

## Executive summary: Quarterly report No. 1 for oversight of the work of the State Commission for Prevention of Corruption (SCPC)

Achievements in the period from October to December 2016

According to the Law on Prevention of Corruption, the State Commission for Prevention of Corruption (SCPC) is a specialized and independent anticorruption institution. The citizens, as tax payers, should be well informed if and how the SCPC implements its legal responsibilities, since the funds for implementation of the SCPC competences for prevention of corruption are provided from the budget of the Republic of Macedonia.

**The activities of the SCPC were focused on provision of opinions about the changes of the Provisions of the Law on Prevention of Corruption in the election period.** Due to the long duration of the election period, from the establishment of the technical government in September 2016 and the early parliamentary elections held on 11 December 2016, the activities of the SCPC were mainly focused on provision of opinions to the institutions if they could undertake certain activities related with the use and management of the budget funds. **SCPC has initiated** a total of 1.548 cases, out of which **1.526 upon a request for opinions by the institutions for changes of the provisions of the Law on Prevention of Corruption**, 11 upon requests from a political party, 1 upon a request from an association, 6 upon a request of a legal entity (ministries and municipalities), 2 from natural persons and 2 upon cases which were established upon its own initiative. Part of the requests for opinions by the institutions were related to the implementation of the public procurement procedures, extraordinary payments from the budget funds and public funds and other uses of budget funds at central and local level.

**Out of 25 indicators monitored in the reporting period, and being monitored in regard to the compliance with the legal obligations (“coloring of the indicators“), 15 fully comply with the law, nine partially comply with the law, and one does not comply with the law.**

The cases (22) are related to the existence of suspicions about violations of the provisions of the Law on Prevention of Corruption – Chapter 2 “Corruption in politics” and the Articles 8-a and 8-b from the Electoral Code, which stipulates the use of budget funds in the election period. Upon a received request by a participant in the election process in regard to a suspicion about an illegal and anonymous sources of financing by one political party and bribing of the voters<sup>1</sup>, **SCPC, for 21 associations and foundations and one political party, asked the Public Prosecution Office of the Republic of Macedonia to duly act upon, asked for detailed controls of their financial and material management by the Public Revenue Office, and financial control/analysis by the Financial Intelligence Agency.**

On the basis of the decisions published in the Official Gazette, 193 persons have been nominated on 199 positions. The information about election and nomination of these persons should be submitted to SCPC within 30 days, and published in the Registry of elected and nominated persons. At the same time, all 193 persons should also submit the assets declaration which should be published on the web site. 133 persons have not fulfilled both obligations, 28 persons have not fulfilled one of the obligations, and for 32 persons, the necessary information is published neither in the registry nor in the personal property database.

**SCPC could, but did not start an initiative before the competent court to issue a fine for the institution or the responsible person from the institution that did not submit the data necessary for the update of the Registry.** Assuming it had started an initiative for a misdemeanor proceeding before the courts for all that did not fulfill their obligations, 125.000 euro could have been paid to the budget of the Republic of Macedonia, which is equivalent to the price of almost 9.000 school chairs.<sup>2</sup>

**SCPC has started three initiatives for dismissal, reallocation and replacement of the elected or nominated responsible persons.** All three initiatives are for low level positions, for elected and nominated persons in educational institutions.

**SCPC does not hold regular quarterly meetings with the civil and private sector** - signatories of the Memorandums of cooperation in the fight against corruption and conflict of interests, as it is foreseen in the Annual program for work for 2016.

<sup>1</sup> Law on Prevention of Corruption, Article 13 paragraph 3, Article 14 paragraph 1 and Article 49 paragraph 1 line 4 of the Law on Prevention of Corruption

<sup>2</sup> <http://www.ccc.org.mk/images/stories/i14m.pdf>

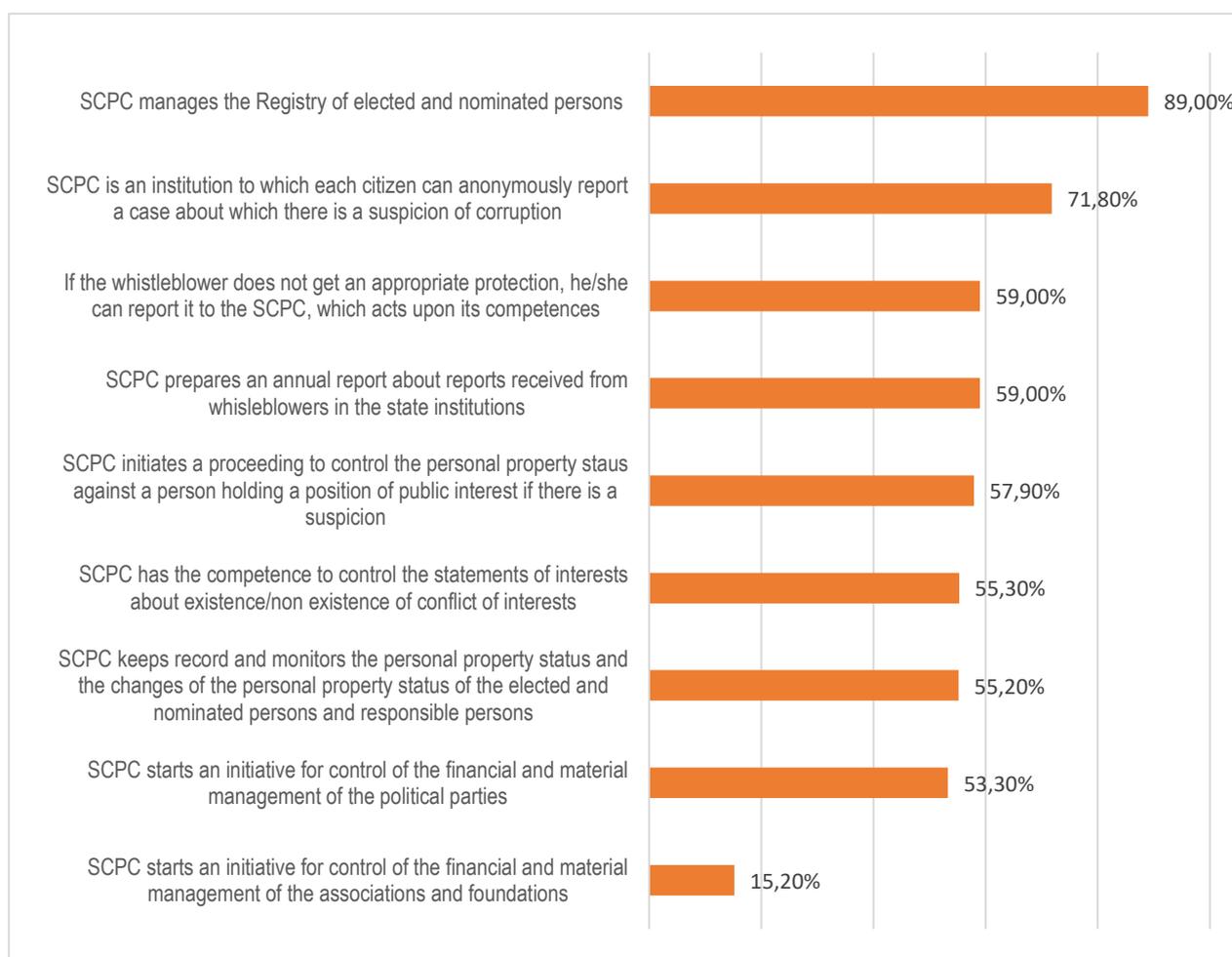
*The preparation of this publication is within the project “Oversight of the Work of the State Commission for Prevention of Corruption by the Public“, supported by the British Embassy in Skopje. This publication expresses the opinions and views of the authors.*

In the period from October to December 2016, **SCPC received a total of 19 requests from citizens**, of which 12 are solved.

**There is a relative knowledge of the citizens in regard to SCPC.** 68,1% of the citizens have heard about the existence of the State Commission for Prevention of Corruption. More than half of the citizens (57,1%) do not know anything about the work of the SCPC. Only 4,5% of the citizens know everything about it, while 37,7% of the citizens know partially about the work of the SCPC.

Most of the citizens know about the competence of the SCPC to manage the Registry of elected and nominated persons (89%). At the same time, 71,8% of the citizens know that they can anonymously report to SCPC the case about which they suspect that there is a corruption. However, significantly smaller number of citizens (50-60%) know about the other competences of SCPC, the smallest number of them (15,2%) know that SCPC can start an initiative about a control of the financial and material management of the associations and foundations.

**Graph 1 How much do the citizens recognize the competences of SCPC?**



According to 69% of the respondents there is no sufficient information about the presentation of the work of the SCPC in the media. Half of the respondents (50,1%) assess it as ineffective, while 38,7% of the citizens consider it as effective.

There is a high number of citizens (61%) who consider that though its work, the SCPC protects the interests of the individuals (private interest of the politicians, elected and nominated persons), versus 28% of the citizens who consider that it protects the interests of the citizens (the public interest).

Full report



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