

Summary of the oversight of the work of the SCPC in the period from April to June 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 28 indicators monitored in the reporting period, and being monitored in regard to the compliance with the legal obligations (“coloring of the indicators”), 11 fully comply with the law, 14 partially comply with the law, and three do not comply with the law.

In May 2017, SCPC submitted the **Annual report concerning its work in 2016** to the Parliament of the Republic of Macedonia, to the Government and to the President, even though it was adopted at the session of SCPC in March 2017. The report was reviewed by the Committee on the political system and relations among the communities of the Parliament of the Republic of Macedonia on 27 June, 2017. The Anti-Corruption Platform of Civil Society Organisations called upon the Commission to make a Conclusion and to propose to the Parliament not to adopt and to return for amendments the Annual report concerning the work of SCPC in 2016.

SCPC has still not prepared the **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.

Upon a request of the Government of the Republic of Macedonia, SCPC has prepared an opinion for the draft Law on Environmental Inspection, using the **Methodology on anti-corruption legislation review**. According to the plan and dynamics of the anti-corruption legislation review to the already adopted laws, SCPC analyzed two laws: Law on the Academy for Judges and Public Prosecutors and the Law on the State Market Inspectorate.¹ The analysis of the other nine laws, which are planned for preparation in the first and second quarter of 2017, has also been started.

SCPC acted on 1226 new **requests for opinions by the state institutions** if they could take certain activities related with the **use and management of the budget funds** during the election period. According to the notification of the SCPC to the state institutions, of 15 June, 2017, with the election of the new Government, the obligation for request for opinions for use and management of budget was terminated.

According to the decisions published in the Official Gazette, 170 persons have been elected and nominated for positions, and 89 persons have been dismissed from the positions. According to the Law on Prevention of Corruption, all these persons have the obligation to submit an **assets declaration**, which determines the property situation upon the election, or upon the dismissal from the position. During the control of the database of assets declarations of SCPC (www.dsk.org.mk/imoti_2), out of 170 newly nominated and elected persons, only the assets declarations of 59 persons (34,7%) have been published. The assets declarations of 111 persons (65,3%) are not available on the web site. During the control of the **Registry of elected and nominated persons**² only the data about 65 persons (38,2%) elected for new positions were published. The institutions which make the nominations have the obligation to submit the data to SCPC in order to be published in the Registry. If SCPC has acted in accordance with the Article 63.b, paragraph 1 of the Law on Prevention of Corruption and it has instigated an initiative for a misdemeanor proceeding against those who have not fulfilled their obligations to submit the data necessary to update the Registry, based on fine for the respective misdemeanor, 231.000 euro could have been charged³.

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 30 July, 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.

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 Government. This publication expresses the opinions and views of the authors.

In the reporting period, SCPC has opened 20 cases about the existence of elements of corruption based on **reports received by citizens and legal entities, as well as on its own findings.**

SCPC has updated the **list of information of public character.** The total number of pieces of information which are part of the list of information of public character has increased from 29 to 38. In regard to the contents of the available data, 14 pieces of information on the list have not been changed, 17 pieces of information which are part of the new list, or which have been added to the list, refer to the competences of SCPC resulting from the Law on Lobbying and the Law on Protection of Whistleblowers. Eight pieces of information being treated as information of public character in the list of 2010 are written off from the new list, and seven pieces of information have been changed.

SCPC has signed a **Memorandum of improvement and enhancement of the cooperation with the Directorate for Execution of Sanctions.** Working meetings were held with the **working group responsible for conducting the analysis of the discretionary authorizations,** as well as working meetings were held with the representatives of the state institutions in Macedonia and abroad.

SCPC does not cooperate actively with the **civil society organisations and private sector organisations** which are signatories of the **Memorandum of cooperation.** Even though regular quarterly meetings have been planned, they are not held.

SCPC does not have a practice to publish information on its web site about participation in training, workshops, meetings that have been held, etc., for which they have no legal obligation to do so.

Full report:

