implemented.
64. **Regarding MPs**, a number of promising initiatives, such as the elaboration of the new Code of Ethics for MPs and of related new Guidelines, are underway. Overall, these represent a suitable framework for promoting the integrity and guiding the ethical behaviour of MPs e.g. with respect to conflicts of interest, engagement with lobbyists, gifts, etc. However, both documents would need further refinement and streamlining so as to render them more user-friendly, eliminate redundant content, ensure greater clarity and coherence and more clearly separate applicable rules from explanations and examples. Moreover, compliance and counselling mechanisms are yet to be designated. As concerns, the Assembly's Committee on Procedure and Mandate-Immunity Issues, responsible for the implementation of the currently effective code, it does not appear to have carried out any of its related functions yet.
65. With respect to the judiciary, GRECO notes the extension of the range of sanctions applicable to judges by virtue of Article 78 (2) of the Law on Courts. Also, GRECO reiterates its concerns that earlier intentions to formally remove the Minister of Justice from the composition of the Judicial Council have still not materialised.
66. As concerns prosecutors, GRECO welcomes the new Code of ethics which represents a comprehensive set of integrity rules. Newly appointed "integrity officers" within the prosecution service are to provide advisory opinions regarding ethical dilemmas not covered by the code and to keep gift registers. Decisions of the Ethics Council, a supervisory body under the code, regarding ethical breaches now trigger disciplinary procedures against prosecutors concerned. While these are positive developments, hospitality remains to be covered and the internal rulebooks on gifts need to be revised to provide for identical thresholds on acceptable protocol gifts.
67. Finally, the statistics presented seem to demonstrate a more efficient implementation in practice of the system for reporting assets by all three professional groups. The number of administrative checks carried out by the SCPC has augmented and these have resulted in identifying violations based on procedural grounds, i.e. failure to submit an asset declaration on time. However, an in-depth scrutiny of asset declarations of all MPs, judges and prosecutors has not been provided and information on the implementation of the system for reporting interests has been made available to GRECO only in respect of some MPs.

68. North Macedonia is making some progress to implement the recommendations contained in the Fourth Round Evaluation Report. GRECO notes that further reforms are underway in respect of a number of the pending recommendation. It encourages the country to pursue these efforts. Pursuant to Rule 31 revised, paragraph 9 of the Rules of Procedure, GRECO invites the Head of the delegation of North Macedonia to provide a report regarding the action taken to implement the pending recommendations (i.e. recommendations i, iii, ii, iv, v, xii, xiv, xv, xvi and xviii) by 31 March 2023.
69. Finally, GRECO invites the authorities of North Macedonia to authorise, as soon as possible, the publication of the report, to translate it into the national language and to make the translation public.