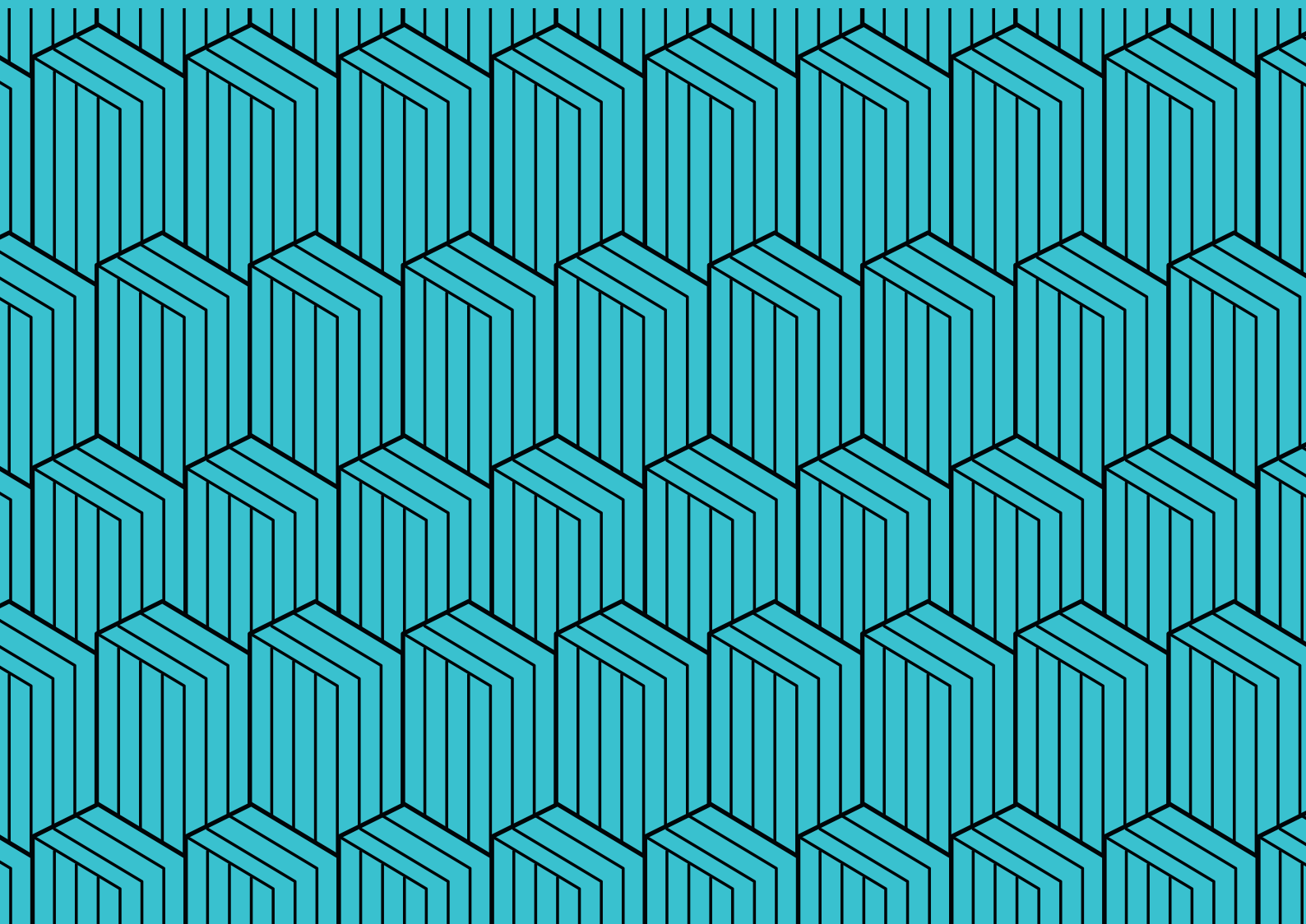


First Report on the Operation of the State Commission for Prevention of Corruption

(March 2019 - December 2019)

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Summary

The main purpose of monitoring the operation of the State Commission for Prevention of Corruption (SCPC) is to follow the activities of SCPC and the decisions adopted in cases opened on the grounds of various suspicions of corruption and/or conflict of interest. This report is based on an analysis of documents that are publicly available on SCPC's website. This part presents the findings arising from the results of the investigative approach.

The monitoring of the activities of the State Commission for Prevention of Corruption was conducted employing a methodology developed at a two-day workshop of the Platform for Fight against Corruption. Subject of analysis are the decisions adopted by the State Commission for Prevention of Corruption over the period March 2019 to September 2019, as well as the responses to requests submitted to SCPC for access to public information. The total number of adopted and analysed decisions of SCPC amounts to N=273, reached at 22 sessions. For the purpose of acquiring in-depth information, requests for access to public information were submitted in September 2019 and the institution responded within the legally stipulated deadline - these responses are a part of the analysis.

The Commission may close the procedure upon adopting a decision in line with the data obtained during the procedure, or may continue the procedure after determining a violation of any of the provisions of the Law on Prevention of Corruption and Conflict of Interest. Almost **one fourth of the decisions (65) contains a provision on continuation of the procedures, whereas most of them (208) were stopped for various reasons.** In order to depict the context of these findings, it is important to note that most of the requests to proceed with the procedure (initiate a procedure before other institutions or issue a misdemeanour's payment order) were filed

in the field of education and local self-government. As opposed to this, the Commission decided in one fifth of the cases that there were no sufficient data or elements available to initiate a procedure before other authorities, closing the procedure following this decision.

The average duration of a procedure of SCPC - from the start of the procedure to adopting a decision by SCPC - amounts to 2 months and 18 days. If taking into consideration that the process involves collecting data from relevant institutions, reviewing those data and adopting a decision, this shows a relatively fast operation of the Commission and a good cooperation with the remaining institutions from whom information that is required in the procedure needs to be gathered.

When it comes to the types of infringement stated in the complaints, **SCPC reached decisions to a largest extent in procedures of employment and control of interest.** This is to say that the allegations had involved infringement of labour rights and employment procedures - 42%. The procedures categorised under control of interest and property are also procedures aimed at examining assets lists regarding the property owned, and at the same time these are procedures with the greatest number of misdemeanour's orders issued.

Over the time period mentioned, SCPC adopted the largest number of decisions in the sectors of education and public services (providers), whereas not a single one of the decisions adopted in this period was a procedure conducted in the field of concessions - award of concession contracts and minerals and raw materials, that is, procedures on suspicion of corruption in awarding concession contracts for exploitation of raw materials and/or to enterprises exploiting raw materials.

State Commission for Prevention of Corruption

The competences of the State Commission for Prevention of Corruption are regulated, in principle, by the *Law on Prevention of Corruption and Conflict of Interest* adopted in January 2019. The law integrated prevention of corruption and prevention of conflict of interest, which were prior to that a subject of regulation of separate laws. By adopting the new law, the State Commission for Prevention of Corruption received extended jurisdiction with regard to prevention of corruption. In addition, following the amendments to the law, there were changes made to the conditions and procedure for selection of SCPC members.

The State Commission for Prevention of Corruption is autonomous and independent in the performance of the competences determined by law and has the capacity of a legal entity, consisting of a president and six members. The State Commission has a Secretariat, headed by the Secretary General, as a specialised service which performs administrative matters in the competence of the State Commission. The President and the members of the State

Commission shall be selected in a public call published by the Assembly of the Republic of Macedonia, and pursuant to this Law, shall be appointed by the Assembly of the Republic of Macedonia for a period of five years, without a right to repeated election.¹

SCPC has competences related with the process of policy making, monitoring and oversight, as well as cooperation with other state authorities with a view to preventing corruption. It has power to: raise initiatives to initiate a procedure before competent authorities for dismissal, assignment, replacement, or application of other measures of responsibility, as well as a procedure for criminal prosecution of elected, appointed, or official persons in the public administration.²

By adopting the new law, the mandate of the members of the State Commission elected before ceased to be valid, and the new members were elected on 8 February 2019.

¹ Law on Prevention of Corruption and Conflict of Interest, Official Gazette No.: 12/2019 (Articles 9 and 10)

² Kocevski, G. (2019). Towards accountable and transparent public administration by means of functional oversight institutions. Foundation Open Society – Macedonia.

Analysis of results

Most of the decisions taken are in the field of public services and education

The decisions that SCPC took in the period subject to analysis mostly refer to cases in the field of public services (28%) and education (24%). Decisions analysed within the field of public services refer to procedures initiated on suspicion of illicit actions in institutions that are providers of public services, and they are not covered in the remaining fields. Cases listed under the field of education refer to procedures that were conducted against employees and holders of managing functions in educational institutions of all levels, as well as for procedures that had taken place in educational institutions (employment, termination of labour, etc.).

Not a single one of the decisions adopted in this period was a procedure conducted in the field of concessions - award of concession contracts and minerals and raw materials, that is, procedures on suspicion of corruption in awarding concession contracts for exploitation of raw materials and/or to enterprises exploiting raw materials.

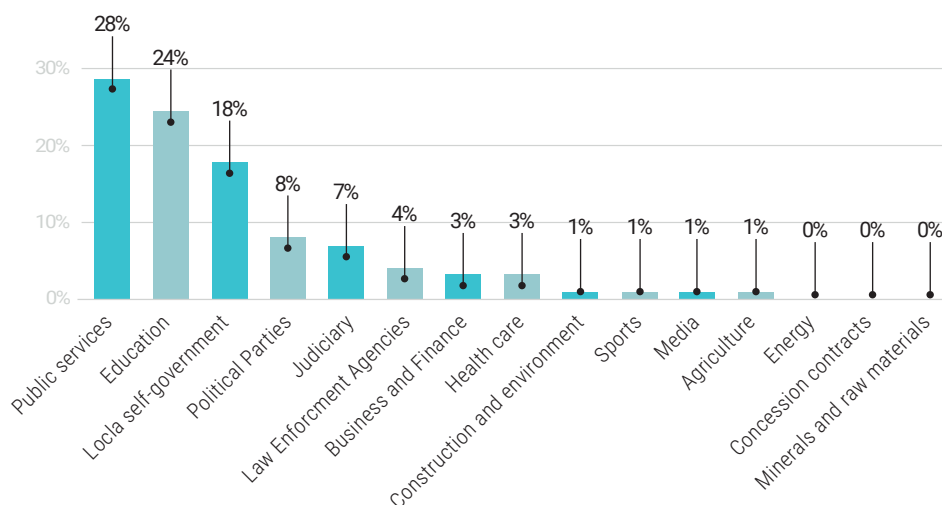
Most of the procedures (208) were stopped for various reasons, but 65 do continue to a further

procedure. Continuation of the procedure was requested the most in the field of education and local self-government. Out of the continued procedures, 45% are in the field of education, and 35% in the field of local self-government. Almost all the continued procedures in these two fields refer to control of property and the procedure is continued by issuing a misdemeanour's payment order or by a settlement procedure. The procedures are initiated because of failure to meet the obligation to fill in and submit an assets list with a detailed inventory of property owned.

Most of the procedures that are closed in the decisions of SCPC without further continuation before other institutions or imposed measure by SCPC are in the field of other public services - 33%. If comparing closed procedures in the field of public services with the type of infringement, it is observed that most of them are of type employment, that is to say, labour procedures.

A detailed overview according to the field of decisions adopted by SCPC that are subject to analysis is given in Graph 1. ▶

► Graph 1. Области на донесените одлуки на ДКСК



Misdemeanour’s payment orders for non-submitted as sets lists for property owned

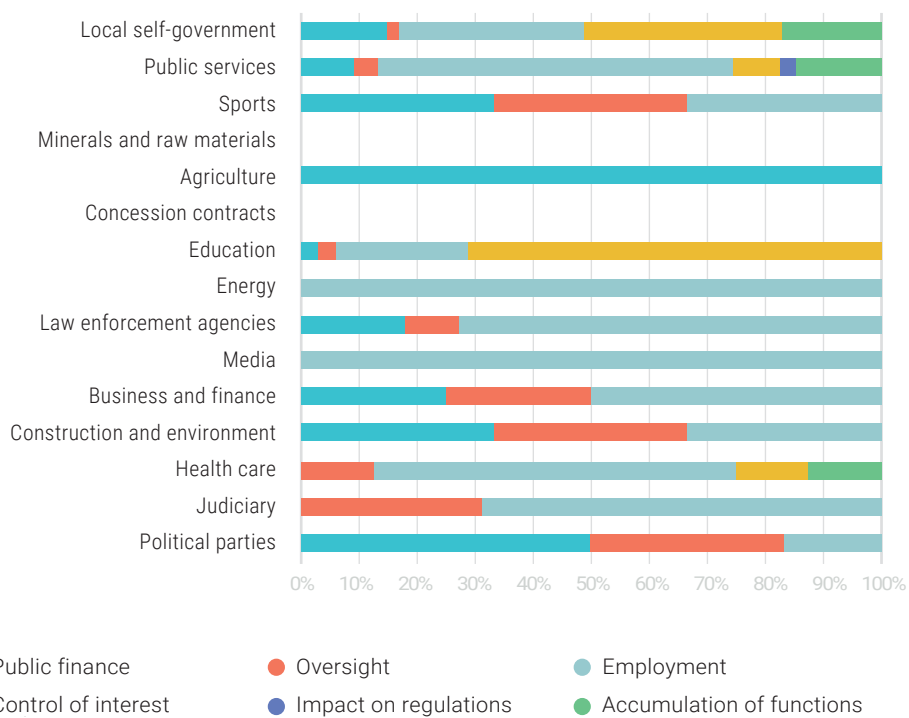
If comparing decisions adopted in the various fields with the type of infringement determined, it is observed that most of the procedures relate to the type employment and employment procedures, and the least to impact on regulations. Most of the decisions relating to employment are in the field of judiciary (56%) and in the field of law enforcement agencies (73%).

There is a greater concession in the field of education where most of the procedures were of the type control of interest and property, that is to say, they refer to examining mandatory assets lists about property owned that employees at managing positions in educational institutions have to submit - 18% of the total number of procedures and 71% of procedures in the field of education.

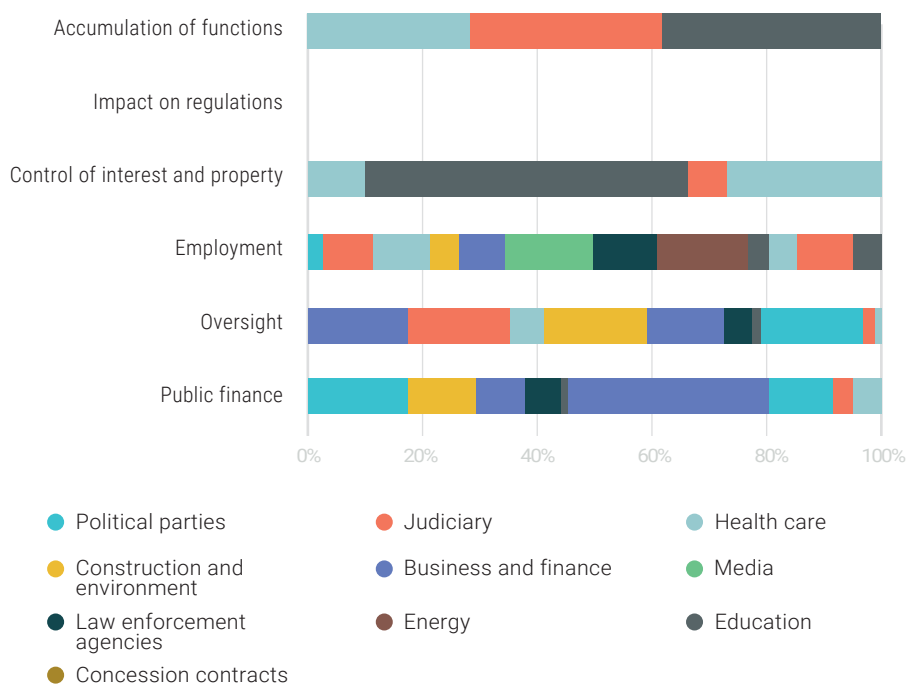
Most of the procedures of the type control of property continued with issuance of misdemeanour’s payment orders, a settlement procedure with precedes a misdemeanour procedure. The number of misdemeanour’s payment orders listed in SCPC’s decisions does not correspond with the data obtained by means of access to public information. Namely, according to the decisions publicly published on the website of SCPC, 51 such misdemeanour’s payment orders were issued, whereas SCPC responded in writing that a total of 68 payment orders had been issued.

A detailed overview according to the field and type of decisions adopted by SCPC that are subject to analysis is given in Graph 2 and Graph 3.

Graph 2. Overview according to the field and type of decisions taken by SCPC



Graph 3. Overview according to the type and field of decisions taken by SCPC



42% of decisions adopted refer to procedures relating to employment or labour relations

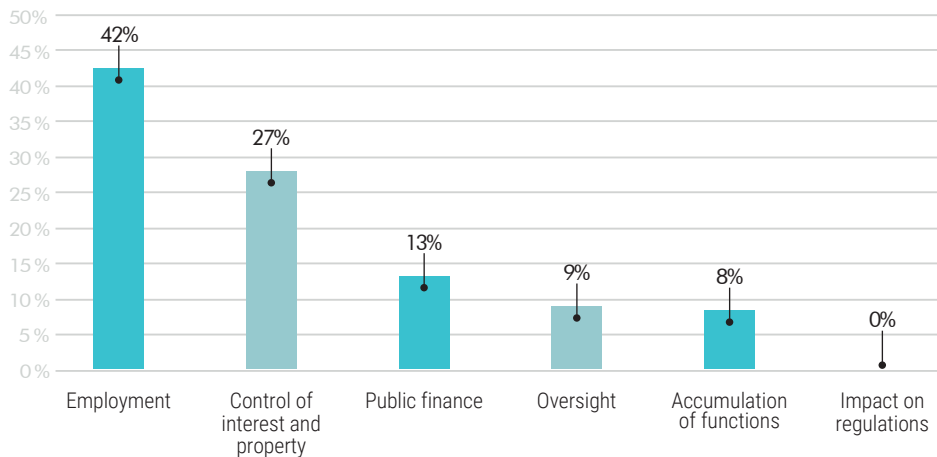
Over the period analysed, SCPC took most of the decisions relating to the type employment and the type control of interest, and it decided the least in cases relating to the type impact on regulations.

Almost two thirds of the procedures in which decisions were taken in the period of analysis relate to employment and/or labour procedures

(42%) and control of interest and property - regular examination by SCPC of assets lists about property owned by holders of public functions (27%).

A detailed overview according to the type of infringement in decisions adopted by SCPC that are subject to analysis is given in Graph 4.

Graph 4. Overview according to the type of infringement in decisions taken by SCPC



One public warning was issued over a period of seven months

The State Commission for Prevention of Corruption decided in one fifth of the cases that there were no sufficient data or elements available to initiate a procedure before other authorities, closing the procedure following this decision and not initiating a procedure before other competent authorities. As opposed to this, in only 4% of procedures, the Commission decided to start an initiative for a further procedure before other institutions.

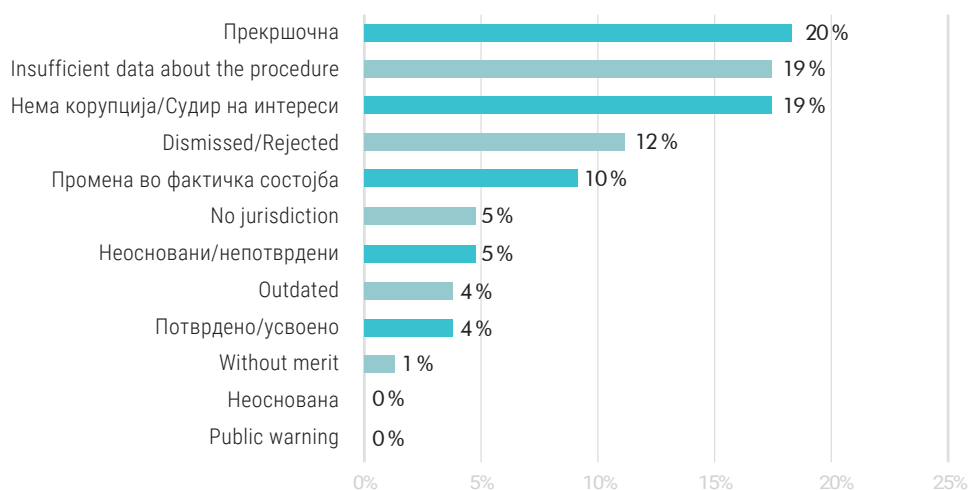
In one fifth of its decisions, SCPC decided that

there was no corruption or conflict of interest, closing the procedure thereafter.

Further measures imposed by SCPC in its decisions involve misdemeanour measures, and a misdemeanour's payment order is issued in 19.9%, whereas in only one case the public warning measure was imposed.

A detailed overview according to the status of the decision made in decisions taken by SCPC that are subject to analysis is given in Graph 5.

Graph 5. Overview according to the status of the decision made in decisions taken by SCPC



SCPC starts a large part of procedures upon its own initiative

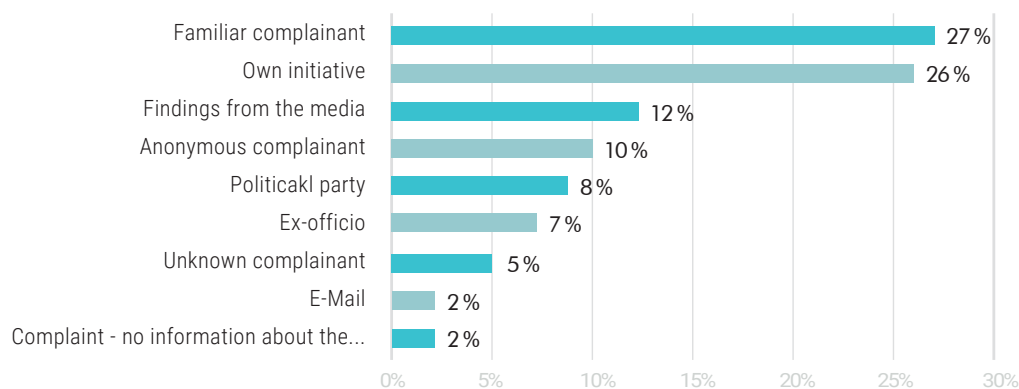
It is positive that more than one third of procedures are initiated by SCPC, upon its own initiative (26%) and ex-officio (7%), as well as following word of mouth from findings of the media (12%). The largest number of procedures is initiated upon an initiative launched by a familiar complainant or a group of complainants (28%), whereas a small part is initiated upon a launched initiative by an unknown complainant (5%) and filed by e-mail (2%).

When comparing the data about the initiator of the

procedure and the continuation of the status of decisions, it is concluded that most of the decisions determining that the procedures should be continued are initiated upon SCPC's own initiative (72%), whereas the largest number of stopped procedures are initiated by a familiar complainant (33%).

A detailed overview according to the initiator of SCPC's procedures that are subject to analysis is given in Graph 6.

Graph 6. Overview according to the initiator of SCPC's procedures



SCPC determined corruption or conflict of interest in 4% of its decisions

When initiating procedures relating to political parties, SCPC in more than half decides that the findings stated in the complaint are unconfirmed or dismisses the findings.

In only 4% of complaints filed it determines there is corruption or conflict of interest and initiates a further procedure. Regarding decisions from the field of judiciary, it most often decides that there is no corruption or conflict of interest and that the Commission is not competent and exempts itself from further actions.

Procedures related to health care, construction and environment, and business

and finance are most often closed due to SCPC believing it has no sufficient data to continue the procedure.

Most of the misdemeanour measures are imposed in the fields of local self-government and education and they refer to untimely submission of assets lists to prove the property owned by holders of public functions.

A detailed overview according to the status of the procedure in line with the fields with alleged suspicion of infringement in SCPC's decisions that are subject to analysis is given in Table 2. ▶

| Table 2. An overview according to the status of the procedure in line with the fields with alleged suspicion of infringement in SCPC's decisions | | | DECISION STATUS | | | | | | | | | | | |
|---|------------------------------|------------|---------------------------------------|---------------------|--------------------|---------------------------------|-----------------|-------------------------------------|------------------------|--------------|-----------|----------------|---------------|----------|
| | | | INSUFFICIENT DATA ABOUT THE PROCEDURE | DISMISSED/ REJECTED | CONFIRMED/ ADOPTED | CHANGE IN THE FACTUAL CONDITION | NO JURISDICTION | NO CORRUPTION/ CONFLICT OF INTEREST | UNFOUNDED/ UNCONFIRMED | MISDEMEANOUR | UNFOUNDED | PUBLIC WARNING | WITHOUT MERIT | OUTDATED |
| FIELD | Political parties | % field | 23% | 32% | 4.5% | | 4.5% | 4.5% | 32% | | | | | |
| | | % of total | 2% | 3% | 0.4% | | 0.4% | 0.4% | 3% | | | | | |
| | Judiciary | % field | 5% | 21% | | 5% | 32% | 37% | | | | | | |
| | | % of total | 0.4% | 1.5% | | 0.4% | 2.2% | 2.6% | | | | | | |
| | Health Care | % field | 37.5% | | | 12.5% | 12.5% | 12.5% | | 12.5% | 12.5% | | | |
| | | % of total | 1% | | | 0.4% | 0.4% | 0.4% | | 0.4% | 0.4% | | | |
| | Construction and environment | % field | 33% | 33% | | | | 33% | | | | | | |
| | | % of total | 0.4% | 0.4% | | | | 0.4% | | | | | | |
| | Business and Finance | % field | 44% | 33% | | | 11% | | | | | | 11% | |
| | | % of total | 1.5% | 1% | | | 0.4% | | | | | | 0.4% | |
| | Media | % field | | 50% | | | | 50% | | | | | | |
| | | % of total | | 0.4% | | | | 0.4% | | | | | | |
| | Law Enforcement Agencies | % field | 27% | 18% | 9% | | | 45.5% | | | | | | |
| | | % of total | 1% | 1% | 0.4% | | | 2% | | | | | | |
| | Energy | % field | | | | | | | 100% | | | | | |
| | | % of total | | | | | | | 0.4% | | | | | |
| | Education | % field | 15% | 3% | 1.5% | | 1.5% | 17% | 3% | 42% | | | | 17% |
| | | % of total | 4% | 1% | 0.4% | | 0.4% | 4% | 1% | 10% | | | | 4% |
| | Concession Contracts | % field | | | | | | | | | | | | |
| | | % of total | | | | | | | | | | | | |
| | Agriculture | % field | | 50% | 50% | | | | | | | | | |
| | | % of total | | 0.4% | 0.4% | | | | | | | | | |
| | Minerals and Raw Materials | % field | | | | | | | | | | | | |
| | | % of total | | | | | | | | | | | | |
| | Sports | % field | 33% | | | 33% | 33% | | | | | | | |
| | | % of total | 0.4% | | | 0.4% | 0.4% | | | | | | | |
| | Public Services | % field | 26% | 7% | | 21% | 3% | 22% | 5% | 12% | | | 4% | |
| | | % of total | 7% | 2% | | 6% | 1% | 6% | 1.5% | 3% | | | 1% | |
| Local Self-Government | % field | 6% | 12.5% | 12.5% | 17% | 2% | 15% | | 33% | | 2% | | | |
| | % of total | 1% | 2% | 2% | 3% | 0.4% | 3% | | 6% | | 0.4% | | | |

On average, SCPC needs two months starting from the initiation of a procedure to adoption of a decision

The decision making process in SCPC, over the period March to September, lasted on average 2 months and 18 days from filing the procedure by the complainant to adopting a decision.

Most of the decisions are taken one month after filing the procedure. The maximum number of days that SCPC needed was 219 for a procedure on suspicions of abuse in allocation of budget funds for financing a programme in the field of culture by the Ministry of Culture which was stopped due to lack of data for a further procedure. The minimum number of 3 days was needed for procedures initiated by political parties during the elections and the electoral campaign in 2019.

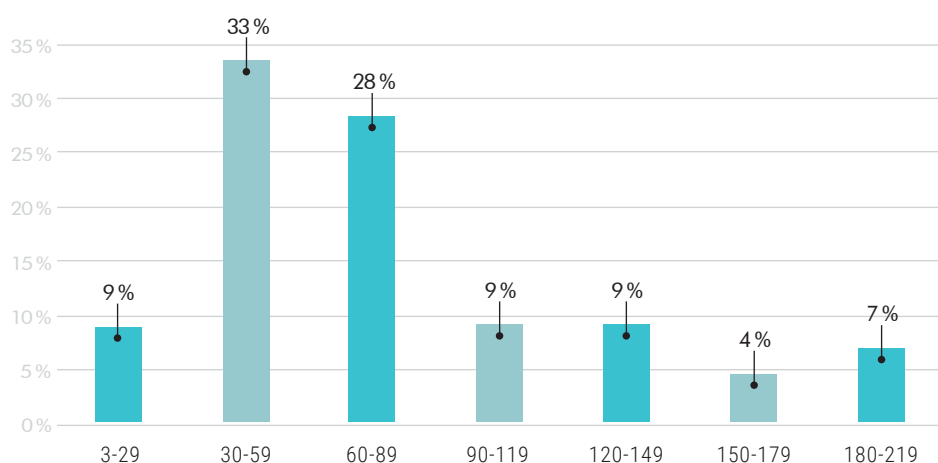
The Commission needed the most time to decide in procedures referring to control of interest and property and employment which took around

three months to gather all information and to decide thereupon.

If looking at the time needed to adopt a decision for continuation to a further procedure and a procedure closed by SCPC, there is no significant difference in the mean duration value. When it comes to the time period from starting the procedure until reaching a decision to close the procedure, the Commission needed 2 months and 18 days to reach a decision, whereas for decisions for continuation to a further procedure it needed 2 months and 20 days.

A detailed overview of the days needed to reach decisions by SCPC that are subject to analysis is given in Graph 7.

Graph 7. Overview of days to reach decisions by SCPC



A detailed overview compared with the type of infringement and duration of the procedure of

decisions adopted by SCPC that are subject to analysis is given in Table 3.

| Table 3. An overview compared with the type of infringement and duration of the procedure of decisions adopted by SCPC | | | TOTAL OF DAYS | | | | | | |
|---|----------------------------------|------------|---------------|-------|-------|--------|---------|---------|---------|
| | | | 3-29 | 30-59 | 60-89 | 90-119 | 120-149 | 150-179 | 180-219 |
| TYPE | Public Finance | % field | 6% | 53% | 13% | 9% | 9% | 0% | 9% |
| | | % of total | 1% | 7% | 2% | 1% | 1% | 0% | 1% |
| | Oversight | % field | 32% | 41% | 5% | 9% | 5% | 5% | 5% |
| | | % of total | 3% | 4% | 0% | 1% | 0% | 0% | 0% |
| | Employment | % field | 6% | 30% | 36% | 11% | 9% | 6% | 1% |
| | | % of total | 3% | 13% | 15% | 5% | 4% | 3% | 0% |
| | Control of interest and property | % field | 6% | 21% | 40% | 9% | 1% | 3% | 20% |
| | | % of total | 2% | 6% | 11% | 2% | 0% | 1% | 5% |
| | Impact on regulations | % field | 25% | 50% | 0% | 0% | 25% | 0% | 0% |
| | | % of total | 0% | 1% | 0% | 0% | 0% | 0% | 0% |
| | Accumulation of functions | % field | 0% | 55% | 5% | 0% | 35% | 5% | 0% |
| | | % of total | 0% | 4% | 0% | 0% | 3% | 0% | 0% |

Analysis of data obtained by accessing public information

The operation of the State Commission is based on the Law on Prevention of Corruption and Conflict of Interest which stipulates provisions for selection of members of the Commission, its scope of operation and internal functioning. During elections, SCPC has an active function in monitoring the electoral process, thereby acting in line with the Electoral Code.

For the purposes of acquiring in-depth insight into its work, 13 requests were sent to the State Commission

for Prevention of Corruption for access to public information in the course of September, to all of which the institution responded within the legally stipulated deadline. The questions sent to SCPC pertained to gathering data regarding the number of initiated procedures on various grounds, continuation of procedures and imposing measures in line with the Law on Prevention of Corruption and Conflict of Interest and the Electoral Code.

Corruption:

Pursuant to the definitions as referred to in the Law on Prevention of Corruption and Conflict of Interest, corruption is defined as passive and active corruption.

"Passive corruption - *intentional action of a public official who directly or through an intermediary requests or receives advantages of any kind, for himself or for a third party, or accepts a promise of such an advantage, to act or to refrain from acting in accordance with his/her duty or to exercise his/her functions in a way that is contrary to his/her official duties.*

Active corruption - *intentional action of a person who directly or through an intermediary promises or gives an advantage of any kind to a public official, for himself or for a third party, for him/her to act or to refrain from acting in accordance with his/her duties or to exercise his/her functions in a way that is contrary to his/her official duties."*¹

(Law on Prevention of Corruption and Conflict of Interest, Article 2).

The data received following a submitted request for access to public information to SCPC reads:

"Please provide us with information about the number of opened cases on the grounds of suspicion of corruption in the period January - October 2019. In how many of the cases there was a decision reached and in how many of the cases there is still an ongoing procedure?"

The following response was provided:

"The State Commission for Prevention of Corruption, pursuant to the provisions of the Law on Prevention of Corruption and Conflict of Interest in the period from January 2019, conclusive of 14.10.2019, opened 592 cases on the grounds of suspicion of corruption. Out of the total number of cases opened, a total of 77 decisions were adopted in the given time period."

Response of SCPC to a request for public information

Conflict of interest:

The Law on Prevention of Corruption and Conflict of Interest defines **conflict of interest** as a state where the official person (all elected or appointed persons or employees in the public sector) has a private interest which influences or may influence his/her impartial exercise of his/her public authorizations or official duties.

The official person in his/her work shall be obliged to be cautious of a potential conflict of interest and to undertake measures for its avoidance. In case of doubt about the possibility of a conflict of interest, the official person shall be obliged to request an opinion from the State Commission and to take all necessary measures to prevent the influence of his/her private interest. (Law on Prevention of Corruption and Conflict of Interest, Article 2).

The data received following a submitted request for access to public information to SCPC reads:

Please provide us with information about the number of opened cases for the purpose of determining the existence of conflict of interest, in the period January - October 2019.

The following response was provided by SCPC:

*"The State Commission for Prevention of Corruption, pursuant to the provisions of the Law on Prevention of Corruption and Conflict of Interest in the period from January 2019, conclusive of 14.10.2019, opened a total of **362** cases for the purpose of determining the existence of **conflict of interest**".*

Response of SCPC to a request for public information

Irregularities during elections:

SCPC has an active role in the electoral process and acts in line with the Law on Prevention of Corruption and Conflict of Interest, Chapter IV - Prevention of Corruption in Politics and with the Electoral Code.

Pursuant to the Electoral Code, from the day of the adoption of the decision for announcement of elections until the completion of the elections, it shall not be allowed to make use of Budget funds of RNM, budget funds of municipalities and the City of Skopje, of public funds and funds of public enterprises and public institutions, or legal entities that have state capital at their disposal. (Electoral Code, Article 8a).

In addition, Article 8b foresees that the exertion of pressure and intimidation and attempted pressure and intimidation of voters or members of their families or their close persons, as well as use of movable property and real estate for the needs of the electoral campaign shall be forbidden. (Electoral Code, Article 8b).

Elections in 2019 were announced by Decision of the President of the Assembly of RNM on 07.09.2019 and were held on 21 April (first election round) and 5 May (second election round). The electoral process was connected with the election of a President of the Republic of North Macedonia and early local elections for mayors of Ohrid, Novo Selo, and Debar. In order to receive data from SCPC about the number of complaints received, a request was submitted to SCPC for access to public information, which reads:

"Please provide us with information about the number of submitted complaints about non-adherence to Article 8a and Article 8b of the Electoral Code during the electoral campaign of 2019".

The following response was provided by SCPC:

*"The State Commission for Prevention of Corruption, pursuant to the provisions for prevention of corruption and conflict of interest and the provisions of the Electoral Code, during the electoral campaign of 2019 for the election of President of RN Macedonia, received a total of **22** complaints about non-adherence to Article 8a and Article 8b of the Electoral Code".*

Response of SCPC to a request for public information

Reporting (change in) property ownership and interests:

An elected or appointed person and a responsible person in a public enterprise or other legal entity disposing of state capital shall be obliged within 30 days as of commencing with his/her position to submit a declaration of assets and interests.

The State Commission shall keep a register of elected and appointed persons, responsible persons in public enterprises, public institutions or other legal entities disposing of state capital, and **the data from the declaration of assets and interests and the report for change in the assets and interests are public information, except for data protected by law**, and shall be published on the web site of the State Commission.

In the event that there is a change in the assets, any person disposing of state capital shall be obliged within 30 days to report any change and increase in his/her property i.e. the property of a member of his/her family and in his/her interests. (Law on Prevention of Corruption and Conflict of Interest, Article 85).

In order to gather data about the examination that SCPC performs about the assets of persons disposing of state capital, two requests were submitted for access to public information which referred to the number of submitted assets lists and submitted requests for the initiation of misdemeanour's procedure against persons who have failed to meet their obligation for filling in and submitting an assets list.

The following responses were provided by SCPC:

*"The State Commission for Prevention of Corruption, in the period starting from January, conclusive of 15.10.2019, received a total of **555 assets lists** by elected and appointed persons and by officials in public enterprises, public institutions, and other legal entities disposing of state capital".*

*"The State Commission for Prevention of Corruption, in the period starting from January, conclusive of 15.10.2019, submitted a total of **7 requests** for the initiation of a **misdemeanour's procedure** for an offence committed due to failure to meet the obligation for filling in and submitting an assets list.*

*In the given period, in cases of detected offences due to failure to meet the obligation for filling in and submitting an assets list with a detailed inventory of property owned, settlement procedures were conducted prior to submitting a request for the initiation of a misdemeanour's procedure, whereby a total of **68 misdemeanour's payment orders** were issued in line with Article 114 paragraph 3 of the Law on Prevention of Corruption and Conflict of Interest".*

Response of SCPC to a request for public information

Imposing a public warning measure:

If the State Commission determines the existence of a conflict of interest, it shall be obliged to inform the official person and to request from him/her, within 15 days from the delivery of the decision, to remove the conflict of interest. If the official person does not act upon the request, SCPC shall request an appropriate procedure against the appointed person. A public warning measure is imposed on a person elected in direct elections. (Law on Prevention of Corruption and Conflict of Interest, Article 77).

The data received following a submitted request for access to public information to SCPC reads:

"Please provide us with information about the number of adopted decisions on imposing a public warning measure, in line with the provisions of the Law on Prevention of Corruption and Conflict of Interest, in the period January - October 2019".

The following response was provided:

"The State Commission for Prevention of Corruption, pursuant to the provisions of the Law on Prevention of Corruption and Conflict of Interest in the period from January to October 2019 adopted **one decision** on imposing a **public warning measure**".

Response of SCPC to a request for public information

Methodological approach

The State Commission for Prevention of Corruption (SCPC) is a preventive body, which has the function of preventing the occurrence of corruption, but also of initiating procedures before other institutions in the anti-corruption system. By adopting the new *Law on Prevention of Corruption and Conflict of Interest*, the mandate of the members of the State Commission elected before ceased to be valid, and the new members of the Commission were elected on 8 February 2019.

It is crucial that the operation of the new composition of SCPC and their cooperation with the institutions is monitored, in the direction of lowering corruption in the Republic of North Macedonia. Mutual cooperation between institutions is an important factor for long-term and sustainable fight against corruption.

Decisions adopted by the State Commission for Prevention of Corruption are the basis for monitoring its operation over the first seven months after the selection of the new members and president of the Commission.

The methodology of monitoring the activities of SCPC and the responses of institutions that it has opened cases against, or the institutions where these cases were referred, was developed during a two-day workshop which was attended by representatives of the organisations which are part of the Platform for Fight against Corruption.

The data that this report is based on are gathered from the website of the State Commission for Prevention of Corruption and are publicly available information and information obtained by submitting requests to SCPC for access to public information. The decisions adopted by SCPC over the period March to September 2019 on 22 sessions held were analysed and responses were received to requests for access to public information provided by SCPC sent in September 2019.

Analysis sample description:

Subject of analysis are the decisions adopted by the State Commission for Prevention of Corruption over the period March 2019 to September 2019, as well as the responses to requests submitted to SCPC for access to public information. The total number of analysed decisions of the State Commission for Prevention of Corruption amounts to **N=273**.

13 requests were sent to the State Commission for Prevention of Corruption for access to public information in the course of September, to all of which the institution responded within the legally stipulated deadline and these were a subject to analysis.

Variable description:

Decisions were analysed according to the field where intentions had been present for corruption or conflict of interest, types of infringement, status of the procedure (what was decided by SCPC), who

had initiated the procedure before SCPC and the duration of the whole procedure. A detailed overview of variables subject to analysis is given in table 4 through to table 7.

| <p>Table 4. Overview of fields of decisions taken by SCPC</p> | <p>Fields of decisions taken by SCPC</p> |
|--|--|
| <p>Judiciary</p> | <p>Courts, judicial authorities, public prosecutor's office, ombudsman, public ombudsman's office.</p> |
| <p>Health Care</p> | <p>Health care institutions, clinical centres, Republic Institute for Health Protection, Health Fund, etc.</p> |
| <p>Construction and environment</p> | <p>Civil engineering companies, environment management, impact on the environment, waste and landfill management, etc., infrastructural projects</p> |
| <p>Business and Finance</p> | <p>Private companies, banks, insurance</p> |
| <p>Media</p> | <p>Traditional and on-line media</p> |
| <p>Law Enforcement Agencies</p> | <p>Police, customs, financial police, etc.</p> |
| <p>Energy</p> | <p>Public enterprises and private companies operating in production, distribution and supply with electricity and heat energy</p> |
| <p>Education</p> | <p>Kindergartens, primary schools, secondary schools, higher education institutions</p> |
| <p>Concession Contracts</p> | <p>Contracts on the use of state/municipal land and/or property</p> |
| <p>Agriculture</p> | <p>Subsidies, Ministry of Agriculture</p> |
| <p>Minerals and Raw Materials</p> | <p>Mines, enterprises exploiting raw materials</p> |
| <p>Sports</p> | <p>Sports federations, sports organisations, youth and sports agencies</p> |
| <p>Public Services</p> | <p>Public enterprises, etc. - that are not covered by the previously mentioned field</p> |
| <p>Local Self-Government</p> | <p>Municipalities, municipal councils, mayors, Association of the Units of Local Self-Government</p> |

| <p>Table 5.</p> <p>Overview of the type of infringement determined according to the decisions taken by SCPC</p> | <p>Type of infringement determined according to the decisions taken by SCPC</p> |
|--|--|
| <p>Impact on regulations</p> | <p>Cases involving impact on the creation of rules, policies, or standards with a view to meeting a private interest.</p> |
| <p>Public Finance</p> | <p>This means cases where with the purpose of meeting a private interest, public money is abused through public procurement, subsidies, purchase, etc.</p> |
| <p>Employment</p> | <p>This means cases where private interest is met through employment, as for instance cases of clientelism, nepotism and patronage.</p> |
| <p>Oversight</p> | <p>This means cases where private interest is met through exerting pressure on oversight structures or their systemic abuse, weakening, or abolishing.</p> |
| <p>Accumulation of functions</p> | <p>This means cases where one person executes or is appointed on two or several positions.</p> |
| <p>Control of interest and property</p> | <p>Assets lists, failure to submit, incompleteness</p> |

| <p>Table 6. Overview Adopted Decision Status</p> | <p>Adopted Decision Status</p> |
|---|--|
| Insufficient data | Insufficient data |
| Dismissed/ rejected | Dismissed/ rejected |
| Confirmed, adopted, further procedure | Confirmed, adopted, further procedure |
| Change in the factual condition | Change in the factual condition |
| No jurisdiction | No jurisdiction |
| No corruption/ conflict of interest | No corruption/ conflict of interest |
| Unfounded, unconfirmed | Unfounded, unconfirmed |
| Misdemeanour | Misdemeanour |
| Dismissed | Dismissed |
| Null | Null |
| Public warning | Public warning |
| Without merit | Without merit |
| Outdatedness | Outdatedness |
| There are indications of corruption, but the factual condition has changed | There are indications of corruption, but the factual condition has changed |

| <p>Table 7.</p> <p>Overview of the initiation of a procedure</p> | <p>Initiating a procedure</p> |
|---|--|
| <p>Own initiative</p> | <p>The procedure is raised upon SCPC's initiative</p> |
| <p>Anonymous complainant</p> | <p>The complaint is submitted by an anonymous complainant</p> |
| <p>Familiar complainant</p> | <p>The complaint is submitted by a familiar complainant</p> |
| <p>Findings of the media</p> | <p>The procedure is initiated following word of mouth from findings of the media</p> |
| <p>E-Mail</p> | <p>The complaint is received by e-mail</p> |
| <p>Ex-officio</p> | <p>The procedure is initiated by SCPC ex-officio</p> |
| <p>Unknown complainant</p> | <p>The complaint is submitted by an unknown complainant</p> |
| <p>Political party</p> | <p>The complaint is submitted by an unknown complainant</p> |
| <p>No information</p> | <p>No information in decisions how the procedure was initiated</p> |

Brief summary

The State Commission for Prevention of Corruption, since the election of the new members in February 2019 until September 2019, has held 22 sessions and adopted 273 decisions pursuant to the *Law on Prevention of Corruption and Conflict of Interest*. Over the analysed period, the Commission on average has managed procedures for 2 months and 18 days, reflecting the period from filing the procedure by the complainant to adopting a decision.

A large part of procedures was initiated upon own initiative of SCPC, ex-officio, or following word of mouth from findings of the media, which is a positive indicator regarding the operation of this institution.

In most of the procedures (208), SCPC decides to stop them for various reasons, whereas 65 were continued to a further procedure. The State

Commission for Prevention of Corruption decided in one fifth of the cases that there were no sufficient data or elements available to initiate a procedure before other authorities, closing the procedure following this decision and not initiating a procedure before other competent authorities.

The decisions that SCPC took in the period subject to analysis mostly refer to cases in the field of public services and education. When it comes to the types of infringement stated in the complaints, SCPC reached decisions to a largest extent in procedures of employment and control of interest.

Bibliography

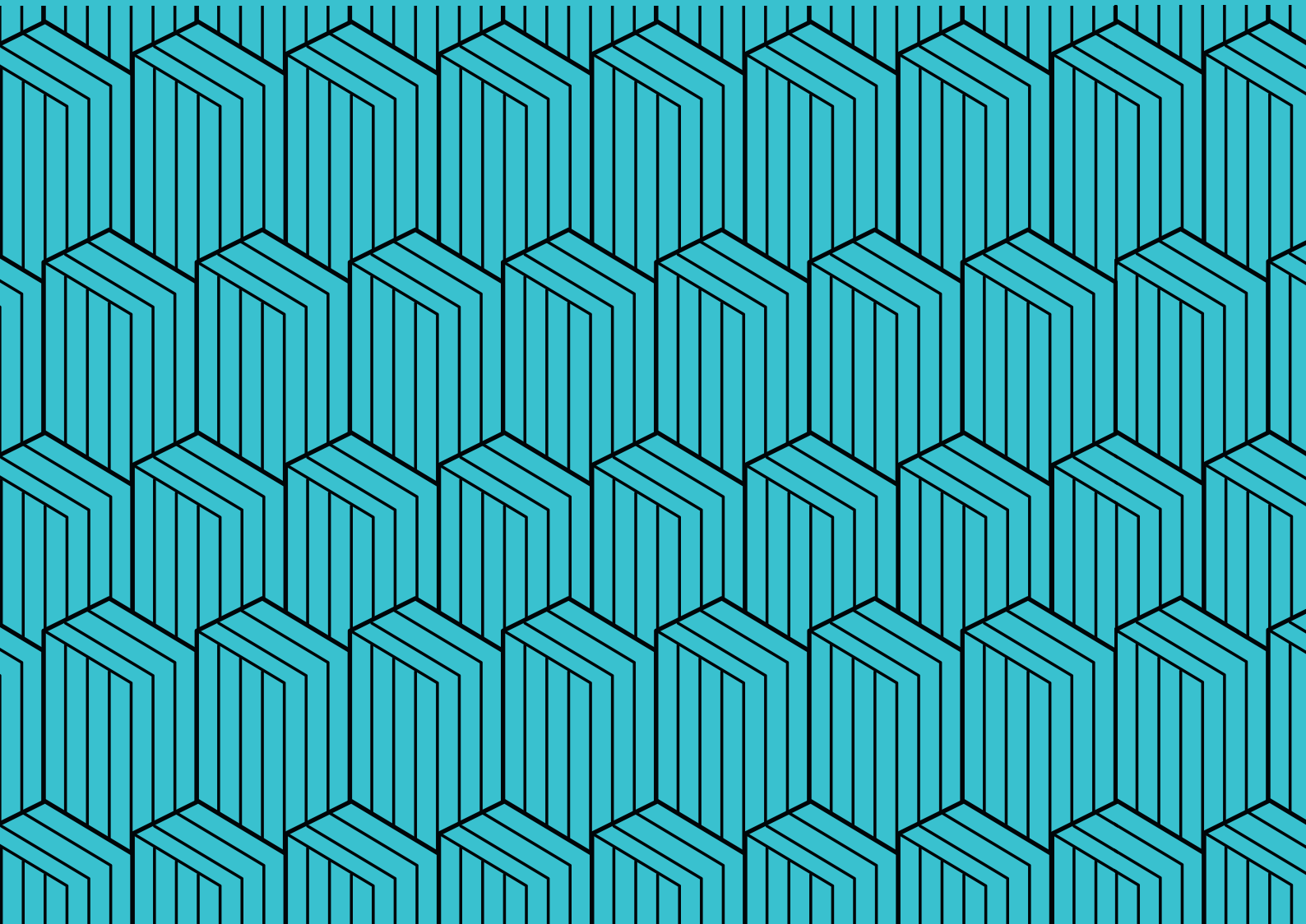
The decisions of the State Commission for Prevention of Corruption are available on the following link:

<https://www.dksk.mk/index.php?id=113>.

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ПЛАТФОРМА
на граѓански организации
за борба против корупцијата



FOUNDATION | ФОНДАЦИЈА
OPEN | ОТВОРЕНО
SOCIETY | ОПШТЕСТВО
MACEDONIA | МАКЕДОНИЈА