

On basis of Article 75 paragraphs 1 and 2 of the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia and the President of the Assembly of the Republic of Macedonia hereby issue the following

**DECREE  
FOR PROMULGATION OF THE LAW ON  
PREVENTION OF CONFLICT OF  
INTERESTS**

The Law on Prevention of Conflict of Interests is hereby promulgated, which the Assembly of the Republic of Macedonia adopted at its session held on 29 May 2007.

No. 07-2426/1  
29 May 2007  
Skopje

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

President of the Assembly  
of the Republic of Macedonia  
**Ljubiša Georgievski, sig.**

**LAW ON PREVENTION OF CONFLICT OF INTERESTS**

**I. GENERAL PROVISIONS**

Article 1

(1) The Law shall define conflict of interests, actions taken in case of conflict of interests, measures for preventing conflict of interests in exercising the power and in the entrusted public authorisations by the Officials exercising the public authorisations.

(2) The competent authority for the implementation of this Law shall be the State Commission for Prevention of Corruption (hereinafter referred to as “the State Commission”).

Article 2

The objective of this Law is to ensure prevention of abuse of power and confided public authorisation by Officials in accomplishing personal or covetous goals and to ensure prevention of the possibility for the private interests of the official person to come into conflict with the public interests.

**II. MEANINGS OF THE TERMS AND EXPRESSIONS USED IN THIS LAW**

Article 3

(1) Certain terms used in this Law shall have the following meanings:

- “conflict of interest” means a situation where the private interest of an official person is contrary to the public interest or when private interests influence or may influence his/her impartiality in conducting the duties of public interest;

- “conflict between private and public interest” exists where the discharge of official or other activities, directly or indirectly influences the material and immaterial interests of the Official or the interests of the members of his/her family;

- “private interest” means material and immaterial interest of an Official that may influence his/her decision-making while discharging duties of public interest;

- “benefit, personal benefit or covetousness” means gaining property or property rights or other rights (material or immaterial) which should not belong to the person;

- “persons in close affiliation” are persons in wedlock or a non-marital relationship with the Official, his/her lineal blood relatives and lateral relative by sanguinity up to the fourth degree, adoptive parent or adoptee, in-laws conclusive with the second degree of relation;

- “gifts” in the context of this Law means money, items, rights and other services without compensation that cause the Official to be placed in a subordinate or dependant position in relation to the provider of the services;

- “public interest” is the wider general interest for the general wellbeing and advancement of all the citizens under equal conditions in a material and immaterial sense which may be endangered by causing damages of material and immaterial nature arising from conflicts between private and public interest.

(2) An Official, in the context of this Law, are the President of the Republic of Macedonia, appointed Ambassadors and envoys of the Republic of Macedonia abroad and nominated persons by the President of the Republic of Macedonia; elected or appointed functionary in the Assembly of the Republic of Macedonia, the Government of the Republic of Macedonia, the authorities of the state administration, courts and other authorities and organisations performing certain expert, administrative and other duties within the framework of rights and obligations of the Republic of Macedonia, the municipalities and the City of Skopje, as well as other persons discharging public authorisations.

### III. PRINCIPLES OF OPERATION

#### Article 4

(1) While discharging the public authorisations and duties, the Official is obligated to act in accordance with the Constitution, the Laws and ratified international agreements.

(2) In discharging the public authorisations and obligations, the Official Person shall abide by the principles of lawfulness, equality, efficiency, trust, independence, public transparency, impartiality, sincerity and professionalism and shall act conscientiously, expertly, without discriminating or providing privilege to anybody by fully respecting the human rights and freedoms and human dignity, without any private interest.

#### Article 5

(1) In discharging the public authorisations and duties, the Official must not be steered by personal, family, religious, political or ethnical interests, pressures or promises from his/her superiors.

(2) The Official must not:

- accept or solicit benefits in return for discharging his/her duties,
- exercise or gain rights by transgressing the principle of equality before the law,
- abuse the rights arising from the discharge of the authorisations,
- accept awards or other benefits in return for performing the operations concerning the public authorisations and duties,
- solicit or accept awards or services in order to vote or not to vote or to influence the adoption of a decision by a body or person so as to gain benefits for him/herself or benefits for persons in close affiliation with him/her,
- promise employment or realisation of some other rights by accepting a gift or a promise for a gift, and
- influence the decision making on public procurements or in any other way to use his/her position in order to influence an adoption of a decision with a view to accomplishing private interests or benefits for him/herself or for persons in close affiliation with him/her.

#### Article 6

The persons which are in close affiliation with the Official, for whom it can be justifiably

deemed that there is interest which connects them with the Official, cannot supervise or perform controls to monitor the work of the Official.

#### IV. PROCEEDINGS IN CASE OF CONFLICT OF INTERESTS

##### Article 7

(1) In case of suspicion of conflict of interests, the Official shall request an opinion by the State Commission.

(2) When making a decision about whether there is conflict of interest, special consideration shall be taken about the type of work of public interest discharged by the Official.

(3) In case of suspicion of the possibility of existence of conflict of interests, the Official is obligated to undertake all necessary measures with a view to preventing private interest influence.

##### Article 8

(1) In case of conflicts of interest between private and public interests, the Official is obliged to act in accordance with the public interest.

(2) During the time when the Official Person discharges the public authorisations and duties, he/she must not perform any activity that may influence the impartial discharge of the position and protection of the public interest.

(3) Performance of private activities, pursuant to paragraph (1) of this Article, shall not be considered the management of personal property, such as a house of residence of the Official, holiday house, land and similar property, management of village property, as well as scientific research, artistic and cultural activities.

##### Article 9

(1) The Official who, before assuming office, as a proprietor had solely managed a trade company or institution carried out a profession or other private activity, during the time of discharging of the official function pursuant to Law, shall delegate the management to another person or separate body.

(2) The person referred to in paragraph (1) of this Article cannot be the partner in marriage of the Official, or the person with he/she is living with in an extra marital relationship, lineal blood relatives and adoptive parent or adoptee.

(3) The person referred to in paragraph (1) of this Article cannot be a lateral relative up to the fourth degree and in-laws up to the second degree of relation, if they live with the Official in the same family community.

##### Article 10

An Official who before assuming office had been performing a certain activity, may during the period of discharging the official function, pursuant to Law, delegate the performance of the activity to a person who he/she shall authorise.

##### Article 11

(1) An Official who participates or decides upon an employment procedure or is involved as a member of the body implementing such a procedure shall notify the manager of the institution where he/she is appointed on all employment procedures that may cause conflicts of interest.

(2) After determining the relationship between the Official and the candidate for employment, the manager of the institution is obliged to undertake all necessary measures to prevent conflicts of interest from occurring.

(3) Where there is suspicion of the possibility of existence of conflicts of interest in the case referred to in paragraph (1) of this Article, the Official and the manager of the institution may request an opinion by the State Commission.

## V. EXEMPTION

### Article 12

(1) When an Official finds out about circumstances indicating to the existence of conflict of interest, he/she is obligated immediately to request to be exempt and to cease his/her actions.

(2) The person referred to paragraph (1) of this Article shall be exempt from discharging certain actions by a decision of the authority in which he/she has been elected or nominated, or in other words the place where he/she is employed in and at the request of the interested person.

(3) The person referred to paragraph (1) of this Article, by a decision of his/her superior, even without his/her request or against his/her will shall be exempt from discharging certain actions if it is obvious that there is conflict of interest in a given case.

### Article 13

(1) If the authority or body discusses or decides about matters in which the Official Person has private interests, he/she is obligated to report the private interest before the discussion or decision making, or at the latest before commencement of these activities.

(2) The authority or body, to which the person referred to in paragraph (1) of this Article announces the existence of private interest during one of its sessions, is obligated to acknowledge this in its minutes.

### Article 14

Concealment of the existence of private interest by an Official constitutes a violation of duty and grounds for taking measures of appropriate liability.

## VI. PROHIBITION ON ACCEPTING GIFTS

### Article 15

(1) The Official Person shall not be allowed to accept gifts whose value exceeds 100 euros in denar counter value.

(2) An Official shall not be allowed to accept money, securities, regardless of the amount, as well as gold and other precious items.

### Article 16

An Official Person who, in transgression of the provisions of this Law, has been offered a gift or any other benefit related to the discharge of official duty, is obligated to reject such an offer, to determine the identity of the offering party, and if it is a gift that cannot be returned, the Official Person is obligated without delay to report it to the competent authority, to indicate the witnesses and other evidence, and within 48 hours at the latest, to submit a written report of the event to the competent authority that had elected or appointed him/her.

## VII. LIMITATIONS AFTER LEAVING OFFICE

### Article 17

(1) An Official after ceasing the discharge of official duty in context of this Law, may not within a period of at least one year manage or conduct audits in the legal entity in which a year before leaving his/her regular post his/her duties were directly related to supervision and control.

(2) An Official after ceasing the discharge of official duty, in context of this Law, may not enter for a period of at least a year into contractual relations or business co-operation with a legal entity in which he/she had previously been employed.

(3) An Official, at least two years after ceasing discharge of official duty, may not represent a natural person or a legal entity from the authority of prior employment if he/she had participated in the adoption of decisions on the specific subject.

## VIII. MEMBERSHIP IN TRADE COMPANIES, MANAGERIAL AND SUPERVISORY BOARD IN TRADE COMPANIES

### Article 18

(1) An Official who is a member in the bodies of management of a trade company shall during the period of discharge of the official, or more precisely public duties, transfer his/her rights in the company to another person. Such persons or special bodies which shall exercise the rights in the company, shall act on their own behalf, but on the account of the Official.

(2) The person referred to in paragraph (1) of this Article may not be a member of a managerial or supervisory board within the trade company.

(3) The Official may be a member boards of management or supervision of non-profit organisations, citizens associations and other legal entities performing scientific, cultural, sports, humanitarian and other similar activities, but without right of compensation, apart from travel expenses related to the activities of such organisations, association and legal entities.

(4) In the cases referred to in paragraph (3) of this Article, the Official is obligated to notify the State Commission within a period of 30 days.

### Article 19

(1) The Official during the course of validity of the mandate, i.e. his/her duty and an additional three years after the function's cessation, may not gain on any grounds or in any form shareholders rights in the legal entity upon which he/she or the authority in which he/she is or had been employed conducts, or had conducted supervision, except when such rights had been obtained by inheritance.

(2) When the Official of paragraph (1) of this Article gains shareholders rights during the validity and after the cease of the mandate, he/she is obligated to report this to the State Commission.

## IX. PREVENTION OF CONFLICTS OF INTEREST IN ACTIVITY IN CITIZENS ASSOCIATIONS

### Article 20

(1) Officials who are member of a citizens association must no abuse the information and the data at their disposal while discharging their duties, nor gain advantage for themselves or for the persons referred to in Article 3 paragraph (1) indent 5 of this Law while carrying out the activities within the scope of the citizens association.

(2) Officials who are members of a citizens association must not be members of the managerial boards nor hold any managerial function in the association.

## X. COMPETENCE OF THE STATE COMMISSION

### Article 21

The State Commission has the following competences:

- Adopts the State Programme with an Action Plan on Prevention and Reduction of Occurrences of Conflicts of Interest,
- Provides opinions on draft laws of significance to prevention of conflicts of interest,
- Reviews cases of conflicts between public and private interests as determined by this or other Law,
- Submits reports on its work and the undertaken measures and activities to the Assembly of the Republic of Macedonia and provides the report to the Government of the Republic of Macedonia and the mass-media,
- Co-operates with other state authorities in the prevention of occurrences of conflicts of interest,

- Undertakes educational activities with a view to detection of conflicts of interest pursuant to this and other laws,
- Provides initiatives for implementation of measures of liability on Officials as determined by this Law in the cases when existence of conflict of interest is ascertained,
- Notifies the public of cases of conflict of interest, and
- performs other activities as determined by this and other laws.

## XI. PROCEDURE BEFORE THE STATE COMMISSION

### Article 22

(1) The procedure for determining the existence of a conflict of interest shall be instigated and implemented by the State Commission on its own findings and at the request of an Official Person,

(2) The State Commission shall implement the procedure for determining conflicts of interest on the basis of the principles of lawfulness, confidentiality, objectivity, impartiality and nonalignment.

(3) The State Commission shall also instigate a procedure for determining the existence of conflict of interest on the basis of reports by another person, on the basis of an anonymous report, as well as at the request of the authority in which an Official is employed.

(4) Pertaining to the instigation of the procedure, the State Commission, pursuant to paragraphs (1) and (3) of this Law, shall notify the Official and shall request a Statement on the allegations in the report.

### Article 23

(1) The State Commission may independently examine the allegations of existence of conflict of interests or request the examination to be conducted by other authorities competent for determining the existence of conflicts of interest.

(2) The State Commission shall familiarise the public about the final data of the carried out procedure for determining the existence of conflicts of interest within 30 days from the date of the procedure's commencement.

### Article 24

(1) The State Commission is obliged to solicit from the Official data about his/her property situation or the property situations of the members of his family or persons in close affiliation with him/her, about the changes in the property situation, about the business activities carried out by him/her or member of his/her family, the revenues gained by him/her and other data of significance to the application of this Law.

(2) In implementing the procedure referred to in paragraph (1) of this Article, the State Commission shall proceed according to Law.

## XII. TYPES OF MEASURES

### Article 25

(1) The Official shall be pronounced with one of the following measures: warning, public warning and recommendation for dismissal.

(2) The public warning measure and the recommendation for dismissal shall be published in the public information media.

### Article 26

(1) The measure of warning to the Official shall be pronounced if violation of the provisions of this Law is determined, but such a violation did not influence significantly the discharge of official duties by the Official.

(2) The measure of public warning to the Official shall be pronounced if it is determined that he/she had acted contrary to the provisions of this or other laws leading to significant disturbances in the discharge of official duties by the Official.

(3) The measure of recommendation for dismissal of the Official shall be pronounced if one of the measures mentioned in paragraph (1) and (2) of this Article had been previously pronounced.

#### Article 27

(1) During the implementation of the procedure, the State Commission may request from the Official to eliminate the consequences caused by the conflict of interest within 15 days of the day of detection of existence of conflict of interest.

(2) If the Official eliminates the consequences within the deadline stipulated in paragraph (1) of this Article, the State Commission shall cease the procedure and shall notify the party that had submitted the report within 15 days of cessation of the procedure.

#### Article 28

(1) The measures referred to in Article 25 paragraph (1) of this Law shall be pronounced by the authority in which the Official Person is employed within 30 days from completion of the procedure for determining the existence of conflicts of interest by the State Commission.

(2) The authority referred to in paragraph (1) of this Article is obligated to notify the State Commission, within 15 days of the day of adoption of the decision, about the pronounced measure determined in Article 25 paragraph (1) of this Law.

(3) If the authority in which the Official is employed does not proceed pursuant to paragraphs (1) and (2) of this Article, the State Commission shall instigate an initiative to commence a procedure before a competent court with a view to determining liability against the responsible person in the competent authority or responsible person in the legal entity.

#### Article 29

(1) The Official may initiate a procedure before the competent court against the decision for pronouncing one of the measures stipulated in Article 25 paragraph (1) of this Law against the Official.

(2) The competent court referred to in paragraph (1) of this Article is obliged to decide within three months from the date of the procedure's initiation.

### XIII. OBLIGATION OF NOTIFYING THE PUBLIC ON CASES OF CONFLICT OF INTERESTS

#### Article 30

(1) When notifying the public, the State Commission is obliged to ensure protection of the Official's personal data against abuse and especially of the data about the Official when a certain situation does not constitute conflict of interest.

(2) The data which does not constitute a violation of the provisions of this Law may not be disclosed to the public without the consent of the Official it concerns.

#### Article 31

The data about the Official which has been obtained in accordance with this Law, may be provided for review to the courts, inspection authorities and other competent state authorities, wherefore they must not be abused with a view to discriminating against or degrading the Officials or to be disclosed to the public as if it were data determined by the court or any other competent authority.

#### XIV. TRANSITIONAL AND FINAL PROVISIONS

##### Article 32

The entrance into force of this Law shall invalidate the provisions in Articles 37, 38 and 39 of the Law on Prevention of Corruption. (“Official Gazette of the Republic of Macedonia” numbers 28/2002, 46/2004 and 126/2006).

##### Article 33

This Law shall enter into force on the eighth day after its publication in “the Official Gazette of the Republic of Macedonia”.