

Summary of the oversight of the work of the SCPC in the period from January to March 2017

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.

Out of 31 indicators monitored in the reporting period, and being monitored in regard to the compliance with the legal obligations (“coloring of the indicators”), 13 fully comply with the law, 16 partially comply with the law, and two do not comply with the law.

In March 2017, SCPC adopted the **Annual report concerning its work in 2016**. Even though the structure of the report provides the response to the implementation of the SCPC competences, the following things have been noticed: reduction of the contents in the text regarding the details in comparison with the previous reports, not an equal approach in the presentation of the data and the structure of the annual report does not correspond to the structure of the annual program for work.

Upon a request from the Macedonian Sport Shooting Federation, SCPC prepared an opinion on the Law on Weapons. The opinion has been published on SCPC web site. According to the **Methodology on anti-corruption legislation review (ALR)**, SCPC adopts an annual plan for implementation of the anti-corruption legislation review and a special plan and dynamics for implementation of the anti-corruption legislation review which have been already adopted. Even though in accordance with the Methodology, the annual plan for implementation of ALR should be passed after the adoption of the annual program for work of SCPC, it has not been prepared yet. The plan and dynamics for 2017 for ALR for the already adopted laws were adopted on 15 February, 2017. According to the plan for ALR, an analysis of the existence of risk of corruption in 6 laws has been planned¹. In this quarter, the review of two laws, that is the Law on the Academy for Judges and Public Prosecutors and the Law on the State Market Inspectorate has been started.

SCPC has not prepared a **special report on the possible misuses of the budget funds for financing the election campaign** or other political activities during the parliamentary elections held in December 2016, even though two cases were presented in the annual report for the work of SCPC in 2016. At the same time, during the election period, SCPC also instigated an initiative about suspicion of use of illegal and anonymous sources of financing by one political party and bribing the voters.

Since the election process formally lasted even after the constitution of the Parliament on 30 December, 2016, SCPC acted on **1460 requests for an opinion by the state institutions related with the use and management of the budget funds during the election period**.

The decisions about nomination and election of 81 persons have been published in the Official Gazettes of the Republic of Macedonia. During the control of the data in the Registry of elected and nominated persons², only the data about six persons were published. SCPC could have instigated, but it did not instigate an initiative before the competent court for execution of fine to the institution or the responsible person from the institution for not submitting the data necessary to update the Registry. Assuming that it instigated an initiative for misdemeanor proceedings before the courts for all of those that did not fulfill these obligations, 163.800 euro³ could have been paid to the state budget, which is equivalent to more than 10.000 school chairs.

SCPC has insufficiently undertaken measures about the active **application of the Law on Protection of Whistleblowers and the by-laws** referring to the obligations of the state institutions before SCPC. The Semi-annual reports on the received reports from the whistleblowers in the period from July to December 2016, were submitted to

¹ Law on the Academy for Judges and Public Prosecutors, Law on Health Protection, Law on Protection of Patients' Rights, Law on the Bureau for Development of Education, Law on State Market Inspectorate, Law on Construction Products

² As of 25 April, 2017

³ The assumption is that in accordance with the Article 63-b, paragraph 1 a fine in the amount of 200 euro is being executed for a misdemeanor of a managing person in the institution which makes the elections and nominations, or the person authorized by him/her, if within 15 days he/she has not submitted data to SCPC; and paragraph 2 that the fine in the amount of 2.000 euro is being executed for the same misdemeanor to the institution or the body which makes elections and nominations.

SCPC by 18 (or 1.4%) institutions out of the total of 1.291 institutions active in the public sector in the Republic of Macedonia. At the same time, the obligation for submission of information for a person authorized to receive reports from the whistleblowers, so far, has been fulfilled by only 29 institutions from the public sector. Fines are also foreseen for the institutions and responsible persons in the institutions in case they do not fulfill the obligation for submission of semi-annual reports. SCPC does not undertake measures and activities within the Law to influence the institutions to fulfill the obligations.

SCPC had a meeting with the **working group for implementation of the discretionary authorizations** which, besides the representatives from SCPC, includes the representatives from the Ministry of Justice, Ministry of Information Society and Administration. General Secretariat of the Government, Agency for Public Administration, Secretariat for Legislation and MCIC. SCPC held a **working meeting with the representatives from the Delegation of the European Union** in the Republic of Macedonia – Manfredas Limantas, program manager and Joanna Stuber, political advisor.

SCPC has signed the **Memorandum for improvement and enhancement of the cooperation with the scientific and educational institutions** in the Republic of Macedonia, with the University “St. Clement Ohridski” in Bitola and with the University “Goce Delcev” in Stip.

The contacts and the meetings with the civil society organisations have not been intensified, neither the activities according to the memorandum for cooperation with the business sector have been realized, even though the Annual program for work for 2017 foresees holding of regular quarterly meetings with the signatories of the Memorandum.

Full report:

