

LAW ON PREVENTING CORRUPTION

Chapter I

GENERAL PROVISIONS

Aim of the Law

Article 1

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

Principle of legality

Article 2

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

Principle of trust

Article 3

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

Principle of equality

Article 4

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

Principle of publicity

Article 5

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

Application of the Law

Article 6

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

Meaning of the terms used in this Law

Article 7

- (1) To establish the meaning of the terms: elected or appointed civil servant, official, juridical person, responsible person in a juridical person, and person performing tasks of public interest, the provisions under Article 122 of the Criminal Code shall apply.

- (2) A benefit, personal advantage, or self-interest means the realisation of any material or nonmaterial benefit in the form of a right or facility that does not belong to that person.
- (3) Family means the spouse, the children, the parents, brothers and sisters, the foster-parent or the foster-child with whom the person of Paragraph 1 of this Article lives in a family.

Chapter II

PREVENTION OF POLITICAL CORRUPTION

Financing political parties, trade unions and associations of citizens

Article 8

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

Performing economic and other profitable activities

Article 9

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

Prohibition to use budgetary resources

Article 10

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

Ban on new investments and extraordinary payments

Article 11

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

Determining abuse of budgetary resources and resources from public funds

Article 12

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

Prohibition to use resources from illegal sources

Article 13

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

Corruption of electors

Article 14

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

Privileges or discrimination after elections

Article 15

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

Influence over election, appointment and discharge to leading positions

Article 16

- (1) A political party or person acting on behalf of a political party may not exert pressure at election or appointment to, or discharge of a person from official, leading, or other socially important office or duty, except for the cases in which by law is determined that the President of the Republic, the Assembly and the Government of the Republic of Macedonia, or the bodies of local self-government units are competent to elect, to appoint, or to give opinion or agreement.
- (2) A person discharged against the law under the pressure of a political party, as well as a candidate for election or appointment damaged by election or appointment carried out under such pressure, may with a lawsuit before a competent court demand annulment of the election, appointment, that is, discharge act.
- (3) The lawsuit of Paragraph 2 of this Article is made within thirty days from the passing of the act for election, appointment, or discharge, that is, from the moment of finding out that it has been done under the pressure of a political party, against the law, but no later than a year from the date of passing such an act. The proceeding is urgent and is conducted under the provisions of the Law on Contentious Procedure.

Poll Commission

Article 17

- (1) Twenty delegates in the Assembly of the Republic of Macedonia may raise a question to establish the corruption liability in which are involved elected or appointed civil servants, officials, responsible persons in public enterprises and in other juridical persons managing state capital.
- (2) The Speaker of the Assembly of the Republic of Macedonia is required to put the question on the agenda at the first next session of the Assembly of the Republic of Macedonia, at which, after a preliminary debate, the delegates who have raised the question explain the violations of this Law or of the provisions of the Criminal Code, and a Poll Commission is set up (hereinafter: Commission).
- (3) The Commission is authorised to request from any body, public enterprise, or other juridical person managing state capital, or a political party having its delegate, that is, delegates in the Assembly of the Republic of Macedonia, to submit to it all the necessary documents and other materials of importance for clearing the case, and to call to a hearing any elected or appointed civil servant, official, responsible person in a public enterprise, or in other juridical person, or responsible person of a political party.
- (4) The decisions relating to undertaking certain actions in the examination of the matter shall be made with the majority votes.

- (5) The meetings of the Commission are public. The Commission is required to submit a report to the Assembly of the Republic of Macedonia within sixty days from its setup at the latest. If no agreed opinions have been reached, the report shall contain all opinions of the members of the Commission.
- (6) The President of the Assembly of the Republic of Macedonia is obliged to put the Commission's report for consideration at the first session of the Assembly of the Republic of Macedonia, from the day it was submitted. The report is considered at a public session of the Assembly.
- (7) On the agenda of the Assembly of the Republic of Macedonia may not be put again the question of responsibility for the same case of the same person, body, public enterprise or other juridical person or political party, until six months have expired from the closing of the debate for the question previously raised. Delegates that have raised the question of responsibility and have not succeeded in substantiating their statements by stating true facts or sufficient reasons to believe in the existence thereof, may not raise a question of responsibility again until six months have expired from the date of the formerly raised question.

Limitation of state or other secret

Article 18

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

Protection of associates of justice and witnesses

Article 19

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

Protection of persons involved in eradication of corruption

Article 20

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

Chapter III

PREVENTING CORRUPTION IN THE PERFORMANCE OF PUBLIC MANDATES

Ban on performing other activities

Article 21

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

Restrictions in the co-operation with juridical persons

Article 22

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

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

Using state loans

Article 23

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

Managing state property

Article 24

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

Economical use of state funds

Article 25

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

Notification for the use of foreign aid

Article 26

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

Carrying out activities after the cessation of office

Article 27

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

Prohibition to acquire shareholding rights

Article 28

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

- (2) The person of Paragraph 1 of this Article is obliged to report of the acquisition of shareholder rights during the term of office, that is, service, to the National Commission within thirty days after obtaining them.

Ban on exerting influence to employ close relatives

Article 29

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

Ban on receiving gifts

Article 30

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

Misuse of official data

Article 31

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

Misuse of public procurements

Article 32

- (1) Any influence of an elected or appointed civil servant, official or responsible person in a public enterprise or other juridical person managing state capital, over the body or juridical person deciding on the tenders received after a publicly announced competition, announcement or bidding for public procurements, or other public purchases and things, is forbidden.
- (2) If a juridical person founded by an elected or appointed civil servant, or by a member of his family, or in which a responsible person is a member of his family, is among the bidders in the public announcement, announced by any body, public enterprise or other juridical person managing state capital, the civil servant is obliged to inform the National Commission of its participation in the announcement within ten days.
- (3) An official or responsible person in a public enterprise or in another juridical person managing state capital, is required to inform the National Commission within ten days of the participation of a juridical person founded by him, or of a juridical person in which a member of his family is a responsible person in a public announcement, announced in the body or juridical person in which that person carries out his duty.
- (4) The provisions of Paragraphs 1 through 3 of this Article shall also apply when on the basis of a public competition, announcement or bidding it is decided on giving approvals, concessions, contingencies or permits to perform economic or other profitable activity.

Obligation to report property

Article 33

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

- (4) The content and the form of the questionnaire shall be defined with an act by the Government of the Republic of Macedonia.

Reporting changes in the property situation

Article 34

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

Capacity of an official document

Article 35

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

Proceeding to examine a property situation

Article 36

- (1) Against an elected or appointed civil servant, official or responsible person in a public enterprise or other juridical person managing state capital, a proceeding may be initiated to examine the property and property situation if the person in the questionnaire of Article 33 of this Law has not given data or has given false data, or has not reported a change in the property or in the report of Article 34 has given incorrect data, or if it has been established that his property or the property of a member of his family, during his term of office, that is, carrying out his duties, has been disproportionally increased in regard to the regular incomes in the form of salaries, dividends and other incomes deriving from an activity or property.
- (2) The proceeding is initiated by the Public Incomes Administration, after previously pointing out to the person the grounds for its initiation, contained in Paragraph 1 of this Article. A request to initiate a procedure may also be made by the National Commission. The proceeding is conducted under the provisions of the Law on Administrative Proceedings.

- (3) Along with the initiation of the procedure, the Public Incomes Administration submits a proposal to the competent basic court for the interim measure prohibiting him to dispose with the property.
- (4) If in the proceeding it is not proved that the property has been obtained, that is, increased as a result of regular incomes, which have been reported and taxed, the Administration will make a decision to impose a tax, taking as the basis of taxation the difference between the established regular, reported and taxed incomes of the person and the members of his family and the estimated market value of the property. The basis fixed in that way is taxed at a rate defined pursuant to the Law on Personal Income Tax.
- (5) An administrative dispute with a lawsuit may be initiated before the Supreme Court of the Republic of Macedonia against the final decision for imposing a tax. The procedure before the court is urgent.
- (6) The Incomes Administration submits a proposal for execution within eight days of the day the decision, that is, the judgment became effective, to the competent basic court, which orders the execution to be enforced immediately, and three days after receiving the proposal at the latest. No complaint is allowed against the decision for execution.
- (7) The effective decision, that is, judgement is enforced on the person's entire property, and on the property of the members of his family, and if the property since the beginning of the proceeding for its check has been transferred to third persons without compensation, or with compensation not corresponding with its established market value, it is enforced on the such transferred property. As to the complaint that the persons have given compensation for the transferred property that corresponds with the market value, the court decides only on the basis of authentic documents of the ground and way of payment, within three days of submitting the complaint. There may be an appeal against the complaint within eight days of receiving the decision. The second instance court decides on the appeal within three days of receiving the same.
- (8) During the court proceeding and the execution proceeding, the chairman of the competent court is required *ex officio* to pay attention to the observance of time limits, delivery of legal acts and expeditiousness of executing the effective decision.

Chapter IV

PREVENTING CONFLICT OF INTERESTS

Basic responsibilities in performing an office

Article 37

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

Conflict between personal and general interests

Article 38

- (1) In case of a conflict between personal and general interests, the elected or appointed civil servant, official and responsible person in a public enterprise or other juridical person managing state capital is obliged to act according to the general interest.
- (2) There is a conflict between personal and general interests when by carrying out certain official or other activity the material or other interests of the person of Paragraph 1 of this Article or the interests of members of his family are being affected.

Disqualification

Article 39

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

Unlawful requests by a superior

Article 40

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

Failure to report penalty liable act

Article 41

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

Ban on exercising influence on others

Article 42

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

Carrying out discretionary powers

Article 43

- (1) In the performance of discretionary powers every elected or appointed civil servant or official is obliged to make his decisions conscientiously, taking into account all facts and circumstances in the concrete case and the principle of legality and equity.

- (2) A citizen or juridical person dissatisfied by the decision made on the basis of discretionary power, and judging that it has been made due to corruption, may submit a petition with the National Commission.
- (3) The State Commission is obliged to consider the petition and to inform the citizen or juridical person for its dealing with the petition within thirty days of receiving the same.

Bribe offer

Article 44

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

Procedure in case of accusation of corruption

Article 45

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

Invalidity of legal acts and damage compensation

Article 46

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

Chapter V

NATIONAL COMMISSION FOR PREVENTING CORRUPTION

Position and composition

Article 47

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

Appointment of members of the National Commission

Article 48

- (1) The Assembly of the Republic of Macedonia shall appoint the members of the National Commission for a term of four years, without the right to reappointment.
- (2) The members of the National Commission shall be appointed from among the distinguished experts in the legal and economic field and who fit the profile for the office.
- (3) The National Commission shall elect a Chairman from among the members appointed under Paragraph 1 of this Article, for a term of one year, without the right to re-election.

Jurisdiction

Article 49

- (1) The National Commission shall have the following spheres of competence:
 - adopts a National Programme for corruption prevention and repression;
 - adopts annual programmes and plans for the realisation of the National Programme;
 - gives opinion of proposed laws important for corruption prevention;
 - raises an initiative before the competent bodies for the control of the financial and material work of the political parties, trade union and citizens' associations;

- brings an initiative to conduct a proceeding before the competent bodies to discharge, replace, criminally prosecute or apply other measures of responsibility to elected or appointed civil servants, officials or responsible persons in public enterprises and other juridical persons managing state capital;
 - considers cases of conflict of general and personal interests, determined by this Law;
 - makes evidence of, and follows the property situation, changes in property situation and additional profitable and other activities of elected and appointed civil servants, officials and responsible persons in public enterprises and other juridical persons managing state capital, in a manner defined by this Law;
 - adopts a Book of Procedures for work;
 - proposes funds in the proposal for budget estimate of the Assembly of the Republic of Macedonia necessary for its work;
 - prepares annual statements for its work and the measures and activities taken and submits them to the Speaker of the Assembly, the Assembly, the Government, and the Supreme Court of the Republic of Macedonia, and announces them in the media;
 - cooperates with other state bodies in the suppression of corruption;
 - cooperates with corresponding national bodies of other states, and with international agencies and bodies in the field of suppression of corruption;
 - undertakes activities in the area of education of the bodies competent to detect and prosecute corruption and other forms of crime; and
 - performs other tasks defined by this Law.
- (2) The National Commission shall inform the public of the measures and activities taken and of their results, through regular annual reports or when it judges that it is necessary to inform the public.

Duties, rights and responsibilities

Article 50

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

- (3) The members of the National Commission for their work are answerable to the Assembly of the Republic of Macedonia.

Manner of work

Article 51

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

Summoning persons

Article 52

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

Request for informing

Article 53

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

Control over accounts of state bodies

Article 54

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

Chapter VI

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

Misuse in performing tasks of public interest

Article 55

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

Protection of the media

Article 56

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

- (3) No one may ask a journalist who has announced information on a corruption act to reveal the source of information, except in a procedure before a court.

Misuse of the media

Article 57

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

Misuse in financial work

Article 58

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

Preventing corruption in trade companies

Article 59

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

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

Chapter VII

Penal provisions

Article 60

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

Article 61

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

Article 62

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

Article 63

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

Article 64

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

Article 65

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

Article 66

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

Article 67

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

Punishment of a legal entity

Article 68

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

(2) The property advantage shall be confiscated.

Ban on performing offices and duties

Article 69

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

Chapter VIII

TRANSITIONAL AND FINAL PROVISIONS

Prohibition of exercising other activities

Article 70

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

Appointment of members to the National Commission

Article 71

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

Passing of necessary acts

Article 72

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

Entry into force

Article 73

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

Tvrđam deka pravi lno i zvr{ i v prevod od makedonski na angl i ski jazi k.

**Skopje
14.05.2002 g.**

**Sudski preveduva~
@akl i na Koj~evska**