



Финансирано од  
Европска Унија



NATIONAL CONVENTION ON THE EUROPEAN UNION  
IN THE REPUBLIC OF NORTH MACEDONIA

# FOURTH BOOK OF RECOMMENDATIONS

"NEW PERSPECTIVES ON LONG-STANDING  
REFORM DILEMMAS: NORTH MACEDONIA AND  
THE CHALLENGES OF EUROPEAN INTEGRATION"



Европско движење Северна Македонија  
European Movement North Macedonia



SFPA  
Slovak Foreign Policy Association

**NATIONAL CONVENTION ON THE EUROPEAN UNION IN THE REPUBLIC  
OF NORTH MACEDONIA**

**FOURTH BOOK OF RECOMMENDATIONS**

**"NEW PERSPECTIVES ON LONG-STANDING REFORM DILEMMAS:  
NORTH MACEDONIA AND THE CHALLENGES  
OF EUROPEAN INTEGRATION"**

**Skopje, March 2025**

**IMPRINT****EDITOR:**

Prof. Dr. Mileva GJUROVSKA

**EDITORIAL BOARD:**

Prof. Dr. Mileva GJUROVSKA

Prof. Dr. Aleksandra DEANOSKA – TRENDAFILOVA

Prof. Dr. Marina MITREVSKA

Viktor MITEVSKI, M.A.

**TITLE OF THE ORIGINAL BOOK:**

„НАЦИОНАЛНА КОНВЕНЦИЈА ЗА ЕВРОПСКАТА УНИЈА ВО РЕПУБЛИКА СЕВЕРНА МАКЕДОНИЈА ЧЕТВРТА КНИГА НА ПРЕПОРАКИ „НОВИ ПЕРСПЕКТИВИ ЗА СТАРИТЕ РЕФОРМСКИ ДИЛЕМИ: РЕПУБЛИКА СЕВЕРНА МАКЕДОНИЈА ПРЕД ПРЕДИЗВИЦИТЕ НА ЕВРОПСКАТА ИНТЕГРАЦИЈА“

**TRANSLATION FROM MACEDONIAN TO ENGLISH:** Darko PUTILOV

**TECHNICAL ASSISTANCE:** Nikola JAZADJISKI, M.A.

**GRAPHIC DESIGN:** MM DESIGN

**PRINTED BY:** Infinity Design Group, Skopje

**PUBLISHER:** European Movement in the Republic of North Macedonia

**FOR THE PUBLISHER:** Prof. Dr. Mileva Gjurovska

**Address:** ul. Kosta Kirkov no. 5/8, 1000 Skopje,

Republic of North Macedonia

[www.nkeu.mk](http://www.nkeu.mk)

[www.europeanmovement.org.mk](http://www.europeanmovement.org.mk)

**E-mail:** [secretariat@europeanmovement.org.mk](mailto:secretariat@europeanmovement.org.mk)

**Number of copies printed:** 100

---

CIP - Каталогизација во публикација

Национална и универзитетска библиотека "Св. Климент Охридски", Скопје

341.171(4-672ЕУ):340.137(497.7)(082)

341.171(4-672ЕУ:497.7)(082)

NATIONAL convention on the European union in the Republic of North Macedonia : fourth book of recommendations : new perspectives on long-standing reform dilemmas: North Macedonia and the challenges of european integration / [editor Mileva Gjurovska ; translated from Macedonian to English Darko Putilov]. - Skopje : European movement in the Republic of North Macedonia, 2025. - 175 стр. : илустр. ; 25 см

Превод на делото: Национална конвенција на Европската унија во Република Северна Македонија : четврта книга на препораки. - Фусноти кон текстот

ISBN 978-9989-2285-8-2

1. Национална конвенција на Европската унија во Република Северна Македонија : трета книга на препораки. англиски јазик 2. Gjurovska, Mileva [уредник]

а) Национална конвенција за ЕУ -- Преговарачки поглавја -- Препораки -- Усогласување со стандардите на ЕУ -- Македонија -- Зборници б) Македонија -- Пристапни преговори -- Европска унија -- Зборници

COBISS.MK-ID 65636613

## CONTENT

<b>1. INTRODUCTION</b>	<b>7</b>
<b>2. WORKING GROUP 3 - JUDICIARY AND FUNDAMENTAL RIGHTS (CHAPTER 23)</b>	<b>12</b>
THE CHALLENGES OF THE RULE OF LAW: NEW HORIZONS FOR OLD ISSUES	13
AMENDMENTS TO CRIMINAL CODE OF SEPTEMBER 2023 AND EUROPEAN STANDARDS FOR PREVENTING AND COMBATING CORRUPTION	32
<b>3. WORKING GROUP 4 - CHAPTER 24, JUSTICE, FREEDOM AND SECURITY</b>	<b>53</b>
THROUGH PROFESSIONALISM AND INTEGRITY TRANSPARENCY AND ACCOUNTABILITY IN POLICING	54
STRENGTHENING THE INTEGRITY AND PROFESSIONALISM OF POLICE OFFICERS	68
<b>4. WORKING GROUP 6: “ANTI-CORRUPTION” - CHAPTER 5 - PUBLIC PROCUREMENT, CHAPTER 18 - STATISTICS, CHAPTER 32 - FINANCIAL CONTROL</b>	<b>87</b>
INTEGRATING ARTIFICIAL INTELLIGENCE INTO PUBLIC FINANCE MANAGEMENT: A POLICY PERSPECTIVE FOR THE REPUBLIC OF NORTH MACEDONIA	88
DATA WE TRUST: A PREREQUISITE FOR A STRONGER ECONOMY AND AN EFFECTIVE FIGHT AGAINST CORRUPTION	103
<b>5. WORKING GROUP 5 - CHAPTER 27, ENVIRONMENT</b>	<b>115</b>
APPROXIMATION OF NATIONAL LEGISLATION TO EUROPEAN ENVIRONMENTAL JUSTICE EFFORTS	116

<b>6. WORKING GROUP 1 AGRICULTURE AND RURAL DEVELOPMENT - CHAPTER 11</b>	<b>137</b>
KNOWLEDGE TRANSFER AND INNOVATION IN AGRICULTURE: A SYSTEM FOR KNOWLEDGE TRANSMISSION AND INNOVATION IN AGRICULTURE (AKIS)	138
BETWEEN THE CHALLENGES AND OPPORTUNITIES: NORTH MACEDONIA'S AGRICULTURAL POLICY ON THE PATH TO EU ACCESSION	156

**„This publication was funded by the European Union. Its contents are the sole responsibility of European Movement in the Republic of North Macedonia, and do not necessarily reflect the views of the European Union.“**

# INTRODUCTION

This publication contains expert analyses and recommendations on issues essential to the negotiation process for membership in the European Union, resulting from the fifth cycle of the dialogue within the framework of the National Convention on the European Union in the Republic of North Macedonia (NCEU-MK). Given the content, the relevance of the topics and the quality of the activities carried out within the NCEU-MK, this issue deservedly bears the title: “New perspectives on long-standing reform dilemmas: North Macedonia and the challenges of European integration.”

The Fourth Book of Recommendations is a continuation of the previous three editions: [the First Book \(2019\)](#), [the Second Book \(2023\)](#), and [the Third Book \(2024\)](#), including the [Public Policy Document for Cluster 1, Fundamental Values \(2024\)](#). The analysis and comparison of the topics and recommendations of these publications shows that, since the beginning of the dialogue in 2017, issues of high priority have been continuously discussed in the reform processes. The repetition of themes indicates, on the one hand, the complexity and comprehensiveness of the reforms, and on the other hand, highlights the need for new approaches to overcome existing barriers, which limit their effect and reduce the effectiveness of the process.

The National Convention is a citizen-initiated platform for a structured dialogue in which various stakeholders actively participate, contributing to democratization, inclusiveness and increased transparency in the process of accession to the European Union.

The NCEU-MC dialogue is based on the methodology successfully applied in the Slovak Republic during its accession process to the European Union, which has allowed for broad political support and consensus.<sup>1</sup> With the support of the Slovak partners, this methodology was adapted to the Macedonian context, creating a functional platform for the exchange of expert opinions and recommendations. Despite the different views and political affiliation of the participants, the NCEU-MK provides a constructive dialogue based on arguments and expertise. The main objective of the platform is for the institutions to receive support in seeking solutions that are in line with European directives and positive European practices.

---

<sup>1</sup> Slovak Foreign Policy Association of Bratislava (SFPA).

Over a timeframe of eight years, 60 dialogue sessions involving over 2,500 different stakeholders were held.<sup>2</sup> Among the key partners are the Government and relevant institutions, which actively contributed to the chapters where NCEU-MK was particularly engaged. Special thanks go to the Ministry of Interior, the Ministry of Justice, the Financial Police Administration, the Ministry of Agriculture, Forestry and Water Management, the Ministry of the Environment, the State Bureau of Statistics, as well as all other institutions that supported and enriched the dialogue.

We also express our gratitude to the Assembly of the Republic of North Macedonia for the continued support of the NCEU-MK, both at the initial stage and afterwards, showing a high degree of openness to cooperation.

A special role in the Convention was played by representatives of the civil sector – over 30 civil society associations, who were actively involved and were given the opportunity to communicate their views and recommendations directly to decision-makers.

Of particular interest in engaging in the dialogue were representatives of the legal profession – judges, prosecutors, lawyers and other professionals, who shared their practical experiences and recommendations, in order to strengthen the independence, efficiency and quality of the justice system in terms of access to justice. No less important was the role of the academic community, whose objectivity, scientific grounding and systematic approach were key to the formulation of recommendations and analyses within the NCEU-MK.

The National Convention in the last three years has been supported by the Delegation of the European Union to North Macedonia within the framework of the Open Partnership Initiative. This period is crucial for European integration, especially from a geostrategic point of view and in the context of a new approach to enlargement, as well as in view of changes in the negotiation methodology. These changes have steered NCEU-MK towards adopting and developing the cluster approach, with a particular focus on Cluster 1 – Fundamental Values. Working on all chapters of this cluster and emphasizing the importance of anti-corruption policies, the Convention contributed to building a multisectoral dialogue, emphasizing the need for joint efforts to find solutions.

---

<sup>2</sup> During 2024, NCEU-MK was active in the Cluster 1, Fundamental Values with the following chapters: Chapter 5, Public Procurement; Chapter 18, Statistics; Chapter 23, Judiciary and Fundamental Rights; Chapter 24, Justice, Freedom and Security; and Chapter 32, Financial Control. NCEU-MK also continued activities in Chapter 11, Agriculture and Rural Development; and Chapter 27, Environment.

A particular example of a successful multisectoral approach is the discussion of digitalization and its role in promoting transparency and efficiency of governance. The involvement of judges, prosecutors, EU experts, IT specialists, and representatives of institutions has allowed for an integrated and comprehensive approach to this issue. A similar example is the discussion of the role of statistics, which, although rarely in the public focus, is crucial to reform processes, especially in the context of European integration. It not only offers development perspectives but is also an essential tool in the EU accession process of the country.

Also, special attention was paid to reforms in the judicial sector, especially through the joint sessions of experts from Chapter 23 (Judiciary and Fundamental Rights) and Chapter 24 (Justice, Freedom, and Security), where the importance of interoperability was re-emphasized.

All of these topics are analyzed in detail, while in this book you will find the recommendations made by the experts. If there is a dose of criticality in them, it should be understood as a constructive effort to improve conditions in the interests of future generations.

Throughout 2024, Slovakia's support for the NCEU-MK would continue, not only through additional sessions for Cluster 1 chapters, but also through supporting activities in the Chapter 11 (Agriculture and Rural Development) and Chapter 27 (Environment) working groups.

During almost eight years of support from the Slovak Ministry of Foreign Affairs – SlovakAid, approximately 50 Slovak experts were involved, sharing knowledge and experiences on the functioning of the EU in various fields. It is interesting that many times we heard from the Slovak experts themselves that the dialogue helped them gain new knowledge, which for us was a special confirmation that NCEU-MK creates value for all participants.

We would like to express our gratitude to all the experts, to the team from the Slovak Foreign Policy Association, as well as for the continued support of Ambassador Henrik Markus, who, knowing both his country and ours, was an honored, active, and welcome participant in the NCEU-MK dialogue.

The general conclusion reflected in the "Fourth Book of Recommendations" on the social environment in the Republic of North Macedonia is that during 2024, the public discourse was filled with issues of justice, which is not surprising given the developments in this area. The low public rating of the judiciary justifies any initiative aimed at improving the situation, which is described in detail in the Book.

Experts from Working Group 3 (Chapter 23 – Judiciary and Fundamental Rights) have made significant efforts to analyze and address the most pressing topics, including controversial amendments to the Criminal Code of 7 September 2023, the crisis in the Judicial Council, ethical dilemmas in the justice system, and the effectiveness of public prosecutors' offices, as well as other relevant issues.

The dialogue within the NCEU-MK encouraged the judicial community to discuss openly key issues, resulting in increased demands for greater institutional accountability and increased responsibility, especially with regard to external impacts on the justice system.

Under Chapter 24 – Justice, Freedom and Security, key topics of the negotiating framework were discussed, with a particular focus on integrity in policing. Significant contributions to these discussions were made by domestic experts, as well as representatives from the OSCE and other international organizations, stressing the importance of transparency, professionalism, and accountability in the security sector. The analysis of the challenges in the fight against financial crime confirmed that the mandatory conduct of financial investigations is a key mechanism for effectively combating organized crime and money laundering. Special emphasis was placed on the parallel conduct of financial investigations with criminal proceedings, as well as on strengthening financial forensics capacities, increased use of digital tools for tracking financial flows, and mandatory confiscation of illegally acquired property.

Working Group 6 - Anti-Corruption focused on increasing the competitiveness of the economy by strengthening transparency and digitalization in the public sector, especially in the context of the EU's Single Digital Portal and the Western Balkans Growth Plan. It was concluded that although digital technology is not a universal solution, its proper application can significantly reduce corruption by limiting discretionary rights and providing access to open data. Digital transformation requires the continued involvement of all stakeholders, especially civil society and the media, to prevent technocratic and bureaucratic abuses. In this context, the Convention rounded up the work of Cluster 1 by addressing the topics of Chapter 5 – Public Procurement, Chapter 18 – Statistics, and Chapter 32 – Financial Control.

Working Group 1 – Agriculture and Rural Development held two sessions in 2024, completing the cycle of a total of 12 sessions since the start of the NCEU-MK. Although topics in this area have not been at the center of public interest, they are essential for the development of the agricultural sector. In line with its commitment to reforms, the working group contributed to the promotion of certain European initiatives, the imple-

mentation of which in the national context requires appropriate legislative and regulatory arrangements and institutional improvements. Special emphasis was placed on the European System for Agricultural Knowledge and Innovation (AKIS) and the implementation of the Law on the Advisory System for Agriculture and Rural Development, the implementation of which should improve and strengthen the advisory services, which are necessary for Macedonian farmers. The experts in this working group are continuously engaged to monitor new trends in the EU's Common Agricultural Policy, which are shared in joint sessions with key stakeholders from the agricultural sector.

Working Group 5 – Environment held one session this year, completing the cycle of a total of five sessions since the start of the NCEU-MK. Although the number of sessions is smaller than in other areas, the weight of the topics discussed is significant, especially in the context of the harmonization of national legislation with European environmental standards.

This book presents initiatives and concrete proposals to improve legislative and regulatory arrangements to prevent ecocide, which is one of the key challenges in environmental protection. These proposals, based on a systematic approach, can contribute to better regulation, especially in the context of harmonization with EU legislation during accession negotiations.

The session also raised questions about responsible management of natural resources, control of industrial pollution, and institutional strengthening for the implementation of the new standards. Through this working group, experts, civil society organizations and institutions have focused debates on the most pressing environmental challenges, offering solutions that will be key in future negotiating chapters with the EU.

---

**Prof. Dr. Mileva Gjurovska,**  
**National Coordinator of NCEU-MK**



## WORKING GROUP 3 – JUDICIARY AND FUNDAMENTAL RIGHTS (CHAPTER 23)

---

### **MEMBERS OF THE PROGRAM COUNCIL**

Mileva GJUROVSKA, National Coordinator of NCEU-MK, Professor at the Faculty of Philosophy – Institute of Sociology

Radica LAZARESKA-GEROVSKA, Ministry of Justice, State advisor for enforcement, notaries and mediation – co-chair

Muhamed HALILI, Ambassador, Vice President of the European Movement – Co-chair

Aleksandra DEANOSKA-TRENDAFILOVA, Professor, Faculty of Law “Iustinianus Primus” Skopje, Coordinator of Working Group 3

Olja RISTOVA, Judge, Basic Criminal Court, Skopje

Nikola JAZADZISKI, Project Coordinator



# THE CHALLENGES OF THE RULE OF LAW: NEW HORIZONS FOR OLD ISSUES

## INTRODUCTION

Constitutional values, including but not limited to freedom, democracy, human rights, and the rule of law, serve as the foundational principles of the European Union (EU). These values are pivotal to the unity and stability of the EU. The process of enlargement introduces novel challenges in the preservation and advancement of these fundamental principles. While the enlargement process is regarded as a geostrategic investment in peace, security, and stability on the European continent, it imposes stringent criteria on candidate countries, necessitating not only the adoption of legislation but also its effective implementation as well. This is done to ensure that the fundamental values of the European Union are preserved and promoted as such.

The majority of the issues that will be expounded upon in this text are derived from the ongoing discourse within the framework of the National Convention on the European Union in the Republic of North Macedonia (NCEU-MK). During 2024, the Working Group on Chapter 23—Judiciary and Fundamental Rights engaged in active deliberations on issues that have persisted for an extended period.<sup>4</sup> This substantiates the necessity for a systemic and sustainable resolution to the persistent deficiencies in the rule of law, which represent a fundamental component of the nation's European integration.

The dialogue has indicated that the most significant challenge in the domain of the rule of law is the effort to combat corruption. This issue, despite its long-standing commitments, continues to be a source of concern. The findings of the European Commission, which consistently underscore

---

<sup>3</sup> Author Olja Ristova is a judge at the Basic Criminal Court of Skopje and a PhD in the field of security, a permanent expert in Working Group 3 - Judiciary and Fundamental Rights (Chapter 23) of the NCEU-MK.

<sup>4</sup> Muhamed Halili, Ambassador and Co-Chair of the Working Group on Judiciary and Fundamental Rights of the NCEU-MK – Statement from the presentation at the [Seventh Plenary Conference](#) held on 11 December 2024, at the Parliament of the Republic of North Macedonia.

the inadequate implementation of reforms in its regular reports, are consistent with this assessment.<sup>5</sup> The absence of political determination to address this phenomenon persists as a significant impediment to the implementation of reforms. Despite the formal establishment and operation of the institutional framework for combating corruption within the domain of preventive mechanisms, the primary issue continues to be the ineffectiveness of law enforcement as such.

Moreover, the European Commission's report articulates profound concern regarding the amendments to the Criminal Code that were enacted in September 2023. These amendments have been observed to result in a substantial weakening of the legal framework and a concomitant negative impact on the capacity to effectively address cases of high-level corruption.<sup>6</sup> The aforementioned amendments have led to the obsolescence of criminal procedures, thereby enabling the evasion of criminal liability in a number of high-profile cases pertaining to organized crime and abuse of office. In regard to this issue, the NCEU-MK dialogue has articulated the concerns of the judiciary with respect to the long-term repercussions these amendments are likely to have on the justice system. A further aspect that has been deliberated upon is the public financial resources that would be required to shoulder the consequences of such revisions in criminal law policy. This prompts the question of the responsibility of the executive branch in creating legal and regulatory arrangements that have direct negative effects on the rule of law and public finances.

In this context, the participants in the dialogue raised several substantive questions, which were often discussed within the NCEU-MK:

- Is there a real separation of powers among the legislative, executive and judicial branches of government?
- Do citizens have confidence in institutions and in their ability to deliver justice and law enforcement?
- Is the court system efficient enough to guarantee legal certainty?<sup>7</sup>

The aforementioned inquiries are not merely theoretical; rather, they present substantial and pressing challenges that influence citizens' perceptions of the judiciary and law enforcement as such.

---

<sup>5</sup> [European Commission Report on the Republic of North Macedonia, 2024](#)

<sup>6</sup> [A bill to amend the Criminal Code.](#)

<sup>7</sup> Aleksandar Veljanovski, Chairman of the Legislative and Legal Committee, Parliament of the Republic of North Macedonia, presentation at the Seventh Plenary Conference, on the topic: "[Cluster 1 – Fundamental values of the European Union – facing new challenges in the context of enlargement](#)" (11 December 2024).

In the context of the reform process, particularly with regard to European integration, political will continues to be a pivotal element. The newly constituted government stands at a critical juncture, with the potential to expedite the implementation of reforms. This prospect, however, is contingent upon the government's sustained commitment and the establishment of a comprehensive political consensus concerning the fundamental aspects of the reform process. It is of paramount importance to emphasize that a selective approach in the execution of reforms must be eschewed. Moreover, it is essential to ensure that the leadership of institutions is entrusted to professionals who possess the requisite experience and competencies.<sup>8</sup>

A review of case studies from countries that have successfully completed the negotiation process reveals that transparency, involvement of all stakeholders (i.e., the civil sector, business community, and academia), and coordination among state institutions are key factors in the success of ongoing reforms.

Vital issues in the domain of justice were disseminated to representatives of the pertinent institutions, who underscored the pivotal function of an effective justice system in the implementation of the rule of law. Alongside the quality and autonomy of the judiciary, it is not merely a substantial prerequisite for establishing a conducive investment and business-oriented environment; it is also a foundational basis for combating crime and corruption. The capacity of an autonomous and effective judiciary to safeguard fundamental human rights and freedoms is indisputable, thus establishing an indispensable cornerstone of any modern democratic society.<sup>9</sup>

## **1. The rule of law as a challenge to institutions in the justice system**

According to the European Commission Report (2024), significant concerns have been articulated regarding the proclamation by the recently constituted government of its intentions to dissolve the present Judicial Council and the Council of Public Prosecutors. This course of action is perceived as a potential threat to the very autonomy of the judiciary. Concurrently, it has been emphasized that the escalating paucity of human resources within the judiciary is a matter of concern, particularly with respect to its

---

<sup>8</sup> Mileva Gjurovska, National Coordinator of NCEU-MK, President of the European Movement EMMK, Professor at the Faculty of Philosophy at UKIM, Skopje, presentation at the [Seventh Plenary Conference](#) (11 December 2024).

<sup>9</sup> Igor Filkov, Minister of Justice of the Republic of North Macedonia, presentation at 15th session of Working Group 3 - Judiciary and Fundamental Rights (Chapter 23), on the topic: [“Access to Justice: Enhancing the Efficiency of Court Proceedings and the Quality of Judicial Justice”](#), (6 November 2024).

repercussions on the quality and efficiency of justice administration and rule of law.<sup>10</sup>

The Judicial Development Strategy (2024-2028) represents a pioneering endeavor in the realm of judicial strategy development. It is the inaugural strategy that has been formulated on the basis of timely facts and information obtained through a meticulous analysis of the state of the judicial system in the Republic of North Macedonia.<sup>11</sup> The government has adopted a strategy document with the objective of enhancing the justice system and fortifying the rule of law. Concurrently, an action plan has been implemented to operationalize the sectoral development strategy, with the following priorities identified<sup>12</sup>:

1. Increase the efficiency of the justice system by streamlining judicial processes and reducing the length of proceedings.
2. Strengthen the independence and impartiality of the judiciary by providing conditions for the independent functioning of judges and public prosecutors, without the influence of external factors.
3. Fight corruption and organized crime by taking measures to prevent and sanction corrupt acts in the justice sector and beyond.
4. Advancing human rights and fundamental freedoms by providing, protecting and promoting the rights of all citizens, in accordance with international standards.
5. Digitization of the judiciary through the introduction of modern technologies to improve access to justice and increase the transparency of judicial processes.

In 2024, the judicial system in the Republic of North Macedonia would be a focal point of public debates and reform processes. Topics related to the appointment and election of judges and public prosecutors, the conduct of disciplinary proceedings, greater accountability of the Judicial Council and the Council of Public Prosecutors, corruption in the judiciary, and the transparency of processes have been constant for years. Resolving

---

<sup>10</sup> [European Commission Report 2024.](#)

<sup>11</sup> [Report on the process of preparation and adoption of the Justice Development Strategy. Blueprint Group on Judicial Reforms, July 2024.](#)

<sup>12</sup> [Action Plan for the Implementation of the Sectoral Development Strategy for the Judiciary 2024-2028, Government of the Republic of North Macedonia, December 2023.](#)

these issues is essential for the country's progress towards European Union accession.<sup>13</sup>

In the forthcoming period, it is anticipated that the Ministry of Justice will prioritize the reconstruction of the Council for the monitoring and implementation of the development sectoral strategy for the judiciary 2024-2028. The Council was established to ensure the continuity of the current practice of monitoring reforms in the judiciary and to ensure the timely implementation of measures and activities in accordance with the adopted Action Plan.<sup>14</sup>

A particular emphasis has been placed on the reform of the Judicial Council and the Council of Public Prosecutors through the amendment of legislation governing their operations in accordance with the recommendations of the European Union. As of November 2024, public deliberations have commenced on amendments to the Law on the Judicial Council, with the objective of enhancing disciplinary procedures and the selection and dismissal of judges.<sup>15</sup> Concurrently, a working group is developing a new Public Prosecutor's Law, which will encompass revised disciplinary measures for prosecutors, in accordance with the recommendations offered by GRECO.<sup>16</sup>

The Judicial Council remains a pivotal institution within the judiciary system and rule of law. However, it continues to encounter significant challenges related to transparency, independence, efficiency, and accountability. Despite the implementation of certain reforms in recent years, driven by enhanced transparency in its operations, further comprehensive reforms are imperative to fortify its role as an autonomous guardian of justice.

The issue of transparency and accountability of the Judicial Council was also highlighted in the report of the EU Peer Review Mission, which contains 40 recommendations for improving its work. The Judicial Council is the result of accumulated problems that have not been addressed and resolved in a timely manner for years. Of the 40 recommendations, 17 are addressed to the Judicial Council itself, while 23 require constitutional and legal amendments. The recommendations cover key aspects, including the

---

<sup>13</sup> Radica Lazarovska-Gerovski, State Counselor for Execution, Notary and Mediation at the Ministry of Justice of the Republic of North Macedonia, presentation at [the Seventh Plenary Conference](#) (11 December 2024).

<sup>14</sup> Transparency International Macedonia, [A Council for Monitoring the Implementation of the Sectoral Development Strategy for the Judiciary has been established](#), 27 March 2024.

<sup>15</sup> Ibid 12.

<sup>16</sup> Ministry of Justice, [Implementation of GRECO Recommendations in the Public Prosecution Law](#), (11 June 2024).

structure and competence of the Council, the mandate of its members, the selection and appointment process, disciplinary procedures, transparency and communication with the public, and the Council's resources and funding.<sup>17</sup>

In accordance with the recommendations of the Peer Review Mission, the Council developed a communication strategy through an inclusive process. This process included a workshop with the participation of Council members, representatives from the courts, the civil sector, the Judicial Media Council, journalists, and experts from the EU Rule of Law Support project. The strategy was adopted in June 2024.<sup>18</sup>

Throughout 2024, the Judicial Council has made significant strides in enhancing transparency and accountability. Meetings are regularly broadcast, announcements are published, and minutes of these sessions are made available to the public. However, transparency extends beyond mere regular reporting on the Council's work. Its true value is determined by the quality of the reasoning underlying the decisions made. The decisions made by the Judicial Council must be founded on well-reasoned and substantiated facts, thereby instilling the public with confidence in the rectitude and fairness of the decision-making process.<sup>19</sup>

The issue of judicial independence remains a contentious subject in assessments of the Judicial Council's performance. While the Council plays a pivotal role in ensuring judicial autonomy, numerous reports have highlighted a pervasive issue of political influence. The European Commission and the Venice Commission have urged the Republic of North Macedonia to implement concrete measures to mitigate the likelihood of political interference in the judicial process, emphasizing the imperative for the Judicial Council to function as an autonomous and impartial entity in the system.

Nonetheless, despite the European Union's (EU) recommendations to curtail political influence over the judiciary, recent remarks by ruling politicians suggest a contradictory trend. In December 2024, the Assembly of the Republic of North Macedonia refused to adopt the report on the 2024 activities of the Judicial Council submitted by the Council itself. Subsequent to this, the Speaker of the Assembly declared that the failed report could potentially result in the dismissal of five members appointed by the Assembly, as well as the initiation of procedures for the election of new members. The aforementioned statements elicited pronounced responses from

---

<sup>17</sup> David Geer, Head of the Delegation of the European Union to the Republic of North Macedonia, [Briefing the journalists \(12 December 2023\)](#).

<sup>18</sup> [Communication Strategy 2024-2028, Judicial Council of the Republic of North Macedonia](#).

<sup>19</sup> [Monitoring report on the Judicial Council and the Council of Public Prosecutors for 2024, Coalition of Citizens' Associations "All for Fair Trials" – Skopje](#).

the expert and public sectors, with the former underscoring that interpellation does not constitute a sufficient basis for the dismissal of a member of the Judicial Council, as stipulated by the prevailing legislation. While the right to submit initiatives to the Assembly is acknowledged, it is imperative to recognize that the Law on the Judicial Council delineates the sole legally recognized mechanism for such a process.<sup>20</sup>

In the wake of public responses, the Prime Minister of the Republic of North Macedonia tempered his rhetoric in February 2025, acknowledging the absence of legal provisions allowing for the involuntary dismissal of members of the Judicial Council. Nevertheless, he indicated that in the event of a vote of no confidence by the Assembly, he anticipates a voluntary resignation by the affected members. This conciliatory stance can be interpreted as an effort to enhance the state of the judiciary. However, it also represents a form of public pressure on the judiciary, which raises concerns about the adherence to the principle of separation of powers and the extent to which the executive branch should interfere with the independence of the judiciary.

The Group of States Against Corruption (GRECO) has issued recommendations to the Council of Public Prosecutors, particularly in the context of disciplinary proceedings against appointed public prosecutors. A salient recommendation is the revision of the sanctions regime to ensure proportionality and gradation of sanctions. This entails that disciplinary action should be commensurate with the severity of the offense, while not every disciplinary violation should result in the most severe penalties, such as dismissal.

In this context, the question under consideration is whether the dismissal of public prosecutors should remain as part of the list of disciplinary measures or be singled out as a separate category. This is a salient issue in the field, as comparative law demonstrates the efficacy of both options. Ensuring fair disciplinary proceedings is of the utmost importance, as it guarantees professional accountability and prevents political or unjustified sanctions.

Moreover, GRECO suggests that disciplinary procedures should be transparent and ensure fair treatment for disciplined prosecutors. This implies the establishment of explicit criteria for initiating disciplinary proceedings, as well as the assurance of the right of defense for prosecutors. By taking these measures, the objective is to fortify the integrity and account-

---

<sup>20</sup> Aleksandar Kambovski, President of the Judicial Council of the Republic of North Macedonia, [Press Statement](#), 6 February 2025.

ability of the Public Prosecutor's Office, while guaranteeing a fair and transparent disciplinary process.

According to the reports of the European Commission, a significant deficit in the judicial system of North Macedonia pertains to the absence of independence and efficiency in the court administration. In this regard, the Ministry of Justice has been engaged in drafting a new Law on Judicial Service since August 2024, with the objective of enhancing working conditions and safeguarding the rights of judicial system employees.<sup>21</sup> The objective of this legislation is to establish explicit criteria for the recruitment, advancement, and disciplinary accountability of judicial personnel, thereby enhancing their professionalism and efficiency. Additionally, it proposes initiatives to augment transparency and accountability in the administration of human resources within the judicial system, as well as to safeguard the financial and institutional stability of judicial entities.

The enhancement of judicial efficiency constitutes a pivotal element of judicial reforms. These reforms are designed to fortify the rule of law and cultivate public confidence in institutional entities. In accordance with international standards, these reforms prioritize the optimization of human resource management, the digitalization of judicial processes, and the augmentation of transparency in court proceedings.

The proposed reforms encompass a comprehensive revision of the Law on the Judicial Service, with the objective of aligning it with the recommendations put forth by both GRECO and the European Commission. Additionally, the reforms seek to incorporate best practices from European Union countries, thereby enhancing the effectiveness and integrity of the judicial system.<sup>22</sup> The recent legislative amendments have established explicit criteria for employment, promotion, and disciplinary accountability with the objective of enhancing the professionalism and integrity of court clerks. Additionally, the digitalization of court processes is expected to facilitate more efficient court operations, thereby reducing bureaucratic impediments and improving access to legal services for citizens.

These reforms constitute a component of a comprehensive reform agenda that was endorsed by the European Commission in October 2024. The primary objective of this agenda is to promote the integrity of the judiciary and the rule of law. The proposed revisions encompass the procedures for the recruitment, appointment, and dismissal of judges and prosecu-

---

<sup>21</sup> Ibid 18.

<sup>22</sup> [Compliance Report - Fourth Round of GRECO Evaluation, Recommendations for North Macedonia, 27 June-1 July 2016.](#)

tors, with the aim of enhancing their independence, professionalism, and accountability.

Nevertheless, the implementation of reforms in the justice system necessitates the involvement of the judicial branch, independent of the executive branch. The role of each judge and prosecutor, as well as that of the Judicial Council and the Council of Public Prosecutors, is crucial to ensure a high professional standard and to sanction violations of ethical and legal norms. Only through joint and coordinated efforts can a justice system be built that enjoys the trust of citizens and ensures a stable rule of law.

## **2. September 2023 Criminal Code amendments**

During 2024, within the framework of the National Convention on European Union in the Republic of North Macedonia Working Group 3 – Judiciary and Fundamental Rights for Chapter 23, significant attention was paid to problems in the realm of justice.<sup>23</sup> A series of recommendations were formulated following the sessions, which addressed the enhancement of collaborative efforts. These recommendations encompass the establishment of dialogue between civil associations and institutions involved in the domains of justice and law enforcement. Additionally, consultations were proposed between civil associations and the relevant institutions and bodies responsible for the formulation of public policies, encompassing strategies and action plans, prior to their formalization.

Nevertheless, the most significant interest in the NCEU-MK sessions in 2024 was driven by the amendments to the Criminal Code of 7 September 2023. Despite the ongoing discourse on judicial reforms, one of the primary challenges persists in the form of the executive branch's influence on the judiciary. This influence is frequently exercised through various mechanisms of power, directly or indirectly, and is further reinforced through the clientelism of certain holders of judicial and public prosecutorial functions.

The recent amendments to the Criminal Code enacted by the Assembly on 7 September 2023, represent a significant intervention by the executive branch into the operations of the judicial system. This intervention has had a substantial impact on the outcome of criminal proceedings

---

<sup>23</sup> Three sessions were held on the topic: "[Access to Justice - Enhancing the Efficiency of Court Proceedings and the Quality of Judicial Justice](#)", "[Amendments to the Criminal Law of 7 September 2023: Macedonian and European Legislation in Preventing and Combating Corruption](#)" and "[Fundamental Rights, Justice, and Freedoms through the Prism of the Rule of Law Mechanism of the European Union](#)". The dialogue in these sessions resulted in recommendations for improving working conditions in the judiciary, with a particular emphasis on the benefits of digitalization, interoperability, optimization of the judicial network and improvement of procedural laws in the Republic of North Macedonia.

related to high-level corruption, leading to the halting of many such proceedings due to the obsolescence of criminal prosecutions. This phenomenon, characterized by the termination of high-profile cases of significant public interest, has had a deleterious effect on the reputation and credibility of the judiciary.

The consequences of the enacted amendments to the Criminal Code include:

- Reducing penalties for certain crimes,
- Obsolescence of procedures,
- Diminishing trust in the judiciary,
- Creating a sense of impunity,
- Huge financial costs to the state budget, as the defendants were entitled to compensation.

According to the provisions stipulated within the Criminal Procedure Law, in instances where judicial proceedings are suspended or culminate in a judgment of dismissal, the financial obligations associated with these proceedings are to be shouldered by the state budget. This circumstance serves to exacerbate the prevailing sentiment of inefficiency and inadequacy that characterizes the judicial reforms that have been implemented.<sup>24</sup>

The following question is posited: for what reason did the government feel compelled to intervene in such a manner?

One of the primary reasons pertains to the fact that not all judges and prosecutors are susceptible to political and business influences. Research has demonstrated that only a small proportion of judges can be influenced to manipulate proceedings in a manner that aligns with the interests of certain elites in society. Conversely, the majority of judges, who maintained their independence and professionalism, conducted proceedings objectively and in accordance with legal principles. The phenomenon of judicial independence is of particular significance in the context of legal proceedings, particularly in cases involving high-profile corruption. It has been demonstrated that a significant proportion of judges exhibit a lack of susceptibility to external pressures, such as political and business influences. Consequently, the unobstructed continuation of their duties would inevitably have resulted in the adjudication of legal decisions based on substantial evidence. Such decisions could have potentially led to the identification of liability in prominent corruption cases, underscoring the importance of ju-

---

<sup>24</sup> Law on Criminal Procedure, [Official Gazette no. 150/10](#) of 18 November 2010, Article 106.

dicial autonomy in ensuring the integrity of the legal system and rule of law.

A precedent was established when the then government proposed immediate amendments to the Criminal Code, while the Assembly voted on them without prior transparent consultation and the usual parliamentary reading. The working group responsible for drafting the overall amendments to the Criminal Code distanced itself from the decisions made, publicly expressing the view that it had not been informed of these specific amendments so enacted. These amendments addressed key provisions related to abuse of official position and authority, the abolition of criminal liability for public procurement, as well as the crimes of criminal association and high corruption.

In this context, academician Vlado Kambovski, Professor Nikola Tupancheski, and prosecutor Gavril Bubevski, despite their membership in the working group on amendments to the Criminal Code at the Ministry of Justice, have publicly denied their involvement in the preparation of these particular amendments. Professor Tupancheski noted that he had not participated in the work of the working group for a considerable period, while Prosecutor Bubevski emphasized that their group had not been assigned the task of preparing these specific amendments and that they were not involved in the drafting process thereof.<sup>25</sup>

The recent amendments to the Criminal Code have elicited a strong reaction from various sectors of society, including professionals, civil society organizations, international institutions, and citizens. This reaction has manifested as both great anger and deep resignation, particularly on social networks. The amendments have further eroded trust in the judiciary, exacerbating the perception that the rule of law is selective and susceptible to undue political influences.

According to law experts, these changes are not aligned with the European Union's recent initiatives to prevent and combat organized crime and high-profile corruption. They diverge significantly from the adopted national strategies for combating corruption, potentially undermining their effectiveness and credibility.

It is imperative to implement effective measures to mitigate the repercussions of such amendments to the Criminal Code. These amendments have profound ramifications for the credibility of state institutions. On the one hand, there is a declarative commitment to combat organized crime and corruption in the country. On the other hand, the practical outcomes of

---

<sup>25</sup> [The Ministry of Justice has revealed, part of the drafting work group denies: Who is the author of the amendments to the Criminal Code. "Just Ask", 26 September 2023.](#)

the adopted amendments are antithetical to this commitment. Rather than fortifying the legal framework and mechanisms for sanctioning high-profile cases, the amendments serve to undermine these crucial systems.<sup>26</sup>

It is recommended that when amending the Criminal Code in the future, a revision of the list of crimes of corruption be made. Therefore, from the chapter "Crimes against official duty," in particular the crime of "Abuse of official position and powers," the Draft Directive of the European Parliament and of the Council on combating corruption (May 2023) should be duly considered<sup>27</sup>, according to which such a crime should be included in any legislation, while the prescribed minimum sentence should not be less than five years of effective imprisonment.

Adoption of these amendments has resulted in the obsolescence of numerous ongoing criminal proceedings, thereby creating a legal impediment to the continuation of such cases and the sanctioning of their perpetrators. However, the Criminal Code stipulates the possibility of confiscation, even in instances where legal or other obstacles impede the initiation of prosecution. Consequently, it is strongly advised that acting public prosecutors, to the extent feasible, employ this legal mechanism and initiate confiscation proceedings to forestall the retention of illegally obtained property benefits, even in circumstances where criminal culpability cannot be ascertained due to the expiration of the statute of limitations.

According to Chapter 5 of the Development Strategy for Justice 2024-2028, entitled "Priority Area - Reforms in Special Legal Areas (Criminal and Civil)," the harmonization of substantive and procedural criminal law with EU and Council of Europe standards is identified as a discrete objective. In order to achieve this objective, the country is expected to establish "minimum rules" for the approximation of national law, a process that is facilitated by "directives."<sup>28</sup> According to the European Commission's report, the amendments to the Criminal Code adopted in September 2023 have led to a weakening of the legal framework, thereby hindering the effective prosecution of corruption. The Commission has thus recommended

---

<sup>26</sup> Aleksandra Deanoska Trendafilova, Professor at the Faculty of Law "Justinian I", coordinator of Working Group 3, presentation at the 14th session of Working Group 3 - Judiciary and Fundamental Rights (Chapter 23) on the topic: "[Amendments to the Criminal Code of 7 September 2023: Macedonian and European legislation in preventing and combating corruption](#)".

<sup>27</sup> [Directive \(EU\) 2017/1371](#) of the European Parliament and of the Council on combating corruption, replacing Council Framework Decision 2003/568/JHA and the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and amending Directive (EU) 2017/1371 of the European Parliament and of the Council, Brussels, 3 May 2023.

<sup>28</sup> Ibid 25.

the implementation of a new Criminal Code that aligns with both EU law and international standards.

In the wake of an initiative submitted to the Constitutional Court of the Republic of North Macedonia for the purpose of reviewing the constitutionality of the latest amendments to the Criminal Code, the Court, in February 2025, granted the Assembly a period of six months to rectify the contested amendments. However, the Court issued a warning that, in the absence of such correction, the law would be annulled or repealed as such.

The Court's assessment of the amendments, as articulated in its subsequent ruling, identified concerns regarding their compatibility with the rule of law, deeming them as potentially detrimental. In its deliberations, the Court engaged in a thorough examination of two distinct sets of constitutional legal arguments: the first concerning the formal constitutionality and the second addressing the substantive constitutionality of the law. The court, in a majority opinion, determined that there were reasonable doubts about the constitutionality of the law in its entirety, thereby justifying the necessity of amending or repealing it.<sup>29</sup>

### **3. Civil sector initiatives in the field of strengthening the rule of law**

According to the civil sector, the successful implementation of judicial reforms requires a broad consensus among all relevant actors—the judiciary, the government, the opposition, and the legislature. Joint action is necessary to overcome existing challenges and ensure an efficient and independent justice system. These efforts involve a number of civil society associations active in the field of the rule of law, among which the National Convention on the European Union in North Macedonia (NCEU-MK) plays a particularly important role. The NCEU-MK's structured dialogue contributes to maintaining the focus on reforms and encourages the implementation of recommendations from both the national and international contexts.

Civil associations have identified the protracted legislative process as a primary concern, despite its crucial role in facilitating efficient and high-quality court proceedings. Additionally, the mismatch between ambitious policy initiatives and existing human and material resources serves as a significant impediment to their implementation. Key factors hindering law enforcement in practice have been identified as political influence, corruption, and limited institutional capacity within the judiciary.

---

<sup>29</sup> [Darko Kostadinovski, President of the Constitutional Court of the Republic of North Macedonia, Press Statement, 12 February 2025.](#)

Civil society organizations have noted that the initiation of reforms within the judiciary is often not a product of the system's own actors. Rather, these reforms are predominantly the result of reports and recommendations issued by international institutions and the civil sector. This observation underscores the necessity for domestic institutions to adopt a more initiative-taking stance in the design and implementation of reforms. This initiative-taking approach would replace a reactive stance, whereby institutions are dependent on external pressures. It is only through the sustained engagement of all law system stakeholders that a genuine transformation of the justice system and an augmentation of citizens' trust in institutions can be assured.

The civil associations "Coalition All for Fair Trials," "Institute for Human Rights," "Institute for European Politics," and "Blueprint Group for Judicial Reforms" have conducted an analysis of the judiciary's problems, which have arisen due to noncompliance with the fundamental principle of the rule of law.<sup>30</sup> In the Republic of North Macedonia, the challenges confronting the judiciary persist, and there is an absence of both the capacity and the time to align with the novel European trends that are emerging.<sup>31</sup>

#### **4. Challenges in the judiciary – a regional perspective**

##### Republic of Albania

The rule of law constitutes more than a mere legal concept; it serves as the foundation for stability, democracy, and the sustainable development of a society and a region, such as that of the Western Balkans.<sup>32</sup> The Republic of Albania faces two primary challenges: systemic corruption, which erodes public trust in institutions, and a politicized judiciary, which threatens the independence of the justice system and law enforcement bodies.

The Republic of Albania has demonstrated a modicum of readiness in its efforts to combat corruption. Notwithstanding the discernible progress and the ongoing endeavors in this regard, the issue persists as a mat-

---

<sup>30</sup> [The Blueprint Group](#) for Judicial Reform is an informal network of civil society organizations that have been working and operating in the field of justice in recent years.

<sup>31</sup> Darko Avramovski, Executive Director of the Civil Association "Coalition All for Fair Trials", presentation at the [Seventh Plenary Conference](#) (11 December 2024).

<sup>32</sup> Sajmir Topuzi, expert from the Directorate for Justice Policies and Strategies at the Ministry of Justice of the Republic of Albania, presentation at the [Seventh Plenary Conference](#) (11 December 2024).

ter of grave concern.<sup>33</sup> Significant advancements have been made in the realm of judicial reforms, propelling efforts to combat organized crime. The Specialized Structure Against Corruption and Organized Crime (SPAC), the National Bureau of Investigation, and specialized courts have achieved notable success in combating corruption at all levels of the official hierarchy.

The initiation of negotiations on Chapter 23—Judiciary and Fundamental Rights in October 2024 serves to reinforce the Republic of Albania's dedication to European standards. The Ministry of Justice's Third Intersectoral Development Strategy (2024-2030) is a pivotal document that will facilitate the implementation of additional reforms. The strategy emphasizes the enhancement of the autonomy, transparency, and efficacy of the judicial apparatus. The objective is to cultivate a judicial apparatus characterized by confidence and alignment with European practices. The primary objectives encompass the reduction of unresolved cases, the ongoing evaluation of judges and prosecutors through vetting, the augmentation of judicial staffing capacity, and the digitization and automation of the court system. The implementation of these measures is projected to culminate in comprehensive results by the year 2030.

"The global fight against organized crime and corruption necessitates robust international collaboration, effective information exchange, and the harmonization of investigative methodologies. The implementation of effective laws alone is insufficient for the Republic of Albania; the development of a social culture that respects these laws is imperative. The attainment of the rule of law is contingent upon the collaborative efforts of institutions, governments, the civil sector, and international actors, who must converge to achieve objectives, surmount challenges, and establish sustainable justice for all citizens."<sup>34</sup>

### Republic of Serbia

The European Commission Report on the Republic of Serbia (2024) includes a section on the judiciary. In this section, the European Commission recommends the adoption of the Law on the Judicial Academy. The European Commission also recommends the implementation of the necessary appointments of judges and prosecutors in accordance with the legal framework. Furthermore, the European Commission stresses the need for the High Judicial Council, the High Council of Prosecutions, the Government, and the Assembly to protect the independence of the judiciary and prosecu-

---

<sup>33</sup> [European Commission, Key findings of the 2023 Report on Albania, Brussels, 8 November 2023.](#)

<sup>34</sup> Ibid 32.

torial autonomy effectively and proactively in cases of undue influence. The report's recommendations are as follows: first, the implementation of unified and centralized case management systems is to be put in place; second, the efficiency of the court system is to be improved; third, the backlog of cases is to be reduced; and fourth, a human resources strategy is to be fully implemented to improve capacity in the justice sector.<sup>35</sup>

According to the experts, "a significant segment of Chapter 23 is the reform of the judiciary, which must function as an impartial, independent, professional, accountable and efficient system as such."<sup>36</sup>

In accordance with the European Commission's recommendations, the Republic of Serbia is obliged to ensure the process of selecting judges is entirely free from undue political influence, with clearly defined criteria for advancement. The distribution of cases must be equitable and fully automated, thereby precluding any possibility of bias or manipulation. It has also been observed that the justice system is subject to significant political pressure. This is evidenced by the tendency of high-ranking officials to make public comments on various investigations, court proceedings, and the manner in which judges are treated, thereby threatening judicial independence.

To enhance the efficacy of the judiciary in the Republic of Serbia, it is imperative to implement systematic training programs for trial judges and acting public prosecutors, with a particular emphasis on optimizing the duration of court proceedings. The report acknowledges that the efficiency of court proceedings is influenced by a multitude of internal and external factors. However, it is particularly concerning that the Administrative Court of the Republic of Serbia is only able to reach verdicts in 35% of cases it processes. This is evidenced by the increase in cases brought before the court due to the "silence of the administration." (i.e., when a state institution fails to make any reply to a request filed by a citizen) Furthermore, despite the Administrative Court's establishment in 2010 and its sustained efforts to implement a two-tier administrative dispute system, no substantial progress has been made in this regard.

The European Commission's report underscores the fact that augmenting the number of judges will not directly enhance the efficiency of the court system in the country. Consequently, greater emphasis should be placed on fortifying court administrative services and court clerks. These pro-

---

<sup>35</sup> European Commission, [European Commission Report on the Republic of Serbia 2024](#), Brussels, 30 October 2024.

<sup>36</sup> Stefan Gojković, President of the Association of Court Clerks of the Republic of Serbia, member of the Working Group of the NCEU in the Republic of Serbia, presentation at the [Seventh Plenary Conference](#) (11 December 2024).

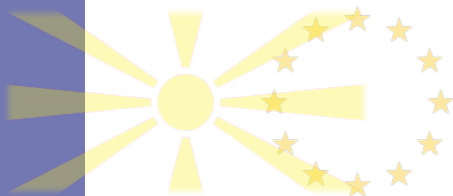
professionals play an instrumental role in the formulation of judgments and in providing support to trial judges. However, their contributions are often underappreciated, and their remuneration is disproportionately modest.<sup>37</sup>

In the realm of judicial reform, a draft law concerning the Judicial Academy has been formulated. This legislative proposal entails the establishment of a "single entry point" system for the judiciary. However, this model has been evaluated as unsuitable for the Republic of Serbia. The rationale for this evaluation is that the proposed model would permit the Academy to undertake a preliminary selection of future judges. This practice, in essence, constitutes an indirect selection that would occur outside the standard procedural framework. Subsequent to conducting a thorough review of the draft law, the Venice Commission offered favorable observations. Nevertheless, the matter of its implementation continues to be a subject of deliberation among law experts.

A further issue for the Serbian judiciary is the limited interest among young lawyers in entering the justice system. Projections indicate that two-thirds of the current judges will retire in the coming years, which raises significant concerns regarding court staffing. If adequate measures are not implemented to attract new generations of judges and prosecutors, the judicial system in Serbia will encounter substantial challenges in its operation.

---

<sup>37</sup> Ibid 34.

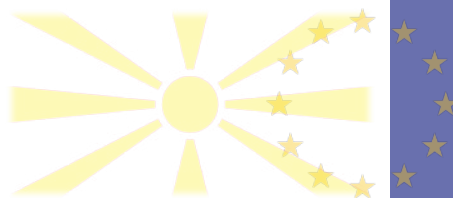


**RECOMMENDATIONS 15TH SESSION OF WORKING GROUP 3, JUDICIARY AND FUNDAMENTAL RIGHTS ON THE TOPIC:**

**Access to justice: Enhancing the efficiency of judicial proceedings and the quality of judicial justice**

**6 November 2024**

1. The Government and relevant institutions should accelerate the process of development and full implementation of the Interoperability Platform between courts and other relevant institutions. This will allow for faster exchange of data, especially in cases where cooperation with institutions such as the Ministry of Interior, the Public Revenue Office (PRO) and the Central Registry is required. The implementation of this platform will shorten the time of court proceedings and improve access to justice. Implementing institutions: Government of the Republic of North Macedonia, Ministry of Justice, Ministry of Interior, Ministry of Finance, Ministry of Information Society and Administration.
2. A system of internal contact officers with security certificates and privileged access to relevant institutions such as the Ministry of Interior, Central Registry, Cadaster and PRO should be introduced in the courts. These individuals will be able to directly obtain information about court proceedings, rather than submitting formal requests, which will significantly speed up the exchange of data. This model has already been implemented in the Public Prosecutor's Office (PPO) Skopje and should be extended in the courts as a temporary solution until the full implementation of the Interoperability Platform. An update to the ASPL system is needed to provide insight into whether a particular person is in a correctional facility and under what conditions. Implementing institutions: Government of the Republic of North Macedonia, Ministry of Justice, Ministry of Interior, Ministry of Finance, Judicial Council, courts.
3. Financial support and technical resources for digitization should be a priority for the Government. This includes the development of modern e-court systems that will allow for electronic filing and case management, which will improve the efficient resolution of court disputes. Implementing institutions: Government of the Republic of North Macedonia, Ministry of Justice, Judicial Council of the Republic of North Macedonia, courts.



4. It is necessary to establish mechanisms for public oversight of judicial processes through digital platforms, allowing citizens and NGOs to monitor how court cases are progressing. This will increase transparency and contribute to greater trust in the judiciary. Implementing institutions: Government of the Republic of North Macedonia, Ministry of Justice.
5. Court administration and judges should receive proper training in working with new digital systems and security procedures for data protection. Trained staff is key to the successful implementation of new technologies in the court system. Implementing institutions: Ministry of Justice, Ministry of Information Society and Administration, Academy of Judges and Public Prosecutors, Directorate for Security of Classified Information, non-governmental organizations.
6. It is recommended that North Macedonia consider successful models of digitalization and interoperability by EU Member States. Sharing experiences and knowledge can help in quickly and effectively adapting to new technologies, as well as the legal basis for their implementation. Institution of implementation: Ministry of Justice.
7. With the introduction of new digital platforms, sophisticated security measures need to be put in place to reduce the risk of data misuse and corruption. Systems need to be resilient to cyberattacks and abuse. Implementing institutions: Government of the Republic of North Macedonia, Ministry of Justice, Ministry of Information Society and Administration, Ministry of Interior, Directorate for Security of Classified Information.
8. The process of digitization and reform should have continuous oversight through specific performance indicators, for which it is necessary to revise strategies according to the needs of the judicial system. Implementing institutions: Government of the Republic of North Macedonia, Ministry of Justice.
9. The efficiency of judicial proceedings and the quality of justice are also influenced by the capacity of the judiciary. The unequal case burden on judges and public prosecutors has an impact on the speed of proceedings and the quality of judgments. This is one of the factors for uniform case law and consistent policy of punishment and judicial protection of citizens' rights. It is necessary to reopen the discussion on the reorganization and optimization of the judicial network and capacities in the judiciary. Implementation institution: Ministry of Justice, Judicial Council of the Republic of North Macedonia.



# AMENDMENTS TO CRIMINAL CODE OF SEPTEMBER 2023 AND EUROPEAN STANDARDS FOR PREVENTING AND COMBATING CORRUPTION

## INTRODUCTION

In September 2023, the Assembly of the Republic of North Macedonia adopted the Law Amending the Criminal Code through a brief, expedited procedure. These amendments are regarded as one of the most contentious alterations to the 1996 penal legislation, which marked the adoption of the inaugural Criminal Code in the newly independent Macedonian state.

The aforementioned novelties to the Criminal Code (CC) are but a continuation of approximately thirty prior changes and additions.<sup>39</sup> The adoption of this law occurred concurrently with the completion of the working group's draft of the new Criminal Code. The drafting of a new Criminal Code was necessary due to frequent changes and additions that caused legal inconsistencies, mistakes made in partial interventions, and the lack of a consistent criminal policy. Moreover, the obligation to implement new international agreements and European Union directives, particularly directives that necessitate full or partial implementation in national legislation, further imposed the introduction of new amendments.

Prior to the adoption of the entirely new Criminal Code, partial amendments were permissible only if they served the urgent need for harmonization with European standards. However, the amendments enacted in September 2023 had the exact opposite effect, creating legal uncertainty, widespread impunity, and additional problems in law enforcement.

---

<sup>38</sup> Professor, Faculty of Law "Justinianus Primus" – Skopje, Expert and Coordinator of WG 3, Judiciary and Fundamental Rights of NCEU-MK.

<sup>39</sup> Criminal Code, Official Gazette [no. 37/96, 80/99, 4/02, 43/03, 19/04, 81/05, 60/06, 73/06, 7/08, 139/08, 114/09, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 41/14, 115/14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17 and 248/18](#), and "Official Gazette of the Republic of North Macedonia" no. 36 and [188/23](#).

The notion of formulating a new Criminal Code emerged as a practical consideration in September 2019, under the auspices of a project endorsed by the OSCE Mission to Skopje. As part of this initiative, an initial draft was formulated, which served as the foundation for subsequent efforts at the Ministry of Justice. In December 2020, a more extensive working group was established, which engaged in active work on the draft for a considerable period. The working group concluded its deliberations and finalized the draft of the newly proposed Criminal Code in October 2023.<sup>40</sup>

The initial version of the draft Criminal Code was disseminated on the Electronic Register of Regulations (ENER) website in July 2022, thereby initiating a public commentary period that was open to both general and expert audiences.<sup>41</sup> During that period, several public deliberations and discussions were held in the four appellate court regions throughout the country. While drafting the proposal, a multitude of expert opinions, including those of representatives from institutions and civil society organizations, professors, and legal practitioners from foreign countries, were taken into consideration.

During the period of preparation of the draft of the proposed new Criminal Code, (partial) amendments to the existing Criminal Code were enacted, twice during 2023.

## **1. New amendments to Criminal Code of February 2023**

To harmonize the Macedonian criminal legislation with the provisions of the Istanbul Convention ("Council of Europe Convention on preventing and combating violence against women and domestic violence"), amendments to the Criminal Code<sup>42</sup> were prepared, which entered parliamentary procedure in 2021, but were only adopted in February 2023.<sup>43</sup>

This has once again demonstrated that, despite the Ministry of Justice's preparation of these changes in consultation with the working group tasked with developing the new Criminal Code to ensure timely implementation of the Istanbul Convention in the penal legislation, the Assembly did not acknowledge the urgency of their prompt adoption. This failure persis-

---

<sup>40</sup> See more in: ["The draft for the new Criminal Code is being finalized: One of the most significant changes will be on the confiscation of property"](#), Vasko Popetreski, 360 degrees, 10 November 2022, and ["The amendments to the current one have also thrown dust on the new Criminal Code"](#), Aleksandar Samardjiski, Radio Free Europe, 9 October 2023.

<sup>41</sup> [Draft text of the Criminal Code.](#)

<sup>42</sup> Adopted in May 2011, and signed by the Republic of Macedonia on 8 July 2011, ratified on 23 March 2018, [and in force since 1 July 2018.](#)

<sup>43</sup> Law Amending the Criminal Code, Official Gazette no. [36/2023.](#)

ted even considering the impending visit by GREVIO representatives for a scheduled assessment.<sup>44</sup> Instead, the amendments were adopted about two years later.

The amendments made in February of 2023 encompassed the subsequent provisions: Art. 100-a, para. 4, which concerns the seizure of objects, introducing the principle of proportionality in the seizure of objects, which is a standard arising from the practice of the European Court of Human Rights; furthermore, new criminal offenses were introduced in the spirit of the provisions of the Istanbul Convention: "female genital mutilation" - Art. 129-a, Art. 144-a "stalking", Art. 186 - "sexual assault and rape", and the age limit for consensual sexual intercourse was raised from 14 to 15 years of age, in order to provide greater protection for children from sexual violence and rape, as well as the new offense of "sexual harassment" incriminated in Article 190-a. These amendments also served to fortify the legal safeguards that protect healthcare professionals, journalists, and other media personnel from acts of violence or aggression.<sup>45</sup>

## **2. Amendments to Criminal Code of September 2023**

The September 2023 amendments to the Criminal Code appear to be a combination of justified corrections, partly derived from the draft of the new Criminal Code. However, these amendments were used simultaneously as a cover for introducing changes that seriously weaken key provisions on mechanisms related to the anti-corruption repressive policy.

In the context of negative implications, the following aspects are particularly salient:

- The deletion of certain forms of abuse of official position, which limits the scope of criminal prosecution; such are, for example, the abuse of official position and authority, and the special form of abuse in public procurement.
- Reducing penalties for criminal association, which sends a message of less strict penal policy towards organized crime.
- Revising the provision on extended confiscation, which significantly reduces the possibilities for confiscating illegally acquired property from many criminal offenses.

---

<sup>44</sup> [Council of Europe Group of Experts on Combating Violence against Women and Domestic Violence \(GREVIO\)](#).

<sup>45</sup> Deanoska – Trendafilova, A., Bubevski, G., Amendments to the Macedonian Criminal Code of September 2023 – analysis and critical review, [Professional Journal "Pravnik", no. 378-380, October - December 2023, pp. 74-80.](#)

While the necessity of aligning with European directives was cited as a justification for some of the amendments, concerns have been raised regarding the ultimate effect of these changes, which may in fact serve to diminish the effectiveness of measures designed to prevent and sanction corrupt practices. This has led to speculation that the impetus for these changes may not be exclusively rooted in the pursuit of reform, but rather, it could be a calculated move to safeguard the interests of political and business elites from potential legal implications.

The amendments to the Criminal Code were adopted with a "European flag" designation, indicating that the law was enacted through a streamlined procedure. The justification for this expedited process was the necessity to align the amendments with the European legal framework and to fulfill obligations stemming from the EU accession process. The explanatory memorandum articulated that the objective of the amendments is to align with certain European acts, including European Union directives pertaining to the fight against corruption, organized crime, and the protection of human rights.

Nevertheless, the employment of the "European flag" designation in this particular context elicited a series of impassioned responses from the general public. Moreover, the responses exhibited by experts and civil society representatives collectively suggested that the specific European directives stipulating such alterations were not implemented with the requisite degree of transparency<sup>46</sup>. It has been posited that, in certain instances, the

---

<sup>46</sup> We are talking about the following acts adopted by the EU:

[Directive 2014/42/EU](#) on the freezing and confiscation of objects and proceeds of crime in the European Union with CELEX number 32014L0042;

[Directive 2008/99/EC](#) of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law with CELEX number 32008L0099;

[Directive 2005/35/EC of the European Parliament and of the Council](#) of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements with CELEX number 32005L0035;

[Directive 2009/123/EC](#) of the European Parliament and of the Council of 21 October 2009 amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements with CELEX number 32009L0123;

[Directive 2012/18/EU](#) of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC with CELEX number 32012L0018;

[Directive \(EU\) 2017/1371](#) of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by criminal law with CELEX number 32017L1371;

[Regulation \(EU\) no. 258/2012](#) of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organized Crime ("UN Firearms

proposed amendments appear to be in direct opposition to long-standing European practices and recommendations. This discordance is particularly evident in the context of reducing penalties for egregious crimes, such as abuse of official position and criminal association. The adoption process of these amendments was marked by its expeditious nature and the absence of substantial public discourse, further fueling suspicions regarding the underlying motivations behind these legal reforms.

The September 2023 amendments to the Criminal Code encompassed a range of criminal provisions from various chapters of the Code, including substantial revisions to the chapter on crimes against the environment and nature, otherwise referred to as ecocide. These amendments are a component of the broader efforts to align domestic criminal legislation with international standards and European directives, particularly in the domain of environmental protection. This domain has been identified as a priority for the European Union within the framework of the Green Agenda.<sup>47</sup>

The aforementioned amendments were in accordance with the necessity to improve the legal framework for environmental protection, thereby aligning it with European standards and international conventions.

**In the chapter "Criminal offenses against public traffic safety",** a new criminal offense was introduced - "Reckless driving of a motor vehicle". A provision of this nature is present in the current Croatian penal code, signifying an elevation of certain egregious traffic violations to the status of criminal offenses.<sup>48</sup>

The most controversial and most discussed in public were the amendments related to the provisions on so-called official crimes (criminal offenses against official duty), as well as the amendments related to criminal association and extended confiscation. These interventions have significantly changed the existing legal system for criminal prosecution and the sanctioning of cases related to corruption and organized crime.

---

Protocol") and establishing export licensing and import and transit measures for firearms, their parts and components and ammunition with CELEX number 32012R0258;

<sup>47</sup> [A change has been made and new crimes have been added in/with the following articles:](#)

Article 218-b: Ecocide;

Article 225-b: Change of water regime;

Article 231-a: Unauthorized operation of facilities;

Article 231-b: Endangering the environment with noise, vibrations or non-ionizing radiation;

Article 233: Killing and torturing animals;

Article 233-a: Destruction of a habitat;

<sup>48</sup> For more details, see Art. 226, [Criminal Code of Croatia](#).

The deletion of certain forms of abuse, the reduction of prescribed penalties, the narrowing of the scope of the possible application of extended confiscation, and the like, immediately caused reactions in the public due to the serious repercussions that were expected to occur in favor of many suspects and defendants, and to the detriment of the efficiency in the fight against organized crime and high-level corruption, in current and future proceedings, especially for acts related to the misuse of public resources and high-level corruption.

The primary observation indicated that the proposed amendments would exert a detrimental impact on the efficacy of anti-corruption policy. Rather than enhancing the mechanisms for the prevention and repression of corrupt practices, these amendments are anticipated to engender circumstances that will further erode the institutional capacity to address organized crime and the abuse of public office.

Because of the above, media representatives went in search of the authors and initiators of such changes.<sup>49</sup> The members of the working group entrusted with the task of drafting the new Criminal Code expressed strong disapproval in response to the aforementioned alterations and the utilization of their names and efforts in relation to the draft code, as evidenced by the document published on ENER. The then Minister of Justice explained that the amendments to the Criminal Code of September 2023 had not been prepared by this working group.<sup>50</sup>

### **3. Amendments to provisions on corruption-related offenses**

The amendments to Article 353 of the Criminal Code brought significant changes to the provisions covering abuses of official position and authority, especially in the part relating to public procurement – one of the fields most susceptible to corruption.

The greatest controversy was caused by the deletion of paragraph 5 of Article 353, which previously provided for criminal liability for abuses in the implementation of public procurement procedures. This clause was crucial for prosecuting cases in which senior public officials or authorized officers manipulated tender procedures to secure financial benefits for themselves or third parties. With its deletion, the scope of actions that can be qualified as criminal offenses related to public procurement has been

---

<sup>49</sup> IRL, "[The government is hiding the author of the amendments to the Criminal Code, the clues lead to a computer of an MP](#)".

<sup>50</sup> Radio Free Europe, "[The amendments to the current one have also thrown dust on the new Criminal Code](#)."

significantly narrowed, and those qualified as general acts of abuse, with the new amendments, quickly become obsolete.<sup>51</sup>

An examination of the amendments to the specific article of the Criminal Code reveals that the legislator has instituted a reduction in penalties and substantial modifications to the legal structure (legal essence) of the offense. These alterations carry profound consequences for its implementation in practical contexts.

The amendments necessitate the presentation of evidence to substantiate the accused's subjective intent, which is both a subjective element of the crime and a constitutive element of the crime. This entails that the prosecution must initially ascertain and substantiate the accused's subjective intent for abuse of office. This requirement renders the process of substantiating evidence in criminal proceedings significantly more complex and introduces opportunities for evading liability.

The deletion of the form "abuse of official duty" in paragraph 1 decriminalizes one of the three forms of the underlying offense, which in practice means that certain actions that were previously prosecuted will now no longer be considered punishable. This directly weakens the protection against abuse of official position, especially in cases where an official uses or (mis)uses his or her powers for personal or other people's gains. There is also an inconsistency between paragraphs 1 and 2 of the same article. In the amended text of the article, the actions from paragraph 2 that refer to a qualified (more serious) form of the crime do not coincide with the basic

---

<sup>51</sup> [The text of the new Art. 353 reads:](#)

(1) An official who undertakes an official action that exceeds the limits of his official authority or fails to perform his official duty with the intention of obtaining for himself or another any property gains or of causing damage to another, or of seriously violating the rights of another, shall be punished by imprisonment for a term of six months to three years.

(2) If taking advantage of official position or authority, exceeding the limits of official authority, has the effect of illegally increasing the property of an official as a result of committing the offense referred to in paragraph (1) of this Article, the perpetrator shall be punished by imprisonment for one to five years.

(3) If the perpetrator of the offense referred to in paragraph (1) of this Article intentionally obtains for himself or another greater property gains or causes greater property damage, he shall be punished by imprisonment for one to four years.

(4) If the perpetrator of the offense referred to in paragraph (1) of this Article intentionally obtains for himself or another significant property gains or causes significant property damage, he shall be punished by imprisonment for one to five years.

(5) The punishment referred to in paragraphs (1), (2), (3) and (4) of this Article shall also apply to a responsible officer, a responsible officer of a foreign legal entity that has a representative office or carries out activities in the Republic of North Macedonia, or a person who performs activities of public interest if the act was committed in the exercise of his special authority or duty.

(6) The acquired property gains shall be confiscated.

crime from paragraph 1. This causes legal confusion because the qualified form should be more severe than the basic one in terms of consequence or other element but be the same in the acts of commission. Here, some actions mentioned in the provision for the more severe form are not listed at all in the provision introducing the basic form of the offense.

The deletion of paragraph 5 (abuse in public procurement) does not mean the complete decriminalization of these actions, but that they will need to be reclassified under one of the other existing paragraphs of Article 353. The problem with the reclassification is that the new provisions provide for lower penalties, which automatically means that the statute of limitations for criminal prosecution for these offenses will run faster. This also creates space for deliberate delay of proceedings and, ultimately, avoidance of criminal liability, i.e., impunity.

The aforementioned amendments have resulted in a considerable degree of legal confusion, thereby hindering the implementation of legal provisions, even among expert legal circles, such as public prosecutors, judges, and lawyers.

The use of ambiguous language, incongruous cross-references between paragraphs, and amendments that, instead of fortifying legal protection, serve only to diminish it, may result in the misinterpretation and erroneous application of the law during criminal proceedings.

Moreover, the implementation of such amended provisions engenders legal uncertainty and cultivates distrust in the judicial system, particularly in instances of public resource misuse and corruption.

The amendments to Article 353-c, however, reduce the liability for negligent performance of officials. In the basic form of the crime, these words have been deleted: "and thereby obtains some benefit for himself or another", so according to the applicable legal arrangement, the action will be punishable only if damage is caused to another, but not if the perpetrator obtains material benefit (less than significant), which is provided as an element of the form of the offense in paragraph 2.<sup>52</sup>

---

<sup>52</sup>[Professional misconduct in office, Art. 353-c reads:](#)

(1) An official or responsible officer in a public enterprise or public institution who, by violating the legal regulations on conflict of interest or on conscientious conduct in the exercise of discretionary authority, by failing to exercise due supervision or in any other way acting obviously negligently in the exercise of his or her authority and duties, causes damage to another, shall be punished by imprisonment for a term of three months to three years.

(2) If the perpetrator of the offense referred to in paragraph 1 obtains significant property gains or causes significant damage, he or she shall be punished with imprisonment from six months to five years.

In other words, according to the letter of the law, negligent work in the service that is not accompanied by harm to another, but by obtaining a benefit for the perpetrator that does not reach the threshold of significant value stipulated in the provision for the more serious form, will not constitute a crime?!

For the general public, it is imperative to elucidate the various value thresholds employed as components in the qualification of criminal offenses, particularly in contexts involving damage or property gains.

Article 122 of the Criminal Code defines thresholds (height) of property gain or damage that is significant for the qualification of criminal offenses:

1. Minor property benefit, value or damage means the benefit, value or damage equal to half of the average monthly salary in the Republic of North Macedonia at the time of the commission of the crime.
2. Greater property benefit, value or damage is defined as benefit or damage equal to five average monthly salaries.
3. Significant property benefit, value or damage is understood to be when the benefit, value or damage reaches 50 average monthly salaries.
4. Large-scale benefit, value or damage means benefit, value or damage that corresponds to the amount of 250 average monthly salaries in the Republic at the time of the commission of the crime.

The application of these thresholds has a practical purpose: to help determine the seriousness of the offense and to ensure a fair and transparent sentencing system. They are most often related to the basic, lighter and more serious forms of the crime for which lower or higher penalties are provided, respectively. In this sense, if the crime results in damage or benefit that is less than half an average monthly salary, the prescribed punishment is lower, while if the damage is much greater, the punishment will be

---

(3) The punishment referred to in paragraphs 1, 2 and 3 shall also apply to a responsible officer, a responsible officer in a foreign legal entity that has a representative office in the Republic of Macedonia or a person who performs activities of public interest, if the act was committed in the exercise of his special authority or duty, determined by law.

(4) An official or responsible officer in a state administration body or other legal entity who, by violating the legal regulations for the implementation of an administrative procedure, by failing to exercise due supervision or in any other way, acts negligently in the performance of his or her powers and duties, thereby obtaining for himself or another some gains or causing damage to another, shall be punished by imprisonment for a term of six months to three years and a fine.

(5) A person who commits the offense referred to in paragraph (5) through negligence shall be punished by imprisonment for a term of six months to two years and a fine.

more severe. These value thresholds also serve as an indicator for the judiciary system to assess the financial scale of the offense and to select and meat out an adequate sanction.

This classification of the amount of value, gains or harm helps to align criminal sanctions with the scale of the harm or gains and provides a clear picture of the seriousness of certain crimes for the public itself.<sup>53</sup>

The inconsistencies in the nomotechnical and logical creation of the basic and qualified forms, both in Article 353 and in Article 353-c, represent a serious legal deficiency, which calls into question the possibility of correct application of the law. This legal inconsistency may result in misinterpretation and application of legal provisions.

Additionally, a technical error has been made in paragraph 5 of Article 353-c, as the reference is made to paragraph 5 itself instead of paragraph 1, where the underlying offense is incriminated. This represents a legal omission, as paragraph 5 does not have an independent existence, which further complicates and makes unclear the legal consequences for perpetrators of criminal acts.

The aforementioned points pertain to the principle of "nullum crimen sine lege certa et stricta" (there is no crime without a clearly defined legal norm), which is derived from the fundamental principle of legality. This principle underscores the necessity for legal provisions to be unambiguous and precise, thereby precluding diverse interpretations and ensuring the equitable and transparent implementation of the law. In view of this, the errors in *nomotechnical* creation and inappropriate reference to (non-existent) paragraphs lead to legal ambiguities, which threaten the legitimacy and efficiency of the justice system.

#### 4. Criminal association

Changes in the penal framework for the crime of **criminal association** (Article 394) provide for a significant reduction in the prescribed prison sentences, which changes the character and gravity of this offense.

Namely, for paragraph 1, which covers the criminal liability of the organizer of the criminal group, previously the penalty was imprisonment of up to 10 years, but with the amendments it has been reduced to imprisonment of 1 to 3 years. In paragraph 2, which refers to the members of the criminal group, the sentence had been reduced from imprisonment of up to 5 years to imprisonment of up to 2 years.

---

<sup>53</sup> [Criminal Code, Art. 122, paragraphs 33-36.](#)

These changes signify a substantial departure from the standards established by the Palermo Convention against Transnational Organized Crime, which obliges the Republic of North Macedonia to implement rigorous penal policies for organized crime. The reduction of penalties has the potential to diminish the effectiveness of the struggle against organized crime. The act of criminal association is effectively reduced to a minor offense, thereby diminishing the preventive function of criminal law. Criminal association is a necessary and fundamental element in every form of organized crime; therefore, its reduction in significance could be detrimental to the overall effort to combat organized crime.

The implementation of such a solution has the potential to yield adverse outcomes for both judicial practice and the efforts to combat organized crime groups. This is particularly salient in cases involving transnational crime, corruption, or economic crime. In such cases, it is imperative that sanctions are sufficiently substantial to reflect the severity of the offense and to ensure the effective repression of criminal activity.<sup>54</sup>

## **5. Revision of provisions on weapons and explosives**

The provisions of Articles 395 and 396 of the Criminal Code were also revised as such. Article 395 covers the crime of Manufacturing and procurement of weapons and means intended for the commission of a crime. The basic form is in paragraph 1 and covers the acts of manufacturing, assembling, acquiring, concealing or enabling another to obtain weapons, their parts and components, ammunition, explosive or dispersing substances or means necessary for their manufacture, poisons and other objects that he knew were intended to commit a crime. Paragraph 2 covers a qualified form of the act if the subject of the crime is a firearm, its parts and components whose use is prohibited, or explosives or other substances in large quantities. A special form of the offense is provided for in paragraph 3, which includes two possible forms: making or giving to another a false key or some other means of breaking in, even though he knew that it was intended to commit a criminal offense. This act also provides for criminal liability of the legal entity.

Unauthorized manufacture, possession, brokering, and trafficking in weapons and explosives - Article 396 is a more serious offense than the previous one and in its basic form contains several forms, i.e., alternative acts of commission include the unauthorized import, export, transfer, de-

---

<sup>54</sup> Deanoska – Trendafilova, A., Bubevski, G., Amendments to the Macedonian Criminal Code of September 2023 – analysis and critical review, [Professional Journal "Pravnik", no. 378-380, October - December 2023, pp. 74-80.](#)

livery or sale, purchase or otherwise brokering or trafficking in firearms, parts and components of firearms, ammunition or explosives, or if the trafficking in firearms, parts and components of firearms, ammunition and explosives violates prohibitions, restrictions or sanctions introduced by international agreements ratified in accordance with the Constitution of the Republic of North Macedonia or by a decision of an international organization of which the Republic of North Macedonia is a member. Given the gravity of the crime, a prison sentence of four to ten years is provided. This provision covers multiple forms.

The amendments to the provisions relating to weapons are derived from the draft of the new Criminal Code and are consistent with the relevant Protocol on Firearms to the Palermo Convention.

## **6. Extended confiscation**

The provision on extended confiscation was revised in the General Part of the Criminal Code. However, a detailed analysis of the newly introduced provision reveals that the relevant provisions of the corresponding European Directive<sup>55</sup> are not transposed correctly. Consequently, the recent provision pertaining to the extended confiscation demonstrates a considerably more limited scope of application in comparison not only to the European standards stipulated in the said Directive, but also to the preceding legal provision that was previously in effect.

This narrowing is reflected in the reduction in the number of crimes for which extended confiscation may be applied, which seriously limits an instrument that is crucial in the fight against organized crime and corruption. Instead of strengthening this mechanism as provided by the Directive, the amendment results in weakening the existing legal tools for confiscating assets acquired through criminal activities.

More specifically, extended confiscation should be based on a conviction for certain criminal offenses that the legislator provides as alternative grounds, meaning that each ground is independent and sufficient for the application of the mechanism and is not tied to the other grounds. However, the very text of the law suggests something different. Namely, the legislator stipulated that:

*"From the perpetrator of a criminal act committed as part of a criminal association, which has committed a crime for which a prison sentence of*

---

<sup>55</sup> [Consolidated text: Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union.](#)

*four years or a more severe punishment may be imposed, or for crimes against humanity and international law, crimes against sexual freedom and sexual morality, crimes against property or crimes against official duty under this Code..."*

As can be seen, in the first two grounds — "act committed within a criminal organization" and "act for which a sentence of imprisonment of four years or a more severe penalty may be imposed" — the legislator made a mistake by adding the words "by which it was committed" and linking them cumulatively instead of them appearing separately, i.e., alternatively.

This means that according to this formulation, for extended confiscation to apply, both conditions must be met together. The incorrect wording reduces the effect of this key anti-corruption and anti-crime measure and narrows the scope of its application. The correct formulation, as we have stated, would be for these grounds to be alternatively linked, so that each ground in itself would be a basis for the application of extended confiscation, which would enable greater efficiency in the seizure of property acquired through crime.

Meanwhile, Directive 2024/1260 has also been adopted in the EU,<sup>56</sup> which should also be considered in any subsequent amendments to the Criminal Code regarding the provisions on confiscation.

## **7. On EU anti-corruption policy**

Immediately prior to the above-mentioned amendments to the Criminal Code, just a few months earlier, a serious commitment to enhanced action to combat corruption was highlighted through the EU Rule of Law Mechanism, as the new Proposal for a Directive of the European Parliament and of the Council on combating corruption 2023/234 was published. It aims to replace Framework Decision 2003/568/JHA and the Convention on the fight against corruption involving officials of the European Communities or public servants of Member States of the European Union and to amend Directive 2017/1371,<sup>57</sup> and which will establish minimum rules for defining/incriminating the criminal acts of corruption, the sanctions for them, as well as preventive and repressive measures.

---

<sup>56</sup> [Directive \(EU\) 2024/1260 of the European Parliament and of the Council of 24 April 2024 on asset recovery and confiscation.](#)

<sup>57</sup> Proposal for a [DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL](#) on combating corruption, replacing Council Framework Decision 2003/568/JHA and the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and amending [Directive \(EU\) 2017/1371](#) of the European Parliament and of the Council.

The proposed directive stipulates a minimum list of corruption offenses that each Member State is obliged to criminalize. The list encompasses the following acts:

- bribery in the public sector,
- bribery in the private sector,
- embezzlement,
- influence peddling,
- abuse of official position,
- obstruction of justice,
- enrichment through corrupt acts ("disproportionate acquisition of property").

The proposed directive also provides for penalty frameworks, which are much stricter than those resulting from the controversial amendments to the Criminal Code. Specifically, in accordance with Art. 15 of the Draft Directive, the upper limit of the prescribed prison sentence for the aforementioned offenses should not be less than 5, or 6 years.<sup>58</sup>

## **8. Amendments to Criminal Code of 7 September 2023 from perspective of NCEU-MK dialogue and other civil initiatives**

In addition to the expert public, a number of non-governmental organizations (NGOs) have voiced negative reactions concerning the controversial amendments to the then Criminal Code of the Republic of North Macedonia.<sup>59</sup>

In July of 2024, the National Convention on the European Union in the Republic of North Macedonia convened a special session. The agenda for this session included a discussion of the amendments to the Criminal Code of 7 September 2023. These amendments were identified as a significant challenge for the new government.<sup>60</sup>

---

<sup>58</sup> Ibid, Art. 15.

<sup>59</sup> Ibid.

<sup>60</sup> "[Amendments to the Criminal Code of 7 September 2023: Macedonian and European legislation in preventing and combating corruption](#)" is the title of the 14th session of Working Group 3, Judiciary and Fundamental Rights (Chapter 23), held on 3 July 2024. Contribution to the dialogue, [in addition to the](#) presenters, was also made by: Biljana Ivanovska, Xhevdet Hajredini, Oliver Bacanovic, Suzana Mirchevska Kuzmanovska, Lile Stefanova, and others.

Aleksandra Deanoska Trendafilova from NCEU-MK,<sup>61</sup> as a professor of Criminal Law, in a statement to the media at one of the previous sessions of the NCEU - MK (March 2024), emphasized that such changes should be repealed as soon as possible with new amendments, and not wait for the adoption of the entire new Criminal Code as such.<sup>62</sup>

At the thematic session of the NCEU-MK held on 3 July 2024, dedicated to this very issue, the speakers at the session presented in detail all aspects of the analysis of the consequences of the Criminal Code changes, and in that regard, the commitments made in the famous "Pribe Report" on how the fight against organized crime and corruption should be performed and at what level the institutions should be in order to ensure the effectiveness of such a fight. The amendments to the Criminal Code were in direct opposition to the country's commitments to combat corruption without impunity. The present government's mandate to address this inadequate legislative framework was underscored.<sup>63</sup>

Abuses in the form of illegitimate amendments to penal legislation are not unknown in other countries, which often results in damage to the justice system and, according to certain experts, represents not an abuse of office, but an abuse of power, while the fight for fair laws for citizens should be waged every day in order to protect the public interest as such.<sup>64</sup> Abuses of public office are difficult to define, while the low number of convictions in this area and weaknesses in the justice system are detected in other systems as well, such as the Italian, for example.<sup>65</sup>

The amendments to the Criminal Code were described by legal practitioners as direct interference in the work of the courts by the executive branch because they affected several ongoing cases, especially cases of high-level corruption, which have become statute-barred, most often through no fault of the judges, and with the result - a further decline in citizens' trust in the judiciary. The implications are not only in terms of impunity, but also financial, in terms of paying for statute-barred court cases from

---

<sup>61</sup> Aleksandra Deanoska Trendafilova, professor at the Faculty of Law "Justinianus Primus" in Skopje and coordinator of WG 3, "Judiciary and Fundamental Rights".

<sup>62</sup> ALFA TV, "[Will the scandalous amendments to the Criminal Code on the way to the EU get us off our heads?](#)".

<sup>63</sup> Muhamed Halili, co-chair of WG – 3, [presentation at the 14th session of WG – 3, Judiciary and Fundamental Rights](#).

<sup>64</sup> Christian Ducu, general manager of the Center for Advanced Research in Management and Applied Ethics from Bucharest, [presentation at the 14th session of WG – 3, Judiciary and Fundamental Rights](#).

<sup>65</sup> Emanuele Biritieri, assistant professor in Criminal Law from the Department of Law and Economics at the University in Rome "Unitelma Sapienza", [presentation at the 14th session of WG – 3, Justice and Fundamental Rights](#).

the state budget.<sup>66</sup> In other words, instead of returning money from criminals to the state budget, the opposite happened, with additional outflows from the budget going to precisely those who most likely damaged it.

Adding the element of intent to the legal qualifications of the crime of "abuse of official position and authority", according to public prosecutors, in addition to reducing the sentence, definitely favors violators of the law and makes the work of public prosecutors more difficult in such cases, because proving specific intent is always complex.<sup>67</sup>

Representatives from the non-governmental sector have also noted that the substantiation of corruption acts is inherently challenging. Furthermore, prosecutors lack the capacity to thoroughly investigate such cases, particularly those of a more complex nature that necessitate financial investigations.<sup>68</sup>

## **9. Implications of September 2023 amendments to Criminal Code: Discussion**

The amendments to the Criminal Code of September 2023 have resulted in a substantial increase in statute of limitations for court cases, including those involving high-level corruption. This development has had a significant impact on the Special Public Prosecutor's Office (SPO), which has been initially responsible for prosecuting dozens of cases. Consequently, rather than the appropriated assets from illicit activities being restituted to the state budget, the state is now obligated to expend substantial sums to cover court expenses, a circumstance that will impose an additional financial burden on citizens."<sup>69</sup>

These legal amendments have the potential to exacerbate the already tenuous relationship between the public and the judicial system, thereby eroding the fundamental trust that citizens have in the justice system. While public prosecutors and trial judges are not culpable for the statute of limitations on cases resulting from the amendments to the Criminal Code of September 2023, they are obligated to apply the law. The onus for this legal

---

<sup>66</sup> Olja Ristova, judge at the Basic Criminal Court Skopje and expert in WG-3, presentation at the [14th session of WG-3, Judiciary and Fundamental Rights](#).

<sup>67</sup> Lidija Raichevikj, Public Prosecutor at the Public Prosecutor's Office in Skopje, presentation at the [14th session of WG – 3, Judiciary and Fundamental Rights](#).

<sup>68</sup> Darko Avramovski, Coalition "All for Fair Trials", presentation at the [14th session of WG – 3, Judiciary and Fundamental Rights](#).

<sup>69</sup> [Amendments to the Criminal Code: Prosecutors in no position to prosecute dozens of cases](#), Sonja Kramarska, Deutsche Welle, 20 September 2023; [Around 200 defendants hope to get free with the amendments to the Criminal Code](#), 19 October 2023.

precedent rests with the initiators and drafters of the amendments, who have directly contributed to the erosion of the fight against corruption in the Republic of North Macedonia. This phenomenon not only diminishes the efficacy of judicial institutions but also fosters a pervasive sentiment of impunity within the nation, thereby jeopardizing the rule of law and the country's European integration process.

For individuals lacking expertise in legal matters, it is imperative to elucidate the impact of subsequent amendments to the Criminal Code on cases involving previously committed offenses. Namely, the prohibition on retroactive effect of the law stems from the principle of legality, which means that as a rule, a later law may not be applied retroactively for acts committed before its enactment. The only exception to this rule is that the law will have retroactive effect only if it is more favorable to the perpetrator of the crime and this is considered *ex officio*. This is the so-called rule of mandatory application of a later, more lenient law.<sup>70</sup> In other words, the new legal arrangements from the Criminal Code were also applied to old, but ongoing cases that were not legally concluded, and this resulted in an automatic absolute statute of limitations for criminal prosecution in many cases, while in others the statute of limitations began soon after or will begin soon.

Such changes also produce additional negative effects in money laundering cases, which are based on abuse of official position through the use of authority as a prior offense that generated illegal proceeds, which is reflected in recent rulings of the Court of Appeal in Skopje.<sup>71</sup> This is so because taking advantage as a form of abuse has been deleted from the basic offense in Art. 353. Automatically, if there is no predicate (preceding) offense, but the action is not (already) prohibited, there are no illegal proceeds resulting from a criminal offense.

Based on the above, the NCEU-MK submitted reasoned proposals for urgent amendments to the Criminal Code that would "correct" at least for the future the provisions on corruption (official) acts, criminal association and extended confiscation for the state to demonstrate its readiness to create a solid legal framework that would enable institutions to effectively fight high-level corruption and crime. The objective of the proposed amendments is to ensure the accurate transposition of the legal provisions outlined in the pertinent European legal acts.

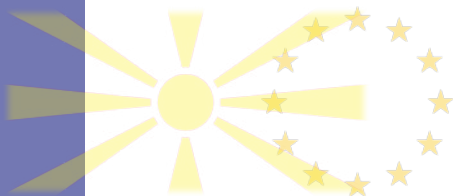
---

<sup>70</sup> Kambovski, V., [Commentary on the Criminal Code of the Republic of Macedonia, Skopje, 2015, pp. 82-87.](#)

<sup>71</sup> [Money laundering also falls due to changes in the Criminal Code](#), Vasko Magleshev, Prisma, 17 September 2023.

The proposal for urgent partial amendments to the Criminal Code should be particularly emphasized and explained. Namely, although the Government's Reform Agenda and the European Commission's recommendations mention the adoption of the new Criminal Code, while that process is ongoing, amendments to several articles (namely those explained and criticized above) need to be made. Partial amendments could be quickly enacted and enter into force, so the current provisions that make corrupt acts "easy" and quickly obsolete would not apply to new acts committed from the moment of entry into force onwards.

The implementation of the new Criminal Code is contingent upon the receipt of feedback from pertinent EU stakeholders, the facilitation of additional public discourse, and the undertaking of a protracted procedural journey, encompassing extensive debates and deliberations by Members of Parliament. Additionally, its implementation may be postponed by one or two years to ensure the alignment of associated regulations and the capacity of institutions to adapt to the introduced innovations. If the prevailing legal and regulatory frameworks persist over an extended period, it is conceivable that novel instances of corruption and associated scandals may elude adequate penalization due to the limitations imposed on the duration of applicable statutes of limitations. Alternatively, these perpetrators may be able to evade substantial penalties through the implementation of lenient sentences. Consequently, the present Criminal Code would benefit from certain amendments to address the aforementioned concerns.



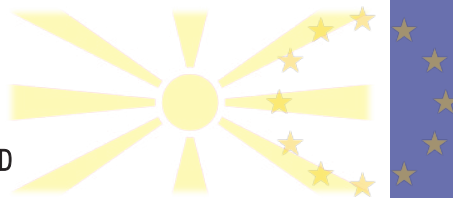
**"AMENDMENTS TO THE CRIMINAL CODE OF 7 SEPTEMBER 2023:  
FACING EUROPEAN LEGISLATION IN THE FIELD OF PREVENTION AND  
FIGHT AGAINST CORRUPTION"**

**RECOMMENDATIONS 14TH SESSION OF WORKING GROUP 3: JUDICIARY AND  
FUNDAMENTAL RIGHTS (CHAPTER 23) ON THE TOPIC:**

**"Amendments to the Criminal Code of 7 September 2023: Facing European  
legislation in the field of prevention and fight against corruption"**

**6 November 2024**

1. It is recommended that the Ministry of Justice urgently set up a working group to prepare amendments to the Criminal Code in order to repeal the provisions of the September 2023 Law Amending the Criminal Code. According to experts, these amendments are not in line with the new initiatives of the European Union to prevent and combat organized crime and corruption and significantly deviate from the adopted national strategies for dealing with corruption as such.
2. When amending the Criminal Code, it is recommended to revise corruption-related offenses. Particular attention should be paid to the offense "Abuse of official position and authority" of the chapter "Offenses against official duty". In this regard, the Draft Directive of the European Parliament and of the Council on combating corruption of 2023 should be taken into account, that such an offense should exist in any legislation, and the prescribed maximum imprisonment should not be less than five years.
3. The September 2023 amendments to the Criminal Code deleted paragraph 5 of Article 353 that criminalized abuse in public procurement, which prompted different interpretations. Some interpretations state that this abuse is decriminalized (which is unfounded), while others hold that the acts would be reclassified as a "general act of abuse," leading to the obsolescence of these cases. Bearing in mind that procedures are ongoing for the adoption of the new Criminal Code (published on the ENER), where abuse in public procurement is defined as a separate criminal offense, it is recommended that the new Criminal Code be adopted as a matter of urgency, thus removing these deviations from European initiatives. It is also recommended to amend Article 394 of the Criminal Code in order to prescribe higher penalty frameworks for criminal association, because with the September 2023 amendments, the penalties have been drastically reduced.
4. The provision on extended confiscation should be subject to further modification in order to fully comply with the EU Directive (2024/1260) of the European Parliament and of the Council, which will allow the prosecution to implement it effec-



tively. Although this provision is declaratively aligned with the relevant EU Directive (2014/42) when adopting the amendments, its current form limits the scope of crimes for which prosecutors may seek extended confiscation.

5. The September 2023 amendments to the Criminal Code have implications of broader significance in multiple spheres (law, economics, political system, and other consequences). With the very act of adoption in many of the pending court cases, the statute of limitations of criminal prosecution has emerged, which is a legal obstacle to prosecution. However, the Criminal Code also provides for the possibility of confiscation in cases of law-based or legal impediments to prosecution, recommending that public prosecutors approach, wherever possible, the application of such provisions, i.e., initiate confiscation proceedings in case of factual or legal impediments to prosecution.
6. With regard to the institution of "obsolescence of court cases" before possible amendments to the Criminal Code, a comparative approach should be applied, i.e., to analyze the laws and practices of several legal systems, in order to determine which would be the most optimal model for the Republic of North Macedonia. In addition, it is necessary to consider the existing conditions and capacities in the judiciary, as well as the experience so far in the application of this institution.

### **Members of Working Group 3 – Judiciary and Fundamental Rights (Chapter 23)**

Darko Avramovski, Executive Director, Association “All for Fair Trials”

Gjorgji Andonov, Judge, Court of Appeals – Shtip

Daniela Aleksovska Stojanovska, Judge, Basic Criminal Court – Skopje

Bojana Bozhinovska, Association “Young Lawyers”, Skopje

Bojana Bosilkova, Head of Unit for negotiation and integration, Ministry of Justice

Vesna Dameva, Former President of the Judicial Council

Simonida Kacarska, President, European Policy Institute

Angela Delevska, European Policy Institute

Xhevdet Hajredini, Former Minister of Finance

Snezana Kalevska Vanchevska, Lawyer, Former Member of Parliament

Vasko Magleshov, Journalist at BIRN

Emilija Mizo, Basic Public Prosecutor’s Office, Skopje

Janaki Mitrovski, Lawyer

Aneta Mostrova, Lawyer

Keti Petkova, Public Prosecutor

Lenche Ristovska, Public Prosecutor

Milka Ristovska, Retired Judge

Lidija Rajchevikj, Public Prosecutor

Nenad Savevski, Judge, Basic Criminal court - Skopje

Kiril Sharlamanov, Professor, Balkan University – Skopje

## CHAPTER 24, JUSTICE, FREEDOM AND SECURITY

---

### **MEMBERS OF THE PROGRAM COUNCIL OF WORKING GROUP 4, JUSTICE, FREEDOM AND SECURITY**

**Mileva GJUROVSKA**, National Coordinator of NCEU-MK, Professor at the Faculty of Philosophy – Institute of Sociology

**Sasho PETRUSHEVSKI**, State Secretary at the Ministry of Internal Affairs

**Andrej LEPAVCOV**, Ambassador, President of the Pan-European Union of Macedonia

**Marina MITREVSKA**, Professor at the Faculty of Philosophy, UKIM – Skopje, Coordinator of Working Group 4, Justice, Freedom and Security

**Trpe STOJANOVSKI**, Professor at the Faculty of Security at UKLO – Bitola and Member of Working Group 4 of NCEU-MK

**Nikola JAZADJISKI**, Project Coordinator

# THROUGH PROFESSIONALISM AND INTEGRITY TO TRANSPARENCY AND ACCOUNTABILITY IN POLICING



## INTRODUCTION

The subject of "Through professionalism and integrity to transparency and accountability in policing" was deliberated during the 14th session of Working Group 4, "Justice, Freedom, and Security," within the framework of the National Convention on the European Union (NCEU-MK).<sup>2</sup> During the dialogue, expert opinions were shared as conclusions and recommendations. These opinions highlighted the crucial importance of integrity as a basis for further development of democratic processes and protection of fundamental rights. This aspect is of particular importance within Chapter 24, which is entitled "Justice, Freedom, and Security."

The selection of the subject for discourse was predicated on the necessity to examine the contemporary state of policing and evaluate the initiatives undertaken by pertinent institutions with the objective of fortifying the integrity and accountability of law enforcement. While acknowledging the significance of these initiatives, it is crucial to assess their practical implementation and effectiveness.

---

<sup>1</sup> Marina Mitrevska, professor at the Faculty of Philosophy, UKIM, Skopje, Coordinator of WG-4 Justice, Freedom, and Security (Chapter 24).

<sup>2</sup> The session was held on 8 July 2024 with the contribution of: Mileva Gjurovska, professor at the Faculty of Philosophy at UKIM-Skopje, National Coordinator of NCEU-MK and President of the European Movement in the Republic of North Macedonia; Andrej Lepavcov, Ambassador and President of the Pan-European Union - Skopje; Trpe Stojanovski, professor at the Faculty of Security at UKLO - Bitola and member of the NCEU-MK Working Group 4; Odd Berner Malme, a senior adviser from the Global Initiative Against Transnational Organized Crime; Naum Panoski, Public Prosecutor in the Public Prosecutor's Office of the Republic of North Macedonia; Mikael Koskenniemi, Project Manager of the Project "Community Policing in North Macedonia"; Nikola Dujovski, professor at the Faculty of Security at UKLO - Bitola; Mark Dixon, Head of Public Security and Community Outreach Department, OSCE Skopje; Frosina Krushkarovska, researcher at Eurothink; and Marina Mitrevska, professor at the Faculty of Philosophy at UKIM - Skopje and Coordinator of NCEU-MK Working Group 4.

A salient issue that emerged during the discourse pertained to the inclination to implement novel methodologies within police practices, with the objective of enhancing collaboration between law enforcement and the citizenry. This cooperation is imperative for cultivating a more democratic policing paradigm, characterized by enhanced transparency, accountability, and the protection of citizens' fundamental rights. It was emphasized that the enhancement of citizens' trust in law enforcement can be achieved through the implementation of transparent and equitable communication, thereby mitigating the risk of abuse and fortifying the legitimacy of institutions.

The integrity of the police is reflected in the trust and support it receives from the public, i.e., in citizens' perceptions and attitudes towards its actions. These attitudes function as a substantial barometer of the democratic capacity of the police and their capacity to act in accordance with the principles of law and equality.

Citizens are acutely sensitive to situations in which law enforcement officials exhibit misconduct, as this can erode public confidence in the justice system and the safety of the community. Examples of such situations include the use of excessive force, unjust and ostentatious actions of arrest or detention, the demonstration of power through arrogant behavior, the application of selective justice that favors certain groups, as well as acts of vindictiveness, personal insults, belittling, or discrimination based on ethnic, social, political, or other affiliation.

## **1. Through professionalism and integrity to transparency and accountability in policing**

The ongoing discourse surrounding the reform processes within the country, in conjunction with the dialogues amongst all relevant stakeholders concerning the negotiation process for EU membership, serve to not only expedite the European trajectory but also facilitate a more profound comprehension of the prospective directions in which reforms should evolve.

The structured dialogue of the National Convention on the European Union in the Republic of North Macedonia<sup>3</sup> (NCEU-MK) discussed vital issues from Chapter 24, "Justice, Freedom, and Security", which are closely related to the preservation and strengthening of state sovereignty, which is the basis for the efficient functioning of institutions and protection of the public interest. The objective of this chapter is to promote the implementa-

---

<sup>3</sup> [14th Session of Working Group \(WG\) 4, 8 July 2024. Topic: "Through professionalism and integrity to transparency and accountability in policing".](#)

tion of security policies, the rule of law, and the establishment of a sense of legal certainty and order within society.<sup>4</sup>

A comprehensive analysis of the subject reveals that the pursuit of transparency and accountability in policing is contingent upon the presence of professionalism and integrity. It has been demonstrated that the implementation of legislation and the enhancement of police standards, to a certain extent, directly contributes to an increase in personal and collective security. "Creating sound social relations - based on trust, respect for rights and efficient functioning of institutions - represents the grounds for social well-being. Such relations not only strengthen security inside the country but also improve the international image of the country, which is important for the process of European integration and cooperation on an international scale."<sup>5</sup>

In democratic societies, the principles of human rights and the rule of law serve as foundational tenets. The effectiveness and credibility of law enforcement can be assessed by evaluating its impact on these fundamental values. Citizens' experiences and interactions with law enforcement directly influence their perception of its effectiveness and credibility. The degree to which the police fulfill their legal obligations exerts a substantial influence on the level of trust citizens have in this institution.

## **2. Role and significance of international standards in policing**

While performing its duties, law enforcement is obliged to consider the standards set forth in international conventions. Two key documents are particularly important: the 1979 United Nations (UN) Declaration on Police<sup>6</sup> and the 2001 Council of Europe Code of Police Ethics.<sup>7</sup> These doc-

---

<sup>4</sup> Mileva Gjurovska, professor at the Faculty of Philosophy, UKIM, Skopje, National Coordinator of NCEU-MK, President of the European Movement in the Republic of North Macedonia (EMMK) - Introduction to the [14th Session of Working Group 4, Justice, Freedom, and Security](#).

<sup>5</sup> From the presentation of Trpe Stojanovski, Faculty of Security, University "St. Clement of Ohrid", Bitola - [14 session of WG 4](#);

<sup>6</sup> [Code of Conduct for Law Enforcement Officials, 1979](#); the Code establishes basic principles for ethical and efficient work, while protecting human rights. It consists of eight sections covering various topics. These sections cover topics such as the lawful use of force (only proportionately and as a last resort), the prohibition of torture, trust, healthcare for detainees, and combating corruption. The code provides guidelines but not legally binding.

<sup>7</sup> [The European Code of Police Ethics, adopted by the Committee of the Ministers of the Council of Europe on 19 September 2001, as Recommendation Rec \(2001\)](#) This document sets the fundamental principles for management of police organizations and individual officials in all Europe. The code emphasizes respect for the rule of law, respect for human rights, transparency, accountability, and professional integrity. This recommendation particularly

uments serve as the foundation for establishing standards that are to be adhered to by law enforcement in a democratic society.

In the Macedonian context, four positive examples have been identified that have contributed to compliance with these standards:

1. The impact of international police presence in the aftermath of the 2001 conflict: The Concordia and Proxima missions had a substantial impact on the implementation of European and international standards in policing.
2. The Organization for Security and Co-operation in Europe (OSCE) plays a pivotal role in providing guidance, advice, and support for the implementation of ambitious standards, particularly through training and monitoring.
3. The Council of Europe plays an instrumental role in fostering the development of control and accountability mechanisms within the domain of policing. This contributes to the enhancement of the Law on Police and the Law on Internal Affairs, thereby promoting the rule of law and ensuring the protection of fundamental rights.
4. The external control of the police, as introduced through the 2018 concept, is conducted through parliament and its committees, as the most important oversight bodies. A notable development in this regard is the establishment of a specialized department within the Basic Public Prosecutor's Office for Organized Crime and Corruption that is specifically tasked with prosecuting police officers. Additionally, the Ombudsman and the Ombudsman Plus mechanism play a pivotal role in this regard. The extension of the term of office of the three representatives of civil society organizations from one to three years will serve to further strengthen the role of this mechanism.<sup>8</sup>

The Ministry of the Interior (MoI) has made considerable progress in the domain of internal control. This progress is exemplified by the implementation of the Integrity Plan (2023-2025), a strategic initiative aimed at establishing a new foundation for enhanced accountability and transparency within the police organization.

---

emphasizes the importance of public confidence. Special sections relate to issues, such as the use of force, discrimination, corruption, and community-oriented police work.

<sup>8</sup> From the presentation of Trpe Stojanovski, [14th Session of NCEU-MK](#);

### 3. Consequences of political influences in selection and promotion of police officers at all levels

An examination of the Macedonian police reveals several significant challenges related to the professionalization and transparency of the institution. A salient issue that has come to the fore is the pervasive influence of politics on the selection and advancement of police personnel. As noted by Norwegian expert Odd Berner Malme, "Political affiliation is often a key factor for progress, which undermines the principle of qualification and meritocracy. This practice must be evaluated and eliminated if we aim to create a modern and professional police system."<sup>9</sup>

A notable deficiency identified pertains to the absence of transparency in policing practices. While certain methods and procedures must remain confidential for reasons of security, it is imperative for law enforcement to establish clear and open communication with the public regarding their work, thereby ensuring accountability. Accountability constitutes a fundamental tenet of contemporary governance. This principle entails the assumption of responsibility for errors that occur, the initiation of disciplinary proceedings when deemed necessary, and the implementation of learning mechanisms to enhance efficiency and uphold integrity.<sup>10</sup>

Odd Berner Malme placed significant emphasis on the necessity of operational independence for law enforcement, particularly in the context of operations and investigations. "We cannot accept political influence over decision-making, nor political influence for investigative purposes. Operational aspects must be free from such influences, and when it comes to oversight, it should be conducted at the first level by the Ministry of Interior," Malme noted. It is imperative to acknowledge the pivotal function of the Ministry of the Interior in the education of police personnel. This encompasses not only operational and investigative aspects but also the formulation and execution of policies. This ensures the preservation of the professionalism and integrity of the police force.

---

<sup>9</sup> Odd Berner Malme - senior advisor in the Global Initiative Against Transnational Organized Crime and part of the Center for Integrity in the Defense and Security Sector, has been actively participating in police reforms in the Western Balkans for over 10 years. "How can the Macedonian police become more professional if political affiliation is important for gaining positions? Therefore, the new government has a significant challenge to change these trends, rather than continuing the same practices as before", [he emphasized during a presentation at the session](#).

<sup>10</sup> In this regard, Malme said: "So, if you do something wrong, you have to fix it, learn or understand where the mistake was made. Of course, it is necessary to introduce a learning process to the Macedonian police. Learning from serious mistakes necessitates disciplinary proceedings and an investigation for criminal offense".

According to reports by the Group of States against Corruption (GRECO),<sup>11</sup> several challenges have been identified in the operation of the Macedonian police force that demand consideration and potential reform. A salient observation in the most recent GRECO report pertains to the potential for an interior minister to concurrently serve as police commander. This configuration, while it may be deemed permissible in certain democratic nations, gives rise to inquiries concerning the equilibrium between political accountability and the operational autonomy of the police force.

In the context of the NCEU-MK dialogue, experts underscored the necessity for a comprehensive discourse on the organizational structure of the police force in the Republic of North Macedonia. Specifically, the deliberations addressed the potential integration of the police within the purview of the Ministry of the Interior or its autonomous operation as a distinct entity. In its present organizational configuration, the police are integrated within the Ministry of the Interior, engendering perceptions of intimate connections with political entities and the potential for political actors to exert influence over its operations.

According to experts in the field, this organizational structure necessitates a more extensive public debate at a higher level. However, the risks associated with such practices should still be taken into consideration. The practice of political appointments and frequent changes in senior police officers has become a recurrent phenomenon following each new election and the formation of a new government. This dynamic engenders a state of uncertainty, with the potential to impact the efficacy and professionalism of police organizations.<sup>12</sup> Ensuring operational independence is paramount in preventing political influences. Experts in the field advocate for the implementation of the model employed in the Nordic countries. In these countries, the director of police is appointed for a fixed period, and he remains in that position regardless of changes in the political landscape, unless he commits a crime. This arrangement is designed to ensure the operational continuity and independence of the police force.<sup>13</sup>

---

<sup>11</sup> [SECOND COMPLIANCE REPORT, FIFTH ROUND OF EVALUATION](#), Corruption Prevention and Promoting Integrity, Central Government (Highest Executive Functions) and Law Enforcement Authorities, 9 June 2023.

<sup>12</sup> Odd Berner Malme, [14th session of WG 4](#).

<sup>13</sup> [SECOND COMPLIANCE REPORT, FIFTH ROUND OF EVALUATION, Recommendation 61, p. 12](#); GRECO recommended: (i) to ensure sufficient operational independence of the police in relation to the Ministry of Interior, and (ii) to ensure that relevant measures be taken in practice, in order to ensure the individual duties of police officers be appropriate to existing Rules of integrity and impartiality in order to perform their functions in a politically neutral way in practice (e.g. through consciousness, training, sanctions, etc.)

The implementation of such a model would entail a reduction in political influence over law enforcement agencies, thereby fostering conditions conducive to enhanced stability, professionalism, and public trust in police services.

#### **4. Corruption in policing**

In the context of the ongoing efforts to combat corruption within the police force, GRECO's reports have highlighted significant concerns pertaining to the transparency, accountability, and integrity of Macedonian police structures. According to GRECO<sup>14</sup>, police corruption is a systemic challenge that negatively affects citizens' trust.

The field of human resource management within a police organization is of paramount importance, particularly in the context of political influence. According to the GRECO report and experts in the field, securing a position within the police force has been shown to be contingent upon the support of a political party, thereby subverting the principle of meritocracy. Furthermore, public procurement within the police force poses a considerable risk due to the substantial financial resources involved, which are susceptible to abuse. Corruption is particularly pronounced, with bribery acceptance being the most common, especially in traffic and border police. There have been documented cases of police officers receiving bribes to either refrain from prosecuting offenders or to facilitate border crossings, further eroding the institution's credibility and integrity.

Considering the potential for corruption among law enforcement officials, it is imperative to fortify both the external and internal control mechanisms. In this context, the role of the Ombudsman, which provides oversight of police and protects the rights of citizens, is of particular significance. The specialized unit in the Public Prosecutor's Office for Organized Crime and Corruption plays a pivotal role in the prosecution of corrupt actions by police officers. Moreover, the internal control mechanisms within the Ministry of the Interior must operate with autonomy and efficacy to ensure transparency and accountability in the police force's operations.<sup>15</sup>

The specialized unit for the prosecution of police officers who have committed crimes located within the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption is considered a significant step in establishing external control over the work of the police. According

---

<sup>14</sup> [SECOND COMPLIANCE REPORT, FIFTH ROUND OF EVALUATION, Recommendation 67.](#)

<sup>15</sup> Trpe Stojanovski, [14th session of WG 4.](#)

to Naum Panoski, serious cases have been brought against police officers<sup>16</sup> in recent years, indicating progress in dealing with abuses. He noted that the prosecution of such acts is a matter of harmonized practice, and that the legislation clearly defines which cases fall under the authority of this unit. This legal framework fosters a culture of citizen engagement, encouraging individuals to report abuses directly to the prosecution, circumventing the Ministry of Interior's (MoI) internal control department. Moreover, the public now has enhanced access to information regarding police officers' transgressions, thereby improving the perception of justice and fortifying the rule of law.

## **5. How to conduct democratic reforms in police**

As part of the ongoing efforts to implement democratic reforms within the police force, the "Community Policing in the Republic of North Macedonia" project has been developed to promote the implementation of police strategies and practices.<sup>17</sup> The objective of this project is to cultivate a professional and democratic police service that functions in accordance with the law, proactively safeguards human rights, and fosters transparency and accountability for the public.

As posited by the foreign expert during the session, the concept of a democratic police is predicated on four fundamental aspects, as evidenced by Swedish experience<sup>18</sup>:

- Human Rights Respect and Protection - police must protect the fundamental rights of citizens, especially those that are crucial to the democratic process, such as freedom of speech, the right to life, and personal integrity.
- Accountability before the law - police officers should be responsible before the laws, not to political structures. This implies independence in their work and consistent application of legal norms.
- The external surveillance of police work must be overseen by independent institutions, such as the Ombudsman, the relevant parliamentary committees, and other mechanisms that ensure transparency and accountability.
- The fundamental role of law enforcement is to serve the public and communities. The primary functions of police departments include

---

<sup>16</sup> Naum Panoski, Public Prosecutor, Public Prosecutor's Office of the Republic of North Macedonia.

<sup>17</sup> The duration of this project is planned to be three years. It formally started on 1 December 2023.

<sup>18</sup> Project manager - "Community Policing in North Macedonia".

the protection of public safety and the resolution of community issues.

The objective of the project is twofold: first, to enhance the competencies of law enforcement personnel, and second, to optimize the organization of police forces to prevent crime and address the security concerns of the public more effectively. The emphasis is on training that aims to raise police officers' awareness of the significance of partnerships with communities. A fundamental element of this endeavor is to cultivate a sense of confidence and trust between law enforcement and the citizenry. Civil society organizations (CSOs) have been identified as pivotal agents in fostering collaboration and mutual support, thereby facilitating the establishment of these crucial relationships.

In the context of procedural justice, experts have underscored the pivotal role that police communication practices play in shaping public perception of law enforcement. The fundamental tenets of procedural justice encompass the provision of avenues for citizen expression regarding their concerns and perspectives during interactions with law enforcement. These principles further include the principles of transparency and legality in decision-making processes, as well as the maintenance of professional conduct and respect by police officers towards citizens.<sup>19</sup>

## **6. Professionalism and integrity in policing**

The subject of professionalism and integrity in policing can be examined through three primary lenses. First, although it is not the focus of day-to-day security discussions, it is the foundation for building stable and sustainable security structures. Secondly, despite the three decades of development in modern policing in North Macedonia, the concept of integrity in the profession remains under-researched and under-theorized. Thirdly, the conceptualizations of "integrity" and "professionalism" are characterized by their abstract nature, a factor that complicates their practical implementation and objective evaluation.<sup>20</sup>

Analyses demonstrate that the development of police officers' integrity must commence during the selection process. The decision to pursue a career in law enforcement should be a deliberate and well-considered choice, informed by a comprehensive understanding of the obligations and challenges associated with the profession. The criteria for admission to the Ministry of the Interior, the career development system, the monitoring of

---

<sup>19</sup> Mikael Koskenniemi, project manager - "Community Policing in North Macedonia".

<sup>20</sup> Nikola Dujovski, professor at the Faculty of Security - Skopje, UKLO, Bitola.

daily activities, and the retirement procedures are all crucial to defining police integrity, which is built throughout the career path. Nevertheless, while the impact of police work and public confidence are frequently the focal points of discussion, the concepts of professionalism and integrity have historically been given insufficient attention. The fundamental relationship between the police and citizens is often neglected, which undermines trust. To rectify this issue, it is imperative to prioritize the establishment of ethical and professional standards, which will improve the relationship between the police and the public.

The discourse on the integrity of law enforcement officers has led to a salient question: How can police integrity be cultivated and sustained? A preliminary step in this process is the formulation of explicit objectives and the subsequent evaluation of the extent to which extant strategic documents are conducive to enhancing police integrity. Moreover, the establishment of a working group is imperative. This group should comprise representatives from the Ministry of the Interior as well as experts from other institutions and the civil sector. This will ensure a comprehensive approach. A fundamental element of this initiative is to furnish substantiated evidence of various forms of unethical behavior by police officers. As indicated by the findings of pertinent institutions, the number of cases in which police officers have been subject to scrutiny by the Department of Internal Control, the Public Prosecutor's Office, and the courts remains unsatisfactorily low. This phenomenon underscores the necessity for the implementation of enhanced mechanisms of responsibility and transparency.<sup>21</sup> New methods and concrete measures are needed to increase police integrity.

According to the report issued by GRECO, while there have been some endeavors made to enhance this domain, the attained outcomes are deemed to be inadequate now.<sup>22</sup> The Ombudsman's annual report for 2022 indicates a persistent occurrence of police officers' violations of citizens'

---

<sup>21</sup>[Annual Report, 2022, Ministry of Interior, p. 22](#). During 2022, the Ministry of Interior's Internal Control and Professional Standards Department received and processed a total of 1,269 complaints related to examination cases of exceeding authority and abuse of office. Of the total number of complaints, 877 were written by citizens, 244 were submitted orally, 138 were anonymous submissions, 82 submissions were submitted by lawyers, 31 by legal entities, 33 complaints were submitted by the Ombudsman, while 7 written reactions were submitted through NGOs, mostly through the Helsinki Committee for Human Rights. Also, 395 submissions were submitted by the employees of the Ministry indicating irregularities in the official conduct.

<sup>22</sup> [The Ministry of Interior Integrity Plan for the period 2023-2025](#) covers the following risks that violate integrity: 1. Abuse of office by authorized officials for administrative services who are in direct contact with citizens in the procedures for issuing personal documents, certificates, permits, etc.; 2. Receiving bribery by traffic and border police; 3. Excessive use of force when applying police powers; 4. Human resource management; 5. Ethics, impartiality, dignity, protection of Mol's reputation.

rights. This finding suggests the need for a more robust framework that emphasizes ethics, accountability, and integrity within the police force.<sup>23</sup>

## 7. Measurability and checking integrity

The integrity of police work is defined as "doing the right thing, even when no one sees you, and everything in the interest of the public good".<sup>24</sup> In this context, the necessity for external supervision of law enforcement is indisputable. This is because each form of public authority necessitates appropriate control and responsibility.

Analyses demonstrate that as early as 1994, the OSCE published a document emphasizing the importance of police supervision and accountability, a document that remains essential even to date. In democratic societies, law enforcement officials are accorded a distinctive status, stemming from their exclusive prerogative to utilize force within the bounds of the law. This distinguishes them from other entities within society.<sup>25</sup>

This monopoly signifies that law enforcement officials possess the authority to suspend or restrict fundamental human rights, including the power to apprehend individuals, employ force, issue directives, and conduct searches. This underscores the gravity of the situation, as it highlights the potential for abuse of power within the police profession. To mitigate such occurrences, it is imperative to establish stringent integrity and oversight mechanisms. It is imperative that fundamental human rights and freedoms be safeguarded from any potential encroachment by law enforcement agencies. This is crucial for fostering citizen confidence in the police.

The system in the state is designed to facilitate continuous monitoring of police work in three distinct phases: before, during, and after police actions. This oversight is not merely a form of control; it is also a means to ensure transparency and accountability in police activities. However, it is imperative to draw a distinction between actions of a preventive nature and those that might be interpreted as sanctioning. It is imperative to acknowledge that not all police actions necessitate the implementation of punitive measures. A subset of these actions is of a preventive nature, serving to issue warnings and enhance public awareness.<sup>26</sup>

In this context, two significant mechanisms for enhancing police integrity are the integrity test and "vetting."

---

<sup>23</sup> [Report for 2022, Ombudsman, National Preventive Mechanism](#), p. 44.

<sup>24</sup> Mark Dixon, Head of Public Security and Community Outreach Department, OSCE Skopje.

<sup>25</sup> [Intelligence-led policing, TNTD/SPMU publication series, Vol. 13.](#)

<sup>26</sup> Mark Dixon, [14th session of WG 4.](#)

The integrity test is a process that assesses the behavior of police officers in certain ethical dilemmas. Vetting, in contrast, is a more intricate mechanism for integrity assessment, designed to identify individual, team, or institutional deficiencies. The vetting functions as a preventative measure, aiming to ascertain whether a particular officer or official exhibits a potential inclination for corruption, abuse of power, or other form of illegal behavior. The recommendation of NCEU-MK experts is as follows: "In the Balkans, vetting is a more productive mechanism than the integrity test" as it enables a more profound analysis and detection of the vulnerabilities of specific individuals who could compromise police integrity.<sup>27</sup>

The establishment of confidence in the police system is contingent upon the implementation of four fundamental prerequisites: the monitoring of police work, the establishment of clear surveillance procedures, the administration of vetting and integrity tests, and the implementation of other relevant measures. The consistent application of these mechanisms will ensure the protection of institutions from any potential abuses. Consequently, this will foster greater confidence among citizens in the police. Moreover, the implementation of these measures will serve to enhance transparency and thereby engender greater satisfaction among police officers. This is because the officers will be provided with clear guidance regarding their powers and expected conduct while on duty.

## **8. Views of Macedonian citizens on policing<sup>28</sup>**

A considerable proportion of Macedonian citizens who have had direct contact with the police express confidence in its professionalism. This finding suggests that effective communication between the public and law enforcement is a crucial factor in shaping public perception. The impression of such interactions is a pivotal factor that affects the level of confidence in the police and its credibility in society.

According to the Eurothink survey of February 2024, titled "Perceptions and Attitudes of the Citizens of the Republic of North Macedonia about the Work of the Police," key findings have been obtained, indicating that there are significant challenges and areas that require improvement in the

---

<sup>27</sup> Ibid.

<sup>28</sup> At the 14th session of Working Group 4, Frosina Krushkarovska, a Eurothink researcher, presented the project "Improving the Accountability and Transparency of the Police in the Republic of North Macedonia". The main goal of the project is to promote police work by strengthening the democratic capacity of the police. This is achieved by activities aimed at improving transparency and accountability, which is essential for building confidence between citizens and police structures.

work of the police in the country. The subsequent discussion will elaborate on these findings, accompanied by a series of conclusions.

Confidence in the police. About 28% of respondents expressed confidence in the police, which is a positive result, but is not enough to guarantee a stable and broad social acceptance of the police. On the contrary, 42% of respondents have no confidence, which indicates the importance of continuing efforts to strengthen the confidence in the police through greater transparency and responsibility. The findings of this study indicate that law enforcement agencies must implement specific measures to revitalize or fortify inter-institutional partnerships and substantiate their professional conduct.

Perception of corruption. It seems that more than 60% of citizens perceive that corruption is present in the police ranks. This is a worrying data that points to a severe problem that has the potential to degrade public confidence in the police and its ability to deal with justice and law. This perception underscores the imperative for prompt and efficacious reforms to forestall and penalize corruption practices. The implementation of anti-corruption measures, coupled with enhanced surveillance and accountability mechanisms, is imperative to achieve this objective.

Professionalism and efficiency. About 50% of respondents assess the work of the police as professional and efficient, indicating a positive trend in the institution's efforts to fulfill its tasks. However, 30% of respondents disagree with this assessment, citing deficiencies, especially in terms of speed and quality of services. To enhance efficiency, it is imperative to allocate additional resources towards the professional development of law enforcement personnel, the modernization of equipment, and the improvement of communication channels with the public.

Transparency and accountability. Only 23% of citizens perceive the police as transparent, while 19% consider it accountable in its work. The available data suggest a considerable disadvantage in these domains, underscoring the imperative for comprehensive reforms. To foster transparency and accountability, the establishment of autonomous supervisory entities and mechanisms is imperative. These mechanisms would facilitate public insight into police processes and decisions, thereby fortifying citizens' confidence in the system.

Community security. Approximately 55% of respondents feel safe in their community, while 25% express concern about their safety. While most of the citizens express satisfaction with their sense of security, a significant segment of the population reports feelings of concern. To enhance security, law enforcement agencies must prioritize strategies that include strengthening community presence, enhancing preventive measures, and

fostering civic confidence through regular communication. Addressing local security concerns is also crucial.

## **9. CONCLUDING REMARKS**

The members of Working Group 4, "Justice, Freedom, and Security," had a fruitful discussion at the National Convention on the European Union in the Republic of North Macedonia. This discussion indicated the necessity of in-depth reforms to strengthen public confidence in the police. The primary challenges that have been identified include the following: political influences on personnel policy, corruption, and the absence of independent surveillance mechanisms.

Experiences from the Nordic countries show that police independence and professionalization can be achieved through clearly defined criteria for appointment and promotion, as well as through functional control systems that will prevent abuse of authority.

To enhance the integrity of law enforcement agencies, it is recommended that mechanisms such as vetting and integrity tests be implemented. These mechanisms serve to identify and prevent instances of abuse. Moreover, the role of the Ombudsman, the Public Prosecutor's Office, and internal control in combating corruption and enhancing accountability is of paramount importance.

Despite the challenges, 55% of citizens feel safe in their community, indicating positive aspects in police work. To enhance this perception, it is imperative to increase police presence in communities, enhance communication with citizens, and proactively address local security concerns.

Police reforms ought to be grounded in four foundational principles: the respect and protection of human rights, accountability before the law, independent supervision, and a service role to citizens. The consistent implementation of these principles is instrumental in establishing a professional and democratic police service, which serves as the cornerstone of stability, the rule of law, and the process of European integration.



# STRENGTHENING THE INTEGRITY AND PROFESSIONALISM OF POLICE OFFICERS

## INTRODUCTION

The notion of police integrity has been evolving and progressing within the Macedonian police force for numerous years, with new initiatives aimed at its enhancement being consistently introduced. This concept examines the best practices globally and investigates methods for their appropriate application within our specific context. Nevertheless, the prevailing perception is that the term "police integrity" remains one of the most frequently utilized yet simultaneously one of the most ambiguously defined terms in the daily operations of law enforcement.

The integrity of police officers encompasses not only ethical and lawful behavior but also the establishment of a systematic and proactive framework for identifying, preventing, and managing risks associated with corruption.

This analysis aims to underscore the essential components of police integrity and to assess the implementation of this concept within law enforcement to date. Through these recommendations, it aspires to enhance the understanding and significance of integrity, while also promoting best practices that will contribute to the fortification of democratic values and transparency within the Macedonian police.

With the amendments to the Law on Internal Affairs<sup>30</sup> and the Law on Police<sup>31</sup> in 2022, a substantial enhancement has been achieved in the legal framework governing the implementation of police integrity, owing to the introduction of new and more effective methods for its monitoring and development. For the first time, a professional integrity test has been insti-

---

<sup>29</sup> Professor, Faculty of Security, UKLO, Bitola.

<sup>30</sup> [Law on Internal Affairs](#) - Official Gazette of the Republic of North Macedonia No. 89/22.

<sup>31</sup> Law on Police, Official Gazette [No. 89/22](#).

tuted, which has become a mandatory component of the recruitment process within the Ministry of Interior (MoI) and has also been applied for the verification of employee integrity. Furthermore, new and more stringent criteria for the selection of the Director of the Bureau of Public Safety have been established, while the provisions governing employee promotions have been refined to enhance transparency and objectivity in the process. A notable change is the introduction of a prohibition on membership in political parties or participation in the organs and bodies of political parties, thereby ensuring greater independence, impartiality, and professionalism among police officers.

## **2.1. What is police integrity?**

Police integrity encompasses the independent, impartial, and transparent execution of official duties, with police officers expected to fulfill their responsibilities in accordance with the highest ethical standards. This notion entails not only personal accountability for one's own actions but also an active commitment to safeguarding and enhancing the reputation and trust of the institution as such.

The adoption and implementation of integrity policies represent a crucial strategy for increasing both efficiency and public trust in the police. Such policies are founded on clearly defined principles that promote transparency, accountability, and professionalism, thereby diminishing the opportunities for corruption, abuse of power, and unethical conduct. By fostering a robust culture of integrity, standards of behavior are established that encourage police officers to operate in alignment with the highest moral and legal standards.

## **2.2. Key aspects of police integrity in a global context**

In democratic societies, police integrity is founded upon a set of universal principles that are vital for upholding professionalism, efficiency, and public trust. These principles guarantee transparency and accountability, and their implementation ensures that law enforcement personnel operate in accordance with both legal and ethical standards.

The fundamental aspects that delineate police integrity are as follows:

1. Policing has a direct influence on public trust and perceptions of safety. Effective police services that operate with professionalism and ethical conduct enhance citizens' confidence, whereas the abuse of authority diminishes the legitimacy of the institution as such.

2. Citizens' perceptions of the police significantly influence their willingness to cooperate with security authorities. Open communication, transparency, and accountability foster a positive relationship between law enforcement and the community.
3. The oversight system must ensure effective and impartial investigations into police misconduct. Accountability for professional irregularities must be upheld without exception to prevent impunity and reinforce institutional integrity.
4. Ongoing training for police officers is essential for the advancement of professional standards. Establishing clear criteria for recruitment and career progression is crucial for cultivating a strong and ethical police workforce.
5. The safeguarding of official data and the responsible management of information are critical in preventing misuse, manipulation, or unauthorized disclosure. Police officers must exercise due diligence in handling confidential information.
6. Ethical guidelines in policing prohibit the acceptance of gifts, discounts, or any privileges that may compromise impartiality and lead to corrupt practices.
7. Police institutions must establish clear financial regulations that ensure transparency and accountability in the utilization of public funds. This framework is essential for preventing financial abuse and corruption within the system.
8. The establishment of effective oversight and internal control mechanisms is vital for upholding integrity within the police. These mechanisms encompass internal inspections, independent audits, and anti-corruption bodies.
9. Responsible and professional leadership within police structures is a fundamental element in fostering a culture of integrity. Senior officials must exemplify ethical and lawful practices, serving as role models for their subordinates.
10. Senior police leaders bear a crucial responsibility in shaping and implementing strategies for police integrity. Their commitment to transparency, accountability, and professionalism significantly influences the overall ethics and effectiveness of the institution.

The depoliticization of the police is a fundamental component for achieving effective and professional law enforcement. To foster the development of police integrity, it is essential to minimize political influence on police operations, which necessitates the establishment of professional

standards and independent oversight mechanisms. A new legal provision prohibiting membership in political parties could enhance the societal environment for depoliticization. This measure safeguards the police from political pressures, ensuring that internal affairs are governed by clearly defined official rules and procedures. Furthermore, such independence is reflected in the police's relationships with citizens, institutions, and society at large, thereby contributing to the establishment of trust, transparency, and respect for democratic principles.

Educating police officers on integrity and ethics is paramount to cultivating a professional and effective police force. Substantial reforms are required in the existing curriculum and content of basic police training to facilitate the prompt introduction of additional modules that encompass police ethics, police integrity, and anti-corruption strategies. Furthermore, the development of advanced and specialized training, which incorporates concrete practical examples and case studies, should be systematically integrated into the regular annual plans and training programs of the police.

The introduction of external control mechanisms, such as independent bodies or civil society organizations, can significantly enhance transparency and accountability within law enforcement. Regrettably, no such external mechanisms have yet been established that possess the integrity, independence, and expertise necessary to effectively supervise and regulate the police. While there have been attempts to create similar bodies for civilian oversight of security services and/or specific security procedures, these efforts have thus far yielded no tangible results. Currently, the Ombudsman Office is the sole entity engaging with the Ministry of Interior from the perspective of external oversight; however, clear procedures and standards for this interaction remain absent.

Strengthening financial transparency within the Ministry of Interior (MoI) is crucial for mitigating corruption risks and enhancing public trust in the institution. To accomplish this objective, it is imperative to improve the management of public procurement and ensure continuous oversight throughout all stages of the process. Establishing clear and stringent procedures for the implementation of public procurement is particularly vital. In recent years, the Ministry of Interior has encountered significant challenges in this domain. The procedures for conducting public procurement have often lacked clarity, resulting in frequent repetitions of tender processes and alterations to tender documents. Such ambiguities have created opportunities for manipulation and abuse of the system as such.

To address these issues, it is essential to reform the public procurement process to enhance transparency and objectivity. This reform should encompass the redefinition of tender procedures, the establishment of in-

dependent bodies to monitor and audit these processes, and the improvement of public access to information regarding the implementation of public procurement.

Moreover, the creation of a unified and integrated organizational structure for human resource management within the police is a critical prerequisite for increasing efficiency and professionalism in law enforcement. Such a structure would facilitate centralized and coordinated management of all facets of human resources, including recruitment, training, promotion, performance evaluation, and the management of personnel needs.

### **2.3. Measuring the integrity of police officers**

Corruption risk assessments and regular integrity testing of police officers are vital preventive measures that assist in identifying potential issues before they escalate into serious problems. These activities are designed to pinpoint possible weaknesses or risk areas within policing that may lead to unethical behavior or corruption. Regular integrity tests serve to monitor police officers' conduct and their adherence to ethical and legal standards.

The new legislation mandates that candidates for the position of Director of the Bureau of Public Safety must have successfully passed an integrity test. Furthermore, the requirement to undergo an integrity test extends to the Secretary of State at the Ministry of Interior, as well as to all positions with special duties and powers. This legislation emphasizes the significance of integrity testing at all levels of law enforcement.

A negative outcome from the integrity test is regarded as a serious violation of labor order and discipline, or as a failure to fulfill work obligations, as stipulated by law, collective agreements, the rules and regulations of the Ministry, and employment contracts.<sup>32</sup>

Police integrity is assessed through a range of mechanisms and tools that emphasize ethical standards, transparency, and professionalism in the conduct of police officers. However, two procedures particularly stand out due to their significance:

- **Integrity tests:** These assessments are administered to police officers and involve simulated scenarios that mirror real-world job tasks. The outcomes of these tests may indicate a risk of corruption and can serve as a foundation for initiating disciplinary proceed-

---

<sup>32</sup> [Law on Internal Affairs](#) - Article 87, paragraph 1 item 22 of the Law on Internal Affairs, Official Gazette of the Republic of North Macedonia No. 89/22.

ings. Furthermore, current legal regulations stipulate that any candidate for the position of police officer, or any individual seeking to establish a working relationship with the Ministry of Interior, must successfully pass an integrity test. This serves as a valuable starting point for creating a comprehensive database for each individual, from which advanced tools for monitoring and controlling professional policing can be developed.

- **Corruption risk assessment:** The implementation of corruption risk assessments within the police force is crucial for identifying potential vulnerabilities and issues. This process includes a thorough analysis of existing procedures and methods, accompanied by recommendations for improvement.

#### **2.4. Legal framework for the regulation of police integrity**

The legal framework governing police integrity has been established at an appropriate level, with clearly defined provisions outlined in the fundamental laws and by-laws enforced by the Ministry of Interior (MoI). These legal mechanisms create a robust framework for professional and ethical policing, ensuring adherence to the highest standards of accountability and impartiality.

The Law on Internal Affairs, specifically in Chapter II – General Principles for Employees of the Ministry, lays the groundwork for professional ethics, impartiality, and objectivity. It stipulates that police officers are required to uphold high standards of personal integrity and professional ethics in the execution of their duties, acting in accordance with both legal and ethical regulations.

A particularly noteworthy innovation introduced by the relevant Law is the comprehensive regulation of the professional integrity test. This test represents a progressive approach within Macedonian legislation, with a primary objective of preventing corruption and abuse of office. Consequently, it is incorporated into the list of preventive measures used by the Ministry of Interior, thereby supporting ethical and professional policing.

It is essential to differentiate between two types of integrity tests: the Professional Integrity Test for existing employees of the Ministry of Interior and the Employment Relationship Integrity Test, which serves as a criterion for the selection of new employees. This latter test ensures that candidates fulfill the requisite standards of personal integrity and professionalism.

In the Law on Police, the sole provision pertaining to integrity is associated with the special criteria for the selection of the Director of the Bu-

reau of Public Safety. It may be prudent to conduct a thorough analysis of current needs in the near future, with the aim of more precisely regulating police integrity within this legislation. This regulation should particularly focus on the exercise of police powers, the use of firearms, and the application of coercive measures.<sup>33</sup>

A document that is essential for promoting police integrity is the Rulebook on the manner of conducting the professional integrity test for police officers.<sup>34</sup> The professional integrity test, in simple terms, is an assessment of employees' performance through participation in a simulated scenario that accurately reflects their daily work and activities. This verification is conducted without prior notice to the organizational unit in which the employee is assigned, ensuring the authenticity of the results. The testing is ongoing and falls under the jurisdiction of the Department of Internal Control, Forensic Investigations, and Professional Standards (OCCIPS).

The primary objectives of the professional integrity test are to prevent corruption, avert abuse of office, and enhance the integrity of Ministry employees. The test is characterized by its preventive nature, aimed at mitigating potential malfunctions within the organization.

The duration of the testing can extend up to a maximum of 12 months, while the information gathered during this process may be classified in accordance with relevant regulations. To facilitate the test, a comprehensive plan is developed, encompassing all necessary data and the anticipated timeline of activities. Upon completion of the test, the police officers responsible for its execution submit a report detailing their findings and recommendations.

The test is deemed successful if the individual being assessed demonstrates professional integrity, meaning they do not engage in unlawful, unprofessional, or unethical behavior while performing their job duties. Conversely, a negative outcome is determined when the test subject fails to exhibit this requisite level of integrity.

A negative test result may result in disciplinary action and, in certain circumstances, the initiation of criminal liability proceedings if there are identifiable elements of a crime.

The Code of Ethics for Employees of the Ministry of Interior is a by-law that delineates professional ethics and standards of conduct. This doc-

---

<sup>33</sup> Article 16 of the Law on Police, Official Gazette of the Republic of North Macedonia [No. 89/22](#).

<sup>34</sup> Official Gazette [No. 41](#) of 24 February 2023.

ument establishes clear guidelines for the work and behavior of police officers, with the following objectives:

- Guaranteeing legality, professional and personal integrity, and upholding high moral and professional standards. The Code promotes efficiency, effectiveness, commitment, and enhanced accountability, thereby contributing to the overall strengthening of the Ministry's integrity.
- Respect for human rights by ensuring equal treatment, non-discrimination, and impartiality. Police officers are mandated to act without favoritism or personal interests, while respecting the rights and dignity of all citizens.<sup>35</sup>

## **2.5. Ministry of Interior Integrity Plan 2023-2025: Strategic framework for transparency and accountability**

The Ministry of Interior's Integrity Plan for 2023 – 2025 represents the first comprehensive public document dedicated to addressing integrity within the Ministry of Interior and the police as such. This plan seeks to establish a systematic approach to preventing corruption, enhancing institutional integrity, and improving transparency. In addition to the core document, an integral component is the Action Plan for the Implementation of the Integrity Plan, which delineates specific steps, measures, and responsibilities necessary to achieve the stated objectives.<sup>36</sup>

The Ministry of Interior's Integrity Plan for 2023 – 2025 identifies several risks that impact the operations of traffic and border police, administrative services, human resources management, public procurement, and

---

<sup>35</sup> In addition to these documents, the legal framework governing police integrity includes: Regulations on matters and activities in conflict with police affairs, [Microsoft Word - 5F5C688CC6101548B5FBB3450DFD3ED0.doc](#) accessed 11 January 2025; Guidelines on the procedure for protected internal and external reporting to the ministry of interior, [Guidelines for whistleblowers.pdf](#), accessed 11 January 2025; Guidelines on the manner in which gifts, amenities, and hospitality are handled at the Ministry of Interior; [mvr.gov.mk/Upload/Editor Upload/ Guidelines on gifts.pdf](#), accessed 11 January 2025; Guidelines on the conduct and mutual relationships among police officers [Microsoft Word - 9C19C4B9BC09944797191CCBAE1278FA.doc](#), accessed 11 January 2025.

<sup>36</sup> [INTEGRITY PLAN OF THE MINISTRY OF INTERIOR 2023-2025](#). The primary objectives of the Integrity Plan encompass the following: 1. Preventing corruption and strengthening institutional integrity through the implementation of preventive mechanisms and enhanced oversight. 2. Increasing transparency and accountability within the Ministry of Interior. 3. Establishing mechanisms to monitor and sanction abuses effectively. 4. Defining clear rules for employee integrity to ensure adherence to ethical standards. 5. Strengthening internal cooperation to facilitate more effective enforcement of anti-corruption measures.

adherence to ethical and professional standards. To effectively foster police integrity, the plan is founded on four key assumptions:

1. Accurately define key issues related to the development of police integrity in order to identify the most pertinent challenges and areas for intervention.
2. Provide evidence of various forms of unethical behavior, drawing on established typologies and survey data regarding police and public attitudes toward unlawful policing practices. While inappropriate policing is a widespread issue across all countries and cannot be entirely eradicated, there are measures that can help mitigate it. Although there is no universal solution that will eliminate all unlawful actions by the police, it is imperative to continuously strive for improvements in integrity.
3. Analyze international methods for researching and strengthening police integrity in various regions of the world. One of the most significant tools for regulating police behavior is the implementation of vetting processes, which facilitate the creation of a safe working environment for police officers, ensure equal career opportunities, provide access to training, and protect rights. Additionally, the adoption of national codes of police ethics, along with the European Code of Police Ethics, serves as an effective mechanism for enhancing policing and aligning it with democratic standards.
4. Propose ideas for a new approach to advancing police integrity, including the identification of potential challenges that may arise during the implementation of reforms. This approach should be adaptable, grounded in international best practices, and its execution should be subject to continuous monitoring and evaluation.

Strengthening police integrity necessitates a comprehensive approach that encompasses systemic reform, transparency, and active oversight. Such measures are essential for the police to enhance citizens' trust and to operate as a professional and ethical institution.

## **2.6. Police integrity promotion activities**

**Use of force:** Police officers and law enforcement personnel, in general, have an obligation to uphold human rights and freedoms, as well as the dignity of every individual. In any situation where the use of force is deemed necessary to carry out police duties, the officer must consider the interests of the individual, the community, and society as a whole.

**Complaints and investigations of unprofessional conduct:** One of the obligations to meet citizens' expectations pertains to policing procedures, which should be reasonable and effective. To fulfill this obligation, police chiefs must establish an open grievance process in which both citizens and police officers can have confidence, ensuring that each individual case is investigated thoroughly, promptly, and objectively. To promote a fair and equitable system, citizens should have the opportunity to file complaints against police officers in a straightforward, accessible, and comprehensible manner. Complaints can be submitted not only in person at the police station but also via telephone, postal mail, email, or other appropriate means. While there is a prescribed complaint form, the completion of this form should not be a prerequisite for initiating the review process. Police officers are obligated to accept complaints and must not discourage citizens from filing them. Furthermore, citizens are not required to consult with superior officers prior to filing a complaint, nor during the investigation process. Anonymous submissions will also be accepted, as this is a matter of public interest, and citizens should not be strictly obligated to disclose their identities when filing complaints against police officers.

## **2.7. Activities to promote accountability and effective management**

**Non-discrimination in policing and data collection:** Equality before the law is one of the most significant advantages of a modern democratic society. To safeguard this fundamental right, the police must ensure that every officer carries out their duties with a strict zero-tolerance policy towards discrimination.

**Selection, recruitment, and retention:** One of the most critical activities for fostering and promoting police integrity is of a technical nature and necessitates the establishment of an "early warning" system. This system should encompass data on various policing activities performed by officers, including: the use of firearms, the use of force, reviews and searches, civil complaints, criminal charges against police officers, allegations of misconduct, disciplinary measures, non-disciplinary measures, training history, instances of civilians deprived of their liberty, and traffic violations committed by police officers, as well as any use or abuse of medical leave.

## **2.8. Assessing police integrity and corruption in policing**

The evaluation of policing is conducted through the monitoring and analysis of several key segments, including transparency, governance and decision-making, human resource management, financial management, internal control, and external oversight. Assessing success and progress in

these areas provides a clear understanding of how effectively the police maintain professional dignity, uphold the law, and foster partnerships with citizens in the execution of their duties.

The depoliticization of the police plays a significant role in reducing corrupt practices, as political influences often create opportunities for abuse. When police structures are freed from partisan pressures, they are more likely to consistently adhere to ethical standards and legal requirements, which directly enhances the perception of the institution's integrity.

## **2.9. Improving policing practices through external oversight**

Active external oversight is instrumental in enhancing citizens' perceptions of the police. Research indicates that when independent control mechanisms are established, citizens exhibit greater confidence in the police's dedication to protecting and promoting their rights.

Moreover, external oversight encourages increased collaboration between the police and civil society organizations, which can result in improved policing practices and heightened awareness of the significance of police integrity. This collaboration facilitates more effective oversight mechanisms and creates an environment conducive to the responsible and professional execution of police duties.

While some progress has been achieved, a significant gap persists in the consistent respect for human rights. The Ombudsman Office continuously monitors police actions in this regard, and it can be noted that cooperation reflects a positive trend. However, it is concerning that allegations against police actions constitute the largest category of cases handled by this institution.

In 2023, out of 2,802 cases filed, 264, or approximately 9%, pertain to police powers, civil affairs, and internal affairs. Particularly noteworthy are the cases related to difficulties in obtaining personal documents, as well as daily police interventions that result in violations of citizens' rights. These statistics underscore the urgent need for further reforms and enhanced oversight to ensure a higher degree of legality and transparency in policing.<sup>37</sup>

The policy aimed at strengthening police integrity and the integrity of employees within the Ministry of Interior must be aligned with the enhancement of institutional capacities and the effective addressing of citi-

---

<sup>37</sup> [Annual Report on the Level of Ensuring, Respecting, Promoting, and Protecting Human Rights and Freedoms – 2023, p. 45. Accessed 17 January 2025](#)

zens' needs in all circumstances. Only through the simultaneous advancement of professional standards and institutional accountability can trust, legitimacy, and efficiency in policing be assured as such.

## **CONCLUDING REMARKS**

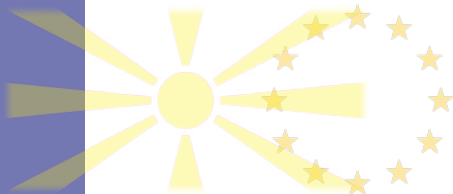
Police integrity is a fundamental component of democratic governance, ensuring the legal, transparent, and accountable operation of police institutions. Adherence to ethical, professional, and legal standards is crucial for maintaining public trust, preventing abuse, and guaranteeing equal treatment of all citizens before the law.

In this context, the Ministry of Interior's Integrity Plan for 2023 – 2025 represents a significant advancement in the structured management of risks within policing, particularly in critical areas such as human resource management, public procurement, transparency, and compliance with professional standards. Additionally, the Code of Ethics, along with oversight and accountability mechanisms, is essential for preventing corrupt and unethical practices within police ranks.

The application of global principles of police integrity—such as transparency, professional oversight, financial accountability, and effective leadership—is necessary for the ongoing enhancement of police standards. Police leadership plays a pivotal role in fostering a culture of integrity that encourages professional, ethical, and responsible behavior among officers.

While there is no universal solution to the myriad challenges associated with unethical behavior and abuse of office, continuous education, both internal and external oversight, the strengthening of inter-institutional cooperation, and the implementation of best practices can significantly contribute to reducing instances of abuse and bolstering public trust in the police.

Strengthening police integrity is not merely an institutional obligation; it is a societal priority that necessitates active collaboration among police, citizens, civil society, and international partners. Only through institutional transparency, effective oversight, and professional accountability can police services fulfill their primary mission of protecting citizens and advancing the public interest.



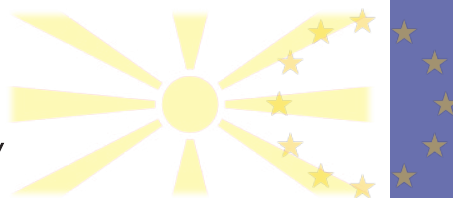
"THROUGH PROFESSIONALISM AND INTEGRITY TO TRANSPARENCY AND ACCOUNTABILITY IN THE POLICE"

**RECOMMENDATIONS 14TH SESSION OF WORKING GROUP 4,  
"JUSTICE, FREEDOM, AND SECURITY" (CHAPTER 24) ON THE TOPIC:**

**"Through professionalism and integrity to transparency  
and accountability in the police"**

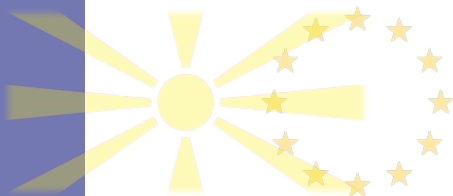
**8 July 2024**

1. The integrity of police officers is vital to providing public support, which is strengthened through their proper conduct towards citizens (use of limited force, fair and ethical conduct, use of force within permissible limits, equality in the administration of justice, avoidance of insults, humiliation, and discrimination). It is recommended that the Ministry of the Interior (MoI) monitor the ongoing efforts of the European Union to strengthen integrity policing mechanisms and ensure a high level of transparency.
2. It is recommended that the Ministry of Interior continue to implement the recommendations of the OSCE Mission regarding the implementation of the STRATEGY FOR COMMUNITY ENGAGEMENT AND COMMUNICATION 2024-2026, strengthening the work of the Prevention Department and establishing the long-term Department for Central Preventive Coordination.
3. A primary assumption that ensures the integrity of police officers is the manner in which new police officers are recruited and selected. An employment contract with the Ministry of Interior can be signed by the best candidates who have passed the complex selection procedures without any political intervention and have shown the highest results, considering their motivation to be police officers. The establishment of a fully integrated merit-based human resource management process ("merit system") should be a strategic objective of the Ministry of Interior and create conditions for reducing the pervasive, endemic levels of political interference in the police function in all areas.
4. Operational independence means that police have the authority and discretion to make decisions about day-to-day operations, including how to allocate resources and conduct investigations without interference from political actors. To strengthen operational independence, the government should consider an organizational solution. All leadership positions should be nonpolitical and in compliance with all principles of merit-based hiring and promotion. Directors and other management staff, including assistant directors, should be in their positions irrespective of elections and changes in power.
5. In addition to the utmost importance of merit criteria in the recruitment of police of-



Officers (especially those in leadership positions), diversity and gender aspects should also be considered when recruiting at all levels. Gender equality and diversity are key to policing for a number of reasons. Different teams bring different perspectives and experiences, which can improve problemsolving and decisionmaking. A police force that reflects the diversity of a society is more likely to gain the trust of the community and build strong relationships with different groups in society.

6. The Ministry of Interior needs to improve the Police Officers' Integrity Measurement Test, which is a solid tool for assessing integrity in European terms. This test may offer positive results. However, given its invasive nature, other appropriate measures need to be taken prior to its application. This test must be used with the utmost caution and under professional guidance and control, i.e., institutional expertise and resources that the Ministry of Interior should provide are necessary. According to practice, integrity testing can be applied when there is a reason, and when there is no reason to perform a check taking the form of overt and covert testing. These four elements can be combined to create different integrity testing systems. The integrity test cannot be used as a broadspectrum anticorruption tool, but rather as a targeted mechanism for suspected serious misconduct by individuals or groups.
7. A vital prerequisite for proper oversight of the work of the police is access channels through which citizens can submit their complaints – directly to the police, as well as to other external mechanisms. To understand how the existing mechanisms work, it is recommended that the Ministry of Interior take the initiative for an open discussion on the effectiveness of existing tools for collecting, updating, managing and handling citizens' complaints. The participation of civic platforms, representatives from relevant institutions, as well as international police bodies is important in this dialogue. The need to set up a special complaints department in the Ministry of Interior is likely to be discussed.
8. Despite significant progress in ensuring public order and peace, as well as greater security of citizens, the Ministry of Interior with its leading role among the governing bodies should continue to improve the concept of community policing by finding solutions to the problems faced most by citizens. As an example: loud music at night and other types of loud communications for which there is regulation but is not enforced or does not affect the discouragement of offenders; seeking an effective solution to the problem of stray dogs on the street; seeking solutions to prevent the burning of pollutants or the burning of stubble; tougher penalties for drivers who exhibit violence and violate the safety of public spaces.
9. To achieve greater integrity of police officers, primary and continuing training programs (according to the annual training plan in the Ministry of Interior) should in-



## "THROUGH PROFESSIONALISM AND INTEGRITY TO TRANSPARENCY AND ACCOUNTABILITY IN THE POLICE"

clude topics that will offer indepth knowledge of police integrity and professional police conduct. Content that will significantly contribute to increasing integrity relates to training on conflicts of interest in policing, the risks of such practices, and the indication of preventive actions. All forms of education should be conducted at all levels within the police organization (petty officers and all management levels). However, experts point out that a key aspect related to integrity is leadership and how it is practiced at different hierarchical levels.

10. Leading by example is a cornerstone of ethical leadership and preventing corruption in law enforcement. Through their actions and behavior, leaders set standards for ethical behavior, creating a culture that rejects corruption at all levels. Leaders are the first line of scrutiny and should be the first to go through training to gain knowledge of what a positive example means to other police officers.
11. The adoption of the Ministry of Interior' Integrity Plan 20232025 is a positive step. The preparation of the next Integrity Plan will have the benefit of involving representatives from the academic community, civil sector, other professional organizations, international partners, etc. To underscore the importance of the Integrity Plan, it should be communicated to all police officers.
12. Community policing, as a concept and developed methodology, seeks to increase citizens' trust in the police which at the same time means greater credibility and legitimacy of community policing. The idea is based on local engagement, which assumes that decisionmaking and governance should be decentralized. In a decentralized decisionmaking system, there are better conditions for increasing the accountability of police officers, and thus increasing accountability to the community. When officials can independently seek solutions to problems and have a mandate to take risks, their responsibility will be greater.
13. The Assembly of the Republic of North Macedonia (and its competent committees), as the most important instance for control of the security sector, including the supervisory police mechanisms, should practice frequent discussions on the level of compliance and effectiveness in the supervision of the competent institutions: the Ministry of Interior, the Public Prosecutor's Office and the Ombudsman Office within whose framework the activities of civil society organizations are envisaged. Six years after the establishment of the Police External Oversight Body is a significant period that allows for an assessment of progress and weaknesses.
14. Accelerating the adoption of the proposed amendments to the Law on the Ombudsman, which will extend the mandate of the elected three representatives of civil society organizations from 1 to 3 years, will strengthen the role of the External Oversight



Mechanism known as the Ombudsman Plus.

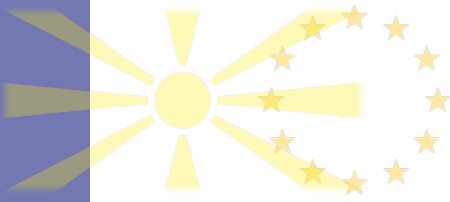
15. It is recommended to consider the possibility of creating a mechanism to establish a balance of accountability between the police, the political echelon and citizens. There is a need to preserve police operational independence and ensure democratic accountability to the political echelon and the public. The police cannot operate in an environment without political oversight.

**RECOMMENDATIONS 15<sup>TH</sup> SESSION OF WORKING GROUP 4,  
"JUSTICE, FREEDOM, AND SECURITY" (CHAPTER 24) ON THE TOPIC:**

**"Challenges in the fight against financial crime in the Republic of North Macedonia: The importance of efficient financial investigations"**

**30 October 2024**

1. Consistent implementation of national strategies, in particular the concept of intelligence-led policing (ILP) in all law enforcement agencies. To successfully tackle organized crime, it is mandatory to conduct financial investigations in parallel with criminal proceedings, especially in cases of money laundering and financial crime. The Ministry of Interior, the Financial Police and the Prosecutor's Office for Organized Crime should strengthen their financial forensics capabilities, develop a system for automatic data exchange and ensure efficient confiscation of illegally acquired property. This will prevent further funding of criminal networks and increase transparency in economic flows.
2. Active use of instruments for operational and strategic cooperation in the fight against organized crime. For the effective fight against organized crime, it is necessary to strengthen interinstitutional and international cooperation by improving the exchange of information between the Ministry of Interior, the Prosecutor's Office for Organized Crime, the Financial Police, the Financial Intelligence Administration and the Customs Administration, as well as by activating them in regional and European mechanisms such as Europol, Interpol, EUROJUST and OLAF. The implementation of Joint Investigation Teams (JITs) will allow for better coordination in the fight against transnational crime, while the development of platforms for confidential data exchange will improve the monitoring of financial flows and increase the efficiency of investigations. In addition, the country's increased participation in initiatives such as SELEC (Southeast European Law Enforcement Center) will allow for the exchange of experiences and access to advanced analytical tools for detecting organized criminal networks.



## “CHALLENGES IN THE FIGHT AGAINST FINANCIAL CRIME IN THE REPUBLIC OF NORTH MACEDONIA: THE IMPORTANCE OF EFFICIENT FINANCIAL INVESTIGATIONS”

3. Creating an inclusive civic, multisectoral and multidisciplinary approach. For the effective fight against organized crime, it is necessary to continuously update and implement the National Strategy for Combating Organized Crime, involving the Ministry of the Interior, relevant ministries, civil society organizations and the academic community. Favorable results in this type of crime where the perpetrators are always one step ahead of the institutions will be achieved by engaging experts from the judiciary, economics, security and digital technologies, as well as by increasing transparency and accountability by regularly reporting on the progress and effects of the measures implemented.
4. Improving information systems, forensic analysis, and specialized investigation units. To combat organized crime more effectively, it is necessary to strengthen intelligence and operational capacities through the development of advanced digital tools for data processing and analysis, improve financial investigations, and strengthen digital forensics capacities. This should be carried out by the National Coordination Center for Combating Organized Crime, in coordination with the Ministry of Interior, the Financial Police, the Prosecutor's Office and the Customs Administration, by hiring new personnel, conducting specialized trainings and improving technical resources for monitoring and detecting criminal activities.
5. Development of interoperable information exchange platforms for the detection of criminal activities. The digitization of institutions is key to more effective tracking and detection of criminal activities, which requires the development of interoperable platforms for the automatic exchange of information between the Ministry of Interior, the National Coordination Center for Combating Organized Crime, the Financial Intelligence Administration and the Financial Police. This should be implemented through the implementation of electronic systems for data exchange, digitization of criminal records and investigative procedures, as well as the introduction of advanced tools for the analysis of financial flows, which will improve the identification and processing of criminal groups.
6. Continuous monitoring of the priorities of the European Multidisciplinary Platform against Criminal Threats – EMPACT. Support to the EUEMPACT priorities is key to improving the fight against organized crime in North Macedonia by aligning national policies with the European Multidisciplinary Platform against Criminal Threats (EMPACT). This should be implemented by the Government, the Ministry of the Interior and the Organized Crime Prosecutor's Office, through improved cooperation with European authorities, active participation in international investigations and exchanges of experts with EU Member States. These measures will allow for the adoption of European best practices and the strengthening of national capacities to deal with criminal threats.

### **3. MEMBERS OF WORKING GROUP – 4, JUSTICE, FREEDOM, AND SECURITY (CHAPTER 24)**

Jovanka Andreevska, Ministry of Interior

Oliver Bachanovich, Professor, Faculty of Security, UKLO

Neda Dimova, Journalist, MIA

Natasha Vidova, International Organization for Migration (IOM)

Emilija Mizo Dimkov, Prosecutor, Basic Public Prosecutor's Office, Skopje

Nikola Dujovski, Professor, Faculty of Security, UKLO

Slobodan Ivanovski, Director of the Financial Police Directorate

Aleksandar Janev, Director of the Bureau for Public Security

Dimitar Nikolovski, President, Eurothink

Frosina Krushkarovska, Researcher, Eurothink

Marina Malish Sazdovska, Professor at the Faculty of Security, UKLO

Svetlana Nikolovska, Professor, Faculty of Security, UKLO

Elena Sazdov, Advisor, Ministry of Justice

Ankica Tomikj, Representative of Bosnia and Herzegovina to MARRI

Ajsel Fazliov, Ministry of Interior

## WORKING GROUP 6: “ANTI-CORRUPTION“ CHAPTER 5 – PUBLIC PROCUREMENT, CHAPTER 18 – STATISTICS, CHAPTER 32 – FINANCIAL CONTROL

---

### **MEMBERS OF THE PROGRAM COUNCIL OF WORKING GROUP 6 “ANTI-CORRUPTION”, (CHAPTER 5 – PUBLIC PROCUREMENT, CHAPTER 18 – STATISTICS, AND CHAPTER 32 – FINANCIAL CONTROL)**

**Mileva GJUROVSKA**, National Coordinator, Professor at the Faculty of Philosophy, Institute of Sociology, UKIM, Skopje

**Aleksandar KRZHALOVSKI**, Executive Director of MCMS, Co-chair of Working Group 6, “Anti-Corruption”

**Viktor MITEVSKI**, Association for Research and Analysis ZMAI, Skopje, Coordinator of Working Group 6, “Anti-Corruption”

**Dragan TEVDOVSKI**, Professor at the Faculty of Economics, Long-term Expert in Working Group 6, “Anti-Corruption”

**Nikola JAZADJISKI**, Project Coordinator



# **INTEGRATING ARTIFICIAL INTELLIGENCE INTO PUBLIC FINANCE MANAGEMENT: A POLICY PERSPECTIVE FOR THE REPUBLIC OF NORTH MACEDONIA**

## **INTRODUCTION**

The digital transformation of public administration is progressively influencing fiscal management, with artificial intelligence (AI) assuming a pivotal role in enhancing transparency, efficiency, and accountability within public financial management. AI technologies, notably machine learning and predictive analytics, possess the capacity to optimize tax administration, augment budgetary efficiency, reinforce oversight of public procurement processes, and mitigate financial fraud. European governments have commenced the implementation of AI-driven fiscal policies, leveraging data-driven insights to modernize revenue collection and expenditure monitoring.

The European Union (EU) is actively advocating for the advancement of artificial intelligence within the framework of its Digital Decade 2030 strategy.<sup>2</sup> The overarching objective of the strategy is to enhance the digital transformation and competitiveness of European economies, with a particular emphasis on four critical areas:

- Enhance the digital competencies of the EU population, aiming for at least 80% of individuals to possess basic digital skills and to cultivate a workforce of 20 million ICT specialists within the EU, with a commitment to promoting gender equality.
- Establish a robust digital infrastructure to guarantee gigabit connectivity for all citizens and to elevate the EU's share of global advanced semiconductor production to 20%.
- Facilitate the digitization of businesses: By 2030, it is projected that 75% of enterprises within the EU will need to adopt technologies such as cloud computing, artificial intelligence, or big data, while also aiming to double financial investments; additionally, 90% of

---

<sup>1</sup> Director, Association for Analysis and Research ZMAI, Skopje.

<sup>2</sup> [Europe's Digital Decade: digital targets for 2030](#), European Commission, 2023.

small and medium-sized enterprises (SMEs) should achieve at least a foundational level of digitization.

- Advance the digitization of public services: Ensure the availability of 100% of essential public services online, provide all citizens with access to electronic medical records, and implement digital identification cards.

In this context, the European Union intends to mobilize €200 billion in investments to foster the development of artificial intelligence, which includes the establishment of a €20 billion European fund dedicated to the construction of AI giga factories. Regarding regulatory frameworks in this domain, several initiatives and proposals are underway to facilitate further advancement.<sup>3</sup> In numerous EU member states, new competent authorities, centers, or commissions have been established to oversee the implementation of various laws, ensuring the proper application of artificial intelligence tools and automated algorithmic decision-making systems. Within this context, a significant number of amendments to existing laws and regulations are required to address the challenges presented by AI. These amendments will encompass legislation related to personal data protection, education, media, healthcare, transportation, and investment.<sup>4</sup>

The Working Group on Anti-Corruption at the National Convention on the European Union in the Republic of North Macedonia (NCEU-MK) dedicated its third session to the exploration of the application of artificial intelligence in public finance management (PFM). The discussion centered on the essential prerequisites for the successful implementation of AI in fiscal management, particularly emphasizing the necessity for institutional data integration and the formulation of a cohesive national digital strategy.<sup>5</sup>

---

<sup>3</sup> Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL LAYING DOWN HARMONIZED RULES ON ARTIFICIAL INTELLIGENCE (ARTIFICIAL INTELLIGENCE ACT) AND AMENDING CERTAIN UNION LEGISLATIVE ACTS.

<sup>4</sup> Opinion of Aleksandar Kostadinov, President of the Institute for Digitalization, Economics, and Innovation-IDEAS in the article [Artificial Intelligence and the Macedonian Public Sector Are Probably Funny Together](#), Bloomberg Adria, 2024.

<sup>5</sup> 3rd session of the Working Group 6 – "Anti-Corruption" (Chapter 5 – Public Procurement, Chapter 18 – Statistics, Chapter 32 – Financial Control), entitled: Integrating Artificial Intelligence in Public Finance Management, held on 17 July 2024. Experts from the Working Group, as well as from the country and abroad, participated: Stefan Andonovski, Minister for Digital Transformation, Mileva Gjurovska, National coordinator, Aleksandar Krzhalovski, co-chair, Executive Director of MCIC, Juri Kiwimae, Data Analyst, Estonian tax and customs board, Elena Petrova, Director of Public revenue office, Boro Jakimovski, Dean of Faculty for Computer science and engineering, Dragan Tevdovski, Permanent NCEU-MK expert, Professor at the Faculty of Economy, Dime Galapchev, Executive Director of FinqUp, Mila Josifovska Danailovska, Program manager, Metamorphosis, Viktor Mitevski, WG-6 coordinator, Executive Director of ZMAI.

In the context of digital transformation, the Republic of North Macedonia is undertaking initiatives to enhance its information and communication technology (ICT) infrastructure and capabilities. The National ICT Strategy 2023-2027 is founded on four primary pillars: the enhancement of digital connectivity and ICT infrastructure, the development of digital skills among citizens, the advancement of digital governance, and the promotion of business digitization and innovation. This strategy encompasses the integration of advanced technologies, including artificial intelligence, big data, and other information technology services.<sup>6</sup>

Furthermore, the Public Finance Management Reform Program 2022-2025 serves as a strategic framework aimed at enhancing the public finance management system. This program encompasses measures designed to ensure long-term budget stability and to deliver high-quality, efficient services to citizens and businesses through a modernized public administration grounded in digitization. Despite these initiatives, the Republic of North Macedonia encounters challenges in the integration of artificial intelligence within the public sector. Existing analyses indicate that certain countries in the region, such as Serbia, are making significant investments in AI supercomputers, while the Republic of North Macedonia is actively working to align its regulatory framework with that of the European Union.<sup>7</sup>

To ensure the effective implementation of artificial intelligence (AI) in fiscal management, it is imperative to address existing systemic challenges, including fragmented databases, limited institutional interoperability, and the absence of unified digital standards. This necessitates a coordinated institutional approach that encompasses data integration, the development of a cohesive regulatory framework, and the establishment of a comprehensive national digital strategy. Only through such a structured and synchronized approach can AI significantly enhance the efficiency of public finance management, facilitate the prevention of financial abuses, and strengthen anti-corruption mechanisms.

### **1.1. Optimal implementation of AI in public administration: Key mechanisms and practices**

---

<sup>6</sup> [National ICT Strategy of the Republic of North Macedonia 2023-2027](#).

<sup>7</sup> "So far, the country has not taken any concrete visible steps towards the application of AI in the public sector. With regard to EU regulation, some Balkan countries have enacted laws based on an existing EU draft directive. On the contrary, we have not started activities to transpose EU legislation related to AI" – statement by Minister of Digital Transformation, Stefan Andonovski, quote taken: [Artificial intelligence and the public sector are probably funny together](#), Bloomberg Adria, 2024.

The advantages of artificial intelligence in public administration can be fully achieved only if the technology is implemented in a manner that is correct, transparent, and responsible. This necessitates the adoption of a structured approach, which encompasses the following key mechanisms.

The digitization and automation of routine administrative processes represent a fundamental aspect of artificial intelligence, which has the potential to significantly diminish the necessity for human intervention, particularly in administrative and bureaucratic procedures. Areas of application for AI include:

1. Automated analysis, verification, and approval of applications (e.g., for licenses, permits, and subsidy requests);
2. Robotic Process Automation (RPA) – the implementation of advanced algorithms that execute administrative tasks (e.g., data verification, transaction approval, and submission management);
3. Interactive online civil service platforms – facilitating digital forms and electronic applications that substantially reduce the need for physical presence and manual processing by officials.

The use of electronic applications and online payment systems is expected to alleviate congestion in front of institutions, decrease the number of required personnel, and limit direct contact, thereby reducing opportunities for corrupt practices.<sup>8</sup>

Artificial intelligence can also be effectively utilized in the prevention of corruption through the application of data analysis algorithms. AI has the capability to proactively identify risks associated with corruption, clientelism, and favoritism by analyzing extensive databases. This is accomplished through anomaly detection systems in public procurement, where machine learning algorithms can scrutinize atypical patterns in contract awards and indicate potential abuses. In a similar vein, corruption risk prediction programs can be implemented by analyzing data related to public tenders, contracts, and financial transactions to detect irregularities. Equally important is the role of AI in facilitating public access to analyzed information through online platforms that enable the monitoring of public spending.

Virtual assistants and intelligent decision support systems have the potential to significantly enhance the transparency and accessibility of institutions for citizens. This is accomplished through the deployment of AI

---

<sup>8</sup> Long queues in front of institutions and corrupt practices underline the need for full digitization of public services in the Republic of North Macedonia, [Radio Free Europe, 8 January 2025](#).

assistants, such as chatbots, within institutions—digital platforms that provide real-time responses to citizen inquiries and guide them through appropriate administrative procedures. Artificial intelligence can analyze extensive volumes of public data, thereby offering precise and clear access to essential information for both citizens and businesses. Centralized public service portals will enable citizens to electronically monitor their requests and receive updated information without the need for intermediaries.

In international practice, artificial intelligence tools are already being employed to identify irregularities and abuses in the allocation of funds, including grants, the distribution of social assistance, and public procurement. By analyzing substantial volumes of data and detecting suspicious spending patterns, AI can facilitate the early detection of irregularities and corrupt practices, thereby enabling an initiative-taking approach to fiscal oversight and enhancing the accountability of public institutions.

This transformation necessitates the establishment of synergies among government institutions, academia, and the private sector to develop effective, ethical, and sustainable mechanisms for the implementation of artificial intelligence in the public sector. Only through such collaborative efforts can the Republic of North Macedonia align more closely with European digital standards and enhance the efficiency and transparency in the management of public resources.

## **1.2. Artificial intelligence in public finance: Challenges and opportunities for the Republic of North Macedonia**

The Republic of North Macedonia, while acknowledging the potential of artificial intelligence, encounters specific challenges in its application to public finance. In addition to ongoing efforts to digitize public administration, the country grapples with fragmented data systems, limited institutional interoperability, and regulatory constraints. Experts and government officials have emphasized that the successful implementation of AI-based fiscal management is contingent upon prior institutional data integration and the establishment of a unified national digital strategy.

In evaluating the country's readiness to adopt artificial intelligence (AI) in comparison to the advancements made by countries in the region and Europe, it can be concluded that some efforts are being undertaken in this direction. However, drawing from global best practices and recent public policy discussions, several key barriers have been identified that impede the progress of public finance reforms in the Republic of North Macedonia, particularly in the fields of digitalization and the application of artificial intelligence.

While the European Union (EU) is actively promoting artificial intelligence as a component of its broader Digital Decade 2030 strategy, the Republic of North Macedonia contends with challenges such as fragmented data systems, limited institutional interoperability, and regulatory constraints. During a recent discussion held within the framework of the National Convention on the European Union in the Republic of North Macedonia (NCEU-MK), experts and government officials underscored that the successful implementation of AI-led fiscal management is contingent upon the prior establishment of institutional data integration and a cohesive national digital strategy.

The literature on artificial intelligence in public administration indicates that the integration of AI into Public Finance Management (PFM) can enhance efficiency and diminish corruption, in line with broader trends in e-government and digital transformation (Janssen et al., 2020). AI-driven fiscal management facilitates real-time decision-making through predictive analytics, thereby reducing dependence on manual processing and mitigating risks associated with human error and bureaucratic inefficiencies.

Applications of artificial intelligence in tax compliance, fraud detection, and fiscal forecasting have demonstrated significant efficiency gains across Europe (European Commission, 2022). Countries such as Estonia and the United Kingdom are at the forefront of implementing AI-driven tax compliance models, with Estonia's e-tax system automating tax returns and utilizing predictive analytics to enhance revenue collection. However, the success of AI-driven Public Finance Management (PFM) is heavily contingent upon institutional digitization and data interoperability, as effective artificial intelligence models necessitate structured, high-quality data sets (OECD, 2023).

During the discussions at the National Convention on the European Union in the Republic of North Macedonia (NCEU-MK), it was concluded that the application of artificial intelligence in public finance remains secondary to the overarching challenge of digitizing public finance management. Experts noted that over 90% of institutions continue to rely on paper-based data storage and manual information exchange, which significantly constrains the potential impact of artificial intelligence in tax administration and the monitoring of public expenditure. This lack of institutional connectivity has been characterized as a structural bottleneck, suggesting that AI-driven financial transparency will remain an aspirational goal unless an integrated digital infrastructure is established first.

Budget forecasting represents another critical area in which artificial intelligence is demonstrating its utility. Traditional methods of fiscal planning predominantly rely on historical data and economic models, often fall-

ing short in capturing abrupt economic changes or external shocks. In contrast, AI-based forecasting tools can integrate extensive amounts of real-time economic data, facilitating more dynamic and responsible budgeting practices. The European Union has developed artificial intelligence-driven fiscal risk monitoring systems that evaluate macroeconomic indicators and provide recommendations for adjustments to public spending, thereby helping to prevent budget deficits (OECD, 2022).

### **1.3. The application of artificial intelligence to revenue collection and tax administration**

The relevant literature indicates that artificial intelligence-driven tax compliance systems enhance revenue collection by identifying patterns of tax evasion and automating audit processes (IMF, 2021). The Estonian e-tax system and the United Kingdom's HM Revenue and Customs (HMRC) artificial intelligence audit models have effectively increased tax transparency while simultaneously reducing administrative costs (World Bank, 2022). The success of these systems is contingent upon real-time data sharing among tax agencies, employment registries, and financial institutions.

World Bank studies (2022) demonstrate that AI-driven tax compliance models can enhance efficiency by automating the assessment of tax returns and detecting discrepancies in financial reporting. Risk assessment tools powered by artificial intelligence are capable of analyzing tax returns in real-time, identifying inconsistencies, and flagging high-risk cases for further investigation. The HM Revenue & Customs (HMRC) of the United Kingdom has successfully implemented machine learning models to detect fraudulent receivables and predict non-compliance, thereby increasing the efficiency of revenue collection (UK Government Digital Service, 2022).

The Republic of North Macedonia has made some progress in the digitalization of its tax system, with the Public Revenue Office (PRO) automating certain services; however, the utilization of artificial intelligence remains limited. According to discussions at the National Convention on the European Union in the Republic of North Macedonia (NCEU-MK), the primary challenge faced by the government is not the availability of artificial intelligence solutions, but rather the reluctance of institutions to integrate tax systems into a unified national platform. Experts emphasized that, without institutional collaboration and the establishment of mandatory data-sharing protocols, the impact of artificial intelligence in combating tax fraud and enhancing revenue collection will be constrained.

#### **1.4. Artificial Intelligence in Public Expenditure and Budgeting**

Effective management of public expenditure is essential for ensuring fiscal sustainability; however, persistent inefficiencies in budgeting and resource allocation continue to undermine the integrity of the country's public finance management system. Conversely, artificial intelligence enhances budget forecasting and expenditure tracking by analyzing economic trends and pinpointing spending inefficiencies (European Digital Strategy Report, 2023). Countries such as Finland and Germany have adopted real-time budget tracking tools powered by artificial intelligence, enabling governments to make dynamic adjustments to spending in response to fluctuations in the economic landscape (OECD, 2022).

Despite the ongoing budget reforms, the institutionalization of AI-driven predictions has yet to be achieved. Experts of the National Convention on the European Union in the Republic of North Macedonia highlighted that ministries frequently operate with separate financial tracking systems, which hinders real-time analysis of fiscal risks. In the absence of a centralized repository for public finance data, the establishment of an integrated IT system for public finance management (IFMIS) renders budget planning based on artificial intelligence unfeasible. The forthcoming Smart Macedonia initiative aims to tackle this challenge by aligning the digitalization of the national budget with EU standards for the Digital Decade 2030. However, it is crucial that policy alignment is effectively linked to technical implementation to ensure success.

#### **1.5. The application of artificial intelligence in fraud detection and public procurement**

Corruption and fraud in public finances continue to be significant concerns in many developing economies, including the Republic of North Macedonia. Forensic accounting tools powered by artificial intelligence are increasingly vital in detecting fraud within public procurement systems (European Court of Auditors, 2021). The Netherlands and Croatia have developed AI-driven procurement tracking models that automatically identify irregularities in bidding processes (Croatian Institute of Public Finance, 2023). These systems not only mitigate the risks of corruption but also enhance financial oversight. Similar initiatives have been implemented in the Netherlands, where systems are designed to flag suspicious bidding activities, thereby reducing instances of procurement fraud (Dutch Court of Audit, 2022).

The public procurement system in the Republic of North Macedonia currently lacks artificial intelligence-driven fraud detection, despite the

presence of a fully electronic public procurement platform. During discussions at the National Convention on the European Union in the Republic of North Macedonia, it was emphasized that a fully automated system for detecting corruption would necessitate integration among procurement databases, as well as employment, tax, and financial registers. The proposed interconnected procurement tracking framework could enable artificial intelligence to identify conflicts of interest and detect suspicious contract patterns in real-time.

### **1.7. Challenges and barriers to the adoption of artificial intelligence in the Republic of North Macedonia**

In addition to the clear benefits of artificial intelligence in the context of Public Finance Management (PFM), the Republic of North Macedonia encounters several barriers to its adoption. The World Bank's study (2021) on digital transformation in the Western Balkans underscores that institutional readiness, data management, and regulatory frameworks are critical challenges that must be addressed for the successful integration of artificial intelligence into public finance systems.

1. **Data Fragmentation and Quality Issues:** Effective artificial intelligence systems necessitate structured and high-quality data sets. In the Republic of North Macedonia, financial data is fragmented across multiple government institutions, leading to challenges in data interoperability.
2. **Regulatory Gaps and Ethical Concerns:** AI-driven fiscal governance demands a robust legal framework to ensure transparency, accountability, and data protection. The Republic of North Macedonia currently lacks specific regulations governing the use of artificial intelligence in public finance, which raises concerns regarding algorithmic bias and the transparency of decision-making processes.
3. **Institutional Capacity and Skills Gap:** The successful implementation of artificial intelligence in Public Finance Management (PFM) requires personnel with expertise in data science, artificial intelligence, and fiscal management. The public sector in the Republic of North Macedonia lacks sufficient expertise in artificial intelligence, highlighting the need for capacity-building initiatives aimed at providing continuous training for government officials in AI financial management.
4. **Budget Constraints and Investment Needs:** The adoption of artificial intelligence necessitates substantial investments in digital infrastructure and cybersecurity. Limited funding within the public sec-

tor may hinder the Republic of North Macedonia's capacity to deploy AI-driven PFM solutions effectively.

## **CONCLUDING REMARKS**

### Accessibility to public data

- **Public Data Accessibility:** Public data should be freely accessible to all citizens. Institutions that hold public data must acknowledge that this data belongs to the public rather than to the institutions themselves. The effectiveness of AI-driven Public Finance Management (PFM) relies on high-quality, interoperable data collections; therefore, a robust open data policy is essential to maximize the impact of AI on transparency and efficiency.
- **Alternative Revenue Streams:** Institutions that primarily generate revenue through the sale of public data should transition to business models that focus on generating income from value-added services, such as the issuance of certified documents, authentication, and advanced analytics.
- **Utilization of AI-Driven Data:** Data that remains unused holds no value. By ensuring that data is freely available and leveraging analytical AI, institutions can enhance fiscal forecasts, detect fraud, and improve decision-making processes in budget planning and public procurement.

### Centralized coordination and integrated systems

- **Integrated Government Cloud for Fiscal Data:** The coordination and planning of digital infrastructure should be centralized under a single government entity to ensure consistency, efficiency, and the facilitation of financial analytics enabled by artificial intelligence. A unified fiscal data center will support tax compliance tracking through AI, enhance budget forecasting, and improve expenditure tracking.
- **Full Implementation of Interoperability:** Effective artificial intelligence systems necessitate real-time inter-institutional data exchange. The National Interoperability Platform should be made mandatory for all government agencies involved in financial management, including tax administration, procurement oversight, and treasury operations.

- Artificial Intelligence-Driven Fiscal Management: Advanced artificial intelligence tools should be actively employed to enhance fiscal management, particularly in areas such as automated tax fraud detection, budget optimization, and real-time financial auditing. The predictive analytics capabilities of AI can significantly improve resource allocation efficiency and mitigate fiscal losses as such.

#### Carefully and gradually introducing artificial intelligence into public finance management

- Phased Deployment of Artificial Intelligence in Fiscal Management: The introduction of artificial intelligence in Public Finance Management (PFM) should occur gradually to facilitate structured adaptation, system integration, and staff capacity building. Pilot projects focusing on tax compliance, expenditure tracking, and procurement oversight should be conducted prior to the full-scale adoption of artificial intelligence.
- Robust Data Security Protocols: The application of AI in fiscal management necessitates the establishment of stringent cybersecurity policies to prevent data breaches, ensure privacy, and mitigate bias in decision-making processes. AI-based fiscal analysis must comply with EU data protection standards.
- Artificial Intelligence in Fraud Detection and Corruption Prevention: Artificial intelligence should be utilized to automate the detection of irregularities in public procurement and to flag potential corruption risks by cross-referencing financial transactions with public official registers. The integration of AI into anti-corruption mechanisms will enhance transparency and accountability within fiscal management.
- Continuous Evaluation and Regulatory Adjustments: The implementation of artificial intelligence should be subject to ongoing monitoring and evaluation, accompanied by timely updates to legislative frameworks to address emerging risks, biases, and ethical considerations.

#### Developing the knowledge and skills of employees in institutions

- Building Human Capital for Effective AI Fiscal Management: Enhancements in artificial intelligence for fiscal management will only be successful if institutions invest in developing the necessary human capital. Training programs should emphasize data science, the

ethics of artificial intelligence, and financial analytics, targeting both IT specialists and financial professionals.

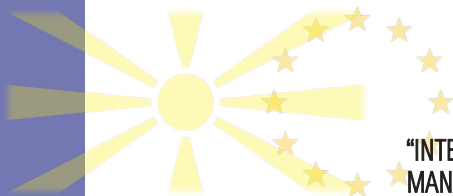
- Ensuring Transparency of Artificial Intelligence and Human Oversight: Artificial intelligence should not be regarded as a "black box" where public officials rely on outcomes without comprehending the underlying processes. Financial decisions informed by artificial intelligence must remain transparent, easily understandable, and auditable to foster public trust and uphold institutional accountability.
- Knowledge Sharing Between the Public and Private Sectors: Expertise in artificial intelligence from the private sector should be leveraged to support public finance reforms through public-private partnerships, AI research initiatives, and collaborative efforts in digital capacity building.

### Civil Society Participation in Artificial Intelligence-Led Digital Transformation

- Inclusion of Diverse Stakeholders in the Digital Transformation Expert Council: The Digital Transformation Expert Council should comprise representatives from civil society organizations, academia, and the business sector to ensure that AI-driven Public Finance Management (PFM) policies align with democratic accountability and serve the public interest.
- Reflecting Societal Needs in AI-Led Fiscal Governance: AI-driven fiscal governance should be responsive to societal needs, incorporating regular consultations and participatory policy frameworks that engage civil society groups in discussions regarding the role of AI in enhancing budget transparency, overseeing public procurement, and ensuring tax fairness.
- Accompanying Digital Transformation with Digital Literacy Programs: Digital transformation policies must be complemented by national digital literacy programs to ensure that citizens, businesses, and civil servants comprehend the fiscal management tools powered by artificial intelligence and understand their implications for governance and accountability.

The effective incorporation of artificial intelligence (AI) into public finance management within the Republic of North Macedonia necessitates the establishment of a robust digital transformation strategy. This strategy should prioritize key elements such as data interoperability, cybersecurity measures, the enhancement of institutional capacities, and active citizen engagement. The recommendations articulated during the NCEU-MK session underscore the importance of institutional coordination, regulatory

clarity, and comprehensive risk management in relation to AI, thereby aligning with established best practices in European fiscal management. By implementing a phased approach to the deployment of AI technologies, the Republic of North Macedonia has the potential to enhance fiscal efficiency, mitigate risks associated with corruption, and foster a transparent and accountable public finance system that adheres to the principles of contemporary digital management.

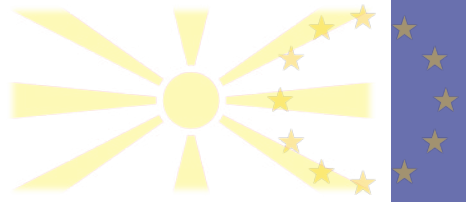


**RECOMMENDATIONS THIRD SESSION OF WORKING GROUP 6 - "ANTI-CORRUPTION" (CHAPTER 5 - PUBLIC PROCUREMENT, CHAPTER 18 - STATISTICS, CHAPTER 32 - FINANCIAL CONTROL) ON THE TOPIC:**

**"Integrating artificial intelligence into public finance management"**

**17 July 2024, Skopje**

1. The Government of the Republic of North Macedonia should ensure that citizens have unrestricted access to public data, as such data is inherently a public asset rather than the exclusive property of governmental institutions.
2. Each of the public institutions responsible for data management and that derive revenue from the sale of public data—such as the Central Registry, Cadaster, Public Revenue Administration, and Customs—should transition to business models that focus on generating revenue through value-added services. These services could include the issuance of certified documents, authentication processes, and advanced analytics.
3. The Government, in collaboration with the Ministry of Digital Transformation, should reinforce policies aimed at establishing a robust open data framework. This initiative is essential for the creation of high-quality, interoperable databases, which are critical for the effective management of public finances through the application of artificial intelligence. Such advancements will ultimately ensure greater efficiency and transparency in public financial operations.
4. It is recommended that the Government, in conjunction with the Ministry of Digital Transformation, establish a centralized digital infrastructure through a government cloud dedicated to fiscal transactions. This infrastructure will facilitate the implementation of artificial intelligence for tax compliance tracking, budget forecasting, and expenditure monitoring. Furthermore, it is imperative that all government agencies ensure real-time interoperability for AI analytics, thereby enabling automated tax fraud detection and optimizing budgetary processes. Such advancements will significantly enhance the efficiency and effectiveness of public financial management.
5. The National Interoperability Platform should be mandated for all government agencies engaged in public finance management, encompassing tax administration, procurement oversight, and treasury operations.



6. The Ministry of Digital Transformation, the Ministry of Finance, and the Government of the Republic of North Macedonia will implement the integration of artificial intelligence in a phased manner, utilizing pilot projects to monitor tax compliance, track expenditures, and oversee public procurement activities.
7. The integration of artificial intelligence in public finance management necessitates the establishment of stringent cybersecurity policies to safeguard against data misuse, protect individual privacy, and mitigate bias in decision-making processes.
8. The Government and all public institutions should commit to investing in training programs for personnel in the areas of data analytics, artificial intelligence ethics, and financial analytics. It is imperative that artificial intelligence is not utilized as a "black box," wherein public officials rely on outcomes without comprehending the underlying processes. Financial decisions derived from AI must be thorough, auditable, and accountable to ensure transparency and integrity in public finance management.
9. It is proposed that the Expert Council on Digital Transformation incorporate representatives from civil society, academia, and the business sector to ensure that artificial intelligence policies are aligned with the public interest. Regular consultations are essential to discuss the role of AI in promoting budget transparency, overseeing public procurement, and ensuring tax equity, as well as to advance national digital literacy initiatives.

## **2. DATA WE TRUST: A PREREQUISITE FOR A STRONGER ECONOMY AND AN EFFECTIVE FIGHT AGAINST CORRUPTION**

In today's globalized society, accurate and transparent statistics serve as the cornerstone of effective governance, economic planning, and institutional integrity. The absence of reliable data undermines the public policy-making process, leading to increased uncertainty, diminished predictability for investments, and a substantial weakening of efforts to combat corruption.

This topic emerges from the necessity to develop a comprehensive understanding of the states within Cluster 1 by integrating data from Chapter 18 – Statistics. As a candidate country for European Union membership, the Republic of North Macedonia is required to align its statistical system with Eurostat standards, which constitutes a critical prerequisite for the accession process.

This paper is grounded in existing analyses within this domain, as well as in the dialogue conducted under the auspices of the National Convention on European Union in the Republic of North Macedonia, particularly through the Anti-Corruption Working Group. The topic encompasses various aspects of Chapter 18, which represents one of the fundamental pillars of the accession process, while also addressing broader issues related to enhancing transparency and the effective implementation of public policies.

In addition to alignment with European Union standards, the establishment of an independent and reliable statistical system is a fundamental prerequisite for good governance, the reduction of corruption, and the enhancement of economic management. A lack of transparency, selective reporting, and political influence over data can generate uncertainty among citizens and investors, thereby obstructing the advancement of reforms and undermining institutional stability. Consequently, fostering a robust statistical framework is essential for promoting trust, accountability, and informed decision-making within the governance landscape.

### **2.1. Chapter 18 – Statistics: The Importance of Confidential and Transparent Data for European Integration and Economic Governance**

In the contemporary era of globalization and digital transformation, the acquisition and utilization of accurate and reliable data have emerged

as a crucial foundation for effective governance, sustainable economic growth, and the maintenance of institutional integrity.

As a candidate country for European Union membership, the Republic of North Macedonia is required to align its statistical system with the European standards established by Eurostat, specifically under Chapter 18 – Statistics, which falls within Cluster 1: Foundations of the Accession Process. This harmonization is essential for ensuring the country's statistical framework is compatible with EU requirements, thereby facilitating its accession process.

This chapter addresses the harmonization of statistical methodologies, processes, and data with the European Statistical System (ESS), which involves:

- aligning national statistical institutions with Eurostat requirements,
- ensuring transparency and confidentiality in statistical practices,
- establishing a credible and reliable statistical infrastructure,
- safeguarding the independence of statistical institutions,
- enhancing data collection and processing across diverse fields, including demography, economics, finance, trade, industry, and social indicators.

From the standpoint of European integration, developing a reliable and objective statistical foundation serves as an essential tool for evaluating progress in reform processes throughout accession negotiations. Statistics function as a critical indicator for tracking economic, social, and administrative reforms, positioning them as the primary means of assessing whether membership criteria are being met.

Chapter 18 – Statistics represents more than just a technical obligation; it serves as a strategic tool for enhancing governance, bolstering democratic processes, and fostering a predictable and stable economic climate, all of which are vital for the comprehensive development of the Republic of North Macedonia as such.

Conversely, establishing a sustainable, transparent, and well-structured statistical system is a core prerequisite for any nation, as the absence of such a system renders effective progress and evaluation unfeasible:

- effective and efficient management of public resources,
- high-quality economic planning,
- thorough monitoring of public policies,
- successful implementation of robust anti-corruption measures.

Transparency, meaning accessible statistical data from institutions, plays a pivotal role in building citizens' trust in those institutions. This is especially critical in combating corruption and aligning with the standards outlined in Chapter 5 – Public Procurement and Chapter 32 – Financial Control, which demand:

- accountability and responsibility in the spending of public funds;
- availability of detailed financial and economic data;
- strengthening audit and oversight mechanisms.

The efficacy of policymaking, the accountability of decision-makers, and improved informational access for citizens and the business community are directly correlated with the reliability and periodic updating of data.

Accurate and up-to-date data is a key factor in economic development because it:

- provides a sound basis for investors' decision-making;
- contributes to financial stability;
- increases the predictability of economic flows and macroeconomic policy;
- enables efficient management of fiscal and monetary instruments.

The role of data in economic growth and anti-corruption efforts has been extensively discussed in the relevant literature on global politics. Stiglitz, Sen, and Fitoussi (2009) argue that the provision of high-quality and transparent data enhances governance efficiency and builds public trust in institutions. Similarly, Acemoglu and Robinson (2012) highlight that inclusive institutions relying on robust data management promote long-term economic stability. The World Bank (2022) emphasizes that digital transformation and open government data initiatives play a significant role in reducing corruption by increasing oversight and enabling public participation.

Mojmir Mrak highlights the critical role of data in economic and social development by stating, "Good statistics are the infrastructure for normal economic and social development of any country. Statistics are the basis for good regulation. If a country cannot meet the requirements of the European Commission, the money does not come into the country. If you want to show reform, you have to have good indicators, and for that, you need data."<sup>9</sup>

---

<sup>9</sup> Professor and Head of the Department of Money and Finance "Jean Monnet", Faculty of Economics, University of Ljubljana – part of the presentation at [the 4th session of WG 6 - Anti-Corruption, held on 10 September 2024](#).

The European Commission's Digital Economy and Society Index (DESI) 2023 highlights those countries with strong data management, such as Denmark and Estonia, demonstrate high levels of digital maturity, which positively influence their economic growth and reduce corruption levels. Transparency International's 2023 Corruption Perceptions Index ranks Denmark and Estonia among the least corrupt countries globally, reflecting their effective governance practices. Conversely, Balkan countries show weaker DESI results, correlating with economic stagnation and higher corruption levels. This relationship underscores the potential of improving digital infrastructure and data management to foster economic development and combat corruption in the region.<sup>10</sup>

The Republic of North Macedonia encounters substantial challenges in its data management system, impacting economic planning, investor confidence, and the efficiency of public administration. Key issues include inconsistencies in data collection and verification, along with restricted public access to economic and financial information.

Unlike some countries in the region, such as Slovenia and Croatia, which have successfully integrated digital public administration reforms, the Republic of North Macedonia faces difficulties in standardizing data and ensuring open access to government information. These shortcomings undermine economic planning, reduce investor confidence, and create governance vulnerabilities that allow corruption to persist. To improve the situation, reforms aimed at improving transparency, standardization, and public access to data are necessary. This includes strengthening the capacities of institutions in charge of data collection and analysis, aligning with European open data standards, and implementing digital solutions that will improve the efficiency of public administration. With these measures, the Republic of North Macedonia can improve its data management system, which is key to economic development, attracting investment and reducing corruption.<sup>11</sup>

## **2.2. Data Management in the Republic of North Macedonia: Challenges and Opportunities**

The statistical and administrative infrastructure of the Republic of North Macedonia is characterized by systemic inconsistencies and fragmentation, which compromise the integrity and utility of data in the context of policy-making and economic management. A primary issue stems from the absence of standardized methodologies between the State Statisti-

---

<sup>10</sup> [Index of perception of corruption for 2023, Transparency international – Macedonia](#)

<sup>11</sup> (OECD, 2023).

cal Office (SSO) and various governmental agencies, resulting in discrepancies between official statistics and actual economic conditions.<sup>12</sup> Nevertheless, the government is actively working to enhance the statistical infrastructure. "We are witnessing an explosion of information. In the era of social media and alternative statistics, the demand for reliable data is greater than ever. The State Statistical Office is committed to the continuous improvement and strengthening of its own capacities," stated Dejan Stankov.<sup>13</sup>

These shortcomings are evident in the inconsistent methodologies employed by various institutions, leading to data that are frequently neither comparable nor coherent. Delays in data publication render the information obsolete, thereby diminishing its utility for economic planning and investment forecasting. Furthermore, inadequate institutional capacity for data processing and analysis restricts the ability to effectively monitor reform processes. These challenges are further compounded by delays in reporting to Eurostat, which presents a significant barrier to compliance with European statistical standards, particularly under Chapter 18 – Statistics of the Accession Process (European Commission, 2023).

In the public domain, discussions regarding the significance and role of reliable statistics are infrequently initiated, while Chapter 18 – Statistics of the Negotiating Framework does not receive sufficient attention. In light of this, the National Convention on European Union in the Republic of North Macedonia, through the Working Group on Anti-Corruption, convened a special session focused on the importance of statistics in the European integration process.<sup>14</sup>

The dialogue underscored that political interference in the dissemination of data undermines institutional credibility, while selective reporting and manipulation of economic statistics generate uncertainty among in-

---

<sup>12</sup> (ZMAI, 2023).

<sup>13</sup> Director of the State Statistical Office of the Republic of North Macedonia – from the presentation at the [4th session of WG 6 - Anti-Corruption, held on 10 September 2024](#).

<sup>14</sup> It is about the [4th session of WG 6 - Anti-Corruption, held on 10 September 2024](#), with the title: "Data we trust: A prerequisite for a stronger economy and effective fight against corruption". At the session, experts from the NCEU-MK Working Group such as: Anita Angelovska Bezhovska, Governor of National Bank of North Macedonia, Dejan Stankov, Acting general director of State Statistical office, Mojmir Mrak, Professor and Jean Monnet chair holder at the Academic unit for Money and Finance, Faculty of Economics – Ljubljana, Mileva Gjurovska, National coordinator, Gonce Jakovlevska, MCIC, Maj Ericsson Gothe, Advisor from Statistics Sweden, Dragan Tevdovski, Permanent NCEU-MK expert, Professor at the Faculty of Economics – Skopje, Joana Madjoska, Economist at the World Bank, Blagoja Pandovski, President of Transparency International – Macedonia and Viktor Mitevski, WG-6 coordinator, Executive director of ZMAI as well as other experts from the country and abroad, made a significant contribution to defining the conclusions and recommendations.

vestors and policymakers. These phenomena further exacerbate the perception of inadequate governance and inefficient institutions.

The conclusion drawn was that, in the absence of independent oversight mechanisms and a commitment to transparency, the integrity of data would remain at risk, potentially leading to serious repercussions for economic planning, public trust, and the country's advancement in context of the European integration process.

According to experts, "What cannot be measured cannot be improved."<sup>15</sup> In this context, it was emphasized that a robust statistical system, which effectively achieves its objectives, should ensure:

- Public disclosure of all agreements and annexes entered into;
- Transparency regarding financial liabilities, including those that have been assumed but remain unpaid by all institutions;
- Disclosure of all transactions conducted through the Treasury of the Ministry of Finance;
- Submission of reports in an open format that is accessible to the public and relevant stakeholders.

The lack of access to such data significantly constrains the ability to enhance transparency in economic management, attract direct investments, and effectively combat corruption. As emphasized during the debate, "It is easy to manipulate data, but it is even easier to manipulate in its absence."<sup>16</sup>

Although the country has begun an Open Data Initiative aimed at enhancing transparency, the implementation remains ineffective. Most data collections are either incomplete, outdated, or difficult to access. In contrast, Estonia's X-Road digital ecosystem offers seamless access to real-time economic and management data, thereby fostering public trust and enhancing administrative efficiency (OECD, 2022).

Countries such as Slovenia, with its e-administration system, have demonstrated how digital public services can reduce human discretion and mitigate corruption within red-tape processes. Strengthening North Macedonia's digital infrastructure will facilitate the streamlining of government services and diminish opportunities for illicit activities.

Public access to government data is a crucial instrument in the fight against corruption. Civil society organizations (CSOs) and investigative

---

<sup>15</sup> From the [presentation of Dragan Tevdovski](#), Expert in WG 6 - Anti-Corruption. The session was held on 10 September 2024.

<sup>16</sup> Ibid.

journalists depend on open data to identify irregularities in public procurement, political funding, and government expenditures. However, access to such data is frequently restricted, thereby limiting accountability (Freedom House, 2023). Establishing a legally binding open data policy with automatic disclosure mechanisms could enhance democratic oversight.

Several European countries have integrated big data analytics and artificial intelligence (AI) into their anti-corruption initiatives. For instance, Spain has developed procurement tracking systems powered by artificial intelligence to detect fraud through the analysis of transaction anomalies (EU Anti-Corruption Report, 2023). The implementation of similar oversight mechanisms utilizing artificial intelligence in the Republic of North Macedonia could significantly enhance institutional efficiency in preventing corruption.

### **2.3. The Economic Impact of the Data Confidence Deficit – The Importance of Macroeconomic Statistics and Financial Data**

Macroeconomic statistics encompass data on GDP, inflation, employment, public finances, and the balance of trade. These statistics are essential for economic planning, growth analysis, and forecasting financial movements, while they require enhancement in terms of consistency, timeliness, and coverage, particularly concerning excessive deficit procedures and public finance statistics.

Experts assert that further harmonization of financial accounts and quarterly national accounts with the European System of Accounts 2010 (ESA 2010) is necessary. In this context, the following aspects are particularly important:

- Classification of sectors within the public sector, with particular emphasis on differentiating between market and non-market activities.
- Timing of record-keeping, specifically the application of the general principle of accumulative bookkeeping, which is typically distinct from public records.
- Financial transactions that do not directly impact the budget deficit, in contrast to non-financial transactions that have fiscal implications.
- Special or innovative transactions that necessitate additional analysis.

- Comprehensiveness, coherence, and accuracy of data, particularly concerning revisions and growth rates.

In terms of fiscal data, many are still categorized as "experimental," "undisclosable," or "confidential," which restricts their utility in economic policymaking. Additionally, there are challenges related to the completeness and quality of quarterly GDP data derived from the income approach, which are not published. The absence of this data diminishes the predictability of macroeconomic policies and complicates the analysis of growth and economic trends.

Macroeconomic forecasts are accurate, dependable, and realistic to the extent that the quality of the underlying data is maintained.<sup>17</sup>

Foreign direct investment (FDI) in the Republic of North Macedonia remains below regional averages, partly due to deficiencies in data management, which contribute to increased uncertainty in the business environment. Investors depend on accurate macroeconomic indicators, regulatory transparency, and predictable business conditions to make informed decisions. Consequently, the quality and availability of economic data are critical for attracting and sustaining foreign investment.<sup>18</sup> By enhancing data transparency, the Republic of North Macedonia could significantly improve its investment climate and stimulate economic growth.

Poor fiscal transparency and inefficient budget execution have been ongoing concerns. The Open Budget Index (OBI) 2023 ranks North Macedonia below many of its European counterparts, highlighting a lack of public access to budget information. Countries such as Sweden and Finland have successfully implemented fiscal transparency measures by regularly publishing comprehensive budget reports, enabling citizens and oversight organizations to scrutinize public spending. The adoption of similar best practices in the Republic of North Macedonia could foster stronger fiscal discipline and mitigate the risks of corruption.

## **CONCLUDING REMARKS:**

In the context of European integration, the Republic of North Macedonia must establish a credible and transparent statistical system that aligns with the European standards set by Eurostat. Chapter 18 – Statistics is a critical component of Cluster 1: Foundations of the Access Process, underscoring its significance in the overall reform agenda. Without reliable data,

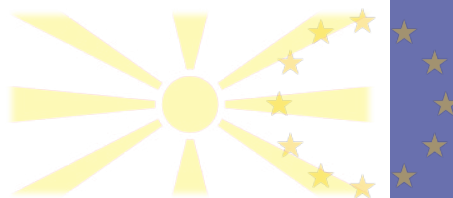
---

<sup>17</sup> Joana Madjoska, [4th session of WG 6 - Anti-Corruption, held on 10 September 2024](#).

<sup>18</sup> (IMF, 2023).

it is impossible to effectively monitor the progress of reforms, formulate sound policies, and achieve transparency in economic management.

In the absence of modernization and standardization of the statistical system, the Republic of North Macedonia will be unable to implement the necessary reforms for EU membership effectively. Compliance with Chapter 18 – Statistics is not merely a technical requirement; it is a fundamental prerequisite for a functioning market economy, reducing corruption, and strengthening institutional capacity. Investing in enhanced statistical and analytical capabilities will expedite the accession process, bolster public confidence, and promote the country's economic development.



**RECOMMENDATIONS FOURTH SESSION OF WORKING GROUP 6 - "ANTI-CORRUPTION" (CHAPTER 5 - PUBLIC PROCUREMENT, CHAPTER 18 - STATISTICS, CHAPTER 32 - FINANCIAL CONTROL) ON THE TOPIC:**

**The data we trust: A prerequisite for a stronger economy and an effective fight against corruption**

10 September 2024, Skopje

**1. Institutional strengthening of data collection and analysis systems in the public sector**

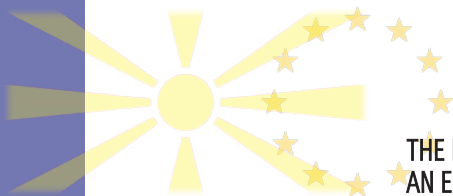
The Government, in collaboration with the State Statistical Office and the Ministry of Digitization, should develop more advanced and integrated systems for the collection, sharing, and analysis of data. This initiative will facilitate more effective planning and evidence-based decision-making. The rationale for this approach is that accurate and up-to-date data serve as the foundation for stable economic projections and enhanced institutional accountability.

**2. Introduce mandatory transparency for all state institutions through the publication of data in an open format**

The Ministry of Finance and the Ministry of Digitization should initiate and adopt a policy for publishing data in an open format on the national open data platform. This initiative will enhance public accountability and provide greater access to information for researchers, the media, and citizens. According to the OECD, transparency is a critical factor in fostering public trust and strengthening democratic processes; however, the published data must be accessible, useful, and timely to achieve the desired impact.

**3. Development of a public sector data management education program**

The Ministry of Finance, in collaboration with the Ministry of Digitization and the School of Public Finance, should develop a comprehensive program for data management and the utilization of analytical tools. By acquiring this knowledge, civil servants will be better equipped to leverage data for strategic planning and anticorruption efforts, ultimately enhancing the effectiveness of government policies.



#### **4. Integration of Rule of Law and Corruption Control Indicators into State Strategies**

The Ministry of Justice and the Commission for the Prevention of Corruption should incorporate quantitative indicators within the framework of the National Anti-Corruption Strategy to measure the rule of law, control of corruption, and institutional transparency. These indicators will facilitate continuous monitoring of progress and ensure a more effective response to corruption, which is essential for North Macedonia's integration into the European Union.

#### **5. Advancing Open Data Portals with Improved Visualization for Analytical and Comparative Analysis**

The Ministry of Digitization should invest in enhancing data visualization on national open data platforms and introduce analytical and comparative analysis algorithms that are accessible through a user-friendly interface. This initiative will facilitate easier access to data for researchers, businesses, and citizens, thereby enabling more comprehensive in-depth analysis. According to UNCTAD, countries that exhibit high levels of transparency and data confidentiality are more likely to attract capital, which is crucial for economic growth. Consequently, improved data presentation is a key factor that can enhance trust in the data and the policies formulated based on this information.

**MEMBERS OF WORKING GROUP 6 “ANTI-CORRUPTION” – CHAPTER 5, PUBLIC PROCUREMENT, CHAPTER 18, STATISTICS AND CHAPTER 32, FINANCIAL CONTROL**

Anita Angelovska-Bezhoska, Governor of the National Bank of the Republic of North Macedonia

Joana Babushku, Development Economist and Coordinator, United Nations,  
Gligor Bishev, President of the Fiscal Council of the Republic of North Macedonia

Elena Georgieva, Advisor – State Statistical Office

Boro Jakimovski, Dean of the Faculty of Computer Science and Engineering

Mila Josifovska Danilovska, Metamorphosis Foundation, Skopje

Lidija Zafirovska, Center for Legal Research and Analysis

Zoran Jovanovski, Economic Chamber of the Republic of North Macedonia

Andrej Lepavcov, Ambassador, President of the Pan-European Union of Macedonia

Marina Malish Sazdovska, Professor, Faculty of Security, UKLO – Bitola

Joana Madjoska, Economist at the World Bank

Aneta Mostrova, Lawyer

Svetlana Nikolovska, Professor, Faculty of Security, UKLO – Bitola

Blagoja Pandovski, President of Transparency International

Elena Petrova, Director of the Public Revenue Office

Dejan Stankov, Director of the State Statistical Office

Trpe Stojanovski, Professor, Faculty of Security, UKLO – Bitola

## WORKING GROUP 5, CHAPTER 27 – ENVIRONMENT

---

### **MEMBERS OF THE PROGRAM COUNCIL OF WORKING GROUP 5 – ENVIRONMENT(CHAPTER 27)**

**Mileva GJUROVSKA**, Professor at the Faculty of Philosophy, Institute of Sociology, National Coordinator of NCEU-MK

**Bojana STANOJEVSKA PECUROVSKA**, President at Center for climate change, Policy researcher, Environment and Climate Change, Co-chair

**Ana CHOLOVIKJ LESHOVSKA**, Executive director, Association “Eco-svest” – Skopje, Working group 5 coordinator

**Nikola JOVANOVSKI**, Program Manager, Center for Legal Research and Analysis

**Nikola JAZADJISKI**, Project coordinator



# APPROXIMATION OF NATIONAL LEGISLATION TO EUROPEAN ENVIRONMENTAL JUSTICE EFFORTS

## INTRODUCTION

"A healthy environment: our right, but also an obligation to future generations"

Globally, the third generation of rights—the right to a healthy environment—has been pushed as a basic inherent human right. The modern concept of international environmental protection, introduced by the Declaration of the Stockholm Conference of 1972<sup>2</sup>, lays the foundation for the principle of limiting state sovereignty and abandoning the exclusive authority of states. This concept has led to the adoption of numerous international conventions (several hundred), including: The Convention for the Protection of the Seas against Pollution of 1972<sup>3</sup>, Montreal Protocol for the Protection of the Ozone Layer of 1983<sup>4</sup>, The Geneva Protocols for the Protection of Air from Pollution adopted in the period from 1979 to 1991<sup>5</sup>, the 1993 Lugano Convention, and others. The 1998 Council of Europe Convention on the Protection of the Environment through Criminal Law is particularly relevant to these incriminations.<sup>6</sup>

---

<sup>1</sup> Judge at the Basic Criminal Court in Skopje.

<sup>2</sup> [Declaration of the United Nations Conference on the Human Environment, Stockholm, held from 5 to 16 June 1972.](#)

<sup>3</sup> [Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter \(Adoption: 13 November 1972\).](#)

<sup>4</sup> [The Montreal Protocol on Substances that Deplete the Ozone Layer, signed in 1987 and entered into force in 1989.](#)

<sup>5</sup> The [Geneva Protocols for the Protection of Air from Pollution](#), adopted in the period from 1979 to 1991, are part of the Convention on Long-term Transboundary Air Pollution (CLRTAP) and include: Protocol on the Reduction of Sulfur Emissions (1985); This protocol aims to reduce sulfur emissions or their transboundary transfer by at least 30 percent; Protocol on the Control of Nitrogen Oxides Emissions (1988); Protocol on the Control of Volatile Organic Compounds Emissions (1991).

<sup>6</sup> The Council of Europe Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, known as the Aarhus Conven-

One beginning point for defending the rights to a healthy environment is the 1972 Stockholm Declaration of the United Nations Conference on the Human Environment. The fundamental right of "man to have freedom, equality, and adequate conditions of life in an environment of a quality that permits a life in dignity and well-being" is established by this declaration, which also highlights the grave responsibility of individuals and the community to preserve and enhance the environment for current and future generations.<sup>7</sup>

According to the case law of the European Court of Human Rights, a number of individuals have initiated legal proceedings against various parties for environmental issues, asserting that their human rights under the European Convention on Human Rights were violated due to adverse environmental circumstances. A notable example is the case *Hammers vs. Belgium*, which was reviewed by the European Court of Human Rights on 27 November 2007. In this particular case, the defendant owned a house constructed by her parents in a forested area, where construction was not permissible. The legal proceedings were initiated due to the construction of the house constituting a violation of pertinent forestry legislation. Consequently, the court ruled that the land should be restored to its original state. Accordingly, the structure in question was forcibly demolished. The defendant then lodged an application that her right to privacy had been violated. Notably, the Court, for the first time, concluded that the environment, although not explicitly protected in the Convention, is a value in itself that society and public authorities should be interested in. Economic interests, or even property rights, should not supersede environmental concerns, particularly when the state has instituted legislation to that effect. Therefore, authorities bear a responsibility to act in a manner that safeguards the environment.<sup>8</sup>

From a national perspective, the right to a healthy environment has been elevated to the highest level of protection in the Republic of North Macedonia. This represents one of the fundamental values that is constitutionally guaranteed. As delineated in Article 8, paragraph 1 of the Constitution of the Republic of North Macedonia, this right is defined as the regulation and humanization of space, in addition to the protection and promotion of the environment and nature. This fundamental value establishes the right to a healthy environment as one of the fundamental rights of man and

---

tion, provides for access to information, public participation in decision-making processes, and access to justice in environmental matters. This Convention was ratified and published [in the Official Gazette of the Republic of North Macedonia no. 101/2019](#).

<sup>7</sup> [Environment - Manual for Human Rights Education with Young People](#).

<sup>8</sup> Ibid.

citizen, which is of an economic, social, and cultural nature (Art. 43 of the Constitution of the Republic of North Macedonia). According to this article, every individual possesses the right to a healthy environment, as well as the concomitant obligation to enhance and safeguard the environment and nature. Conversely, the state is obligated to establish the conditions necessary for the effective exercise of citizens' right to a healthy environment.

The right to a healthy environment, as a fundamental value and basic human right guaranteed by the constitution, serves as the foundation for extensive legal and bylaw regulation in this area. This regulatory framework enables effective environmental protection and responsible management of natural resources.

In the recent General Session of the Supreme Court of the Republic of North Macedonia on 8 October 2024, a principled stance was adopted. This stance asserts that, within the context of the national and international legal framework, the state is obligated to guarantee a healthy living environment for its citizens, including the right to breathe clean air. According to Article 23 of the Law on Ambient Air Quality, as General Acts, citizens have the right to request that the competent authorities adopt basic planning documents. This request is made as part of the administrative procedure, and it is a means of participation for citizens in the process.<sup>9</sup>

In the context of the aforementioned points, the right to a healthy environment occupies the highest place in the legal framework, both internationally and nationally. Nevertheless, despite the existence of pertinent legislation, national-level outcomes are unsatisfactory. It is paradoxical that the Republic of North Macedonia, a country in a decades-long transition process with a poorly developed industry, is in the leading position in terms of air pollution levels, especially in the capital Skopje. However, other cities are not far behind. Despite decades of efforts aimed at promoting a cleaner and healthier environment, the overall quality of the environment continues to decline. It is imperative for all individuals to acknowledge that a healthy environment is not merely a right, but also an obligation for the benefit of future generations. It is imperative to recognize that the contamination of air does not recognize geographical boundaries. It is imperative

---

<sup>9</sup> At the session, the President of the Supreme Court, Besa Ademi, stressed that this issue is also significant from the perspective of the European Convention, the Council of Europe, the European Court of Human Rights, and the European Court of Justice. Borche Davitkovski, professor at the Law Faculty "Justinianus Primus" in Skopje, emphasized that the judicial branch is a corrective to other authorities and that through its openness to the public, the Supreme Court makes an exceptional contribution to strengthening public trust, especially when discussing issues of interest to citizens and human rights. Mirjana Lazarova Trajkovska, a judge at the Supreme Court, noted that the most important aspect is that rights are not always violated by actions, but also by inaction, whereby the right to a healthy environment also implies the right to access a court for its protection.

for each individual to recognize that we do not possess an alternative planet. The consequences of environmental neglect, which are already manifesting, will ultimately be shouldered by future generations, despite the present generation's awareness of these consequences.

This analysis will examine the key challenges facing our society in terms of environmental protection. The analysis will place particular emphasis on novel incriminations in this domain, the identification of vulnerabilities in the struggle for environmental protection, and the measures and activities undertaken to address these vulnerabilities. Furthermore, the perspectives and recommendations of experts articulated during the discourse within the framework of the National Convention on the European Union in the Republic of North Macedonia (NCEU-MK), dedicated to Chapter 27 - Environment, will be considered.<sup>10</sup>

### **1.1. New Incriminations in Environment field and Status of Processed Cases from Chapter 22 of Criminal Code, at Basic Criminal court - Skopje**

With the adoption of the Law Amending the Criminal Code, new incriminations were introduced in the group of crimes against the environment and nature (Chapter 22 of the Criminal Code). These are the following criminal offenses: Ecocide (Article 218-b), Change of water regime (Article 225-b), Unauthorized operation of facilities (Article 231-a), Endangering the environment with noise, vibrations, or non-ionizing radiation (Article 231-b), Destruction of habitat (Article 233-a), and Effective repentance (Article 234-a).

Moreover, the legislation stipulates more stringent penalties for specific existing crimes, in addition to expanding the scope of criminal liability to encompass legal entities and, under certain circumstances, negligent behavior. These amendments are indicative of a penal policy that has undergone a process of refinement with respect to environmental crimes, with the objective being the attainment of a heightened level of protection for this public good of global interest.

---

<sup>10</sup> [Working Group 5, Environment, \(Chapter 27\)](#) from NCEU-MK conducted a dialogue with multiple stakeholders (civil associations, representatives of institutions, media representatives, university staff, and others). The following topic was discussed: "[Approximation of national legislation to European efforts for environmental justice](#)". The session was held on 26 June 2024. The following experts gave [their contribution](#): Bojana Stanojevska Pecurovska, President of the CCC; Nikola Jovanovski, CRLA; Norbert Kurila, Advisor to the President of the Slovak Republic for the Environment; Pejo Kirkovski, Chief Inspector for Nature Protection; Tanja Paunovska, MoEPP; Afrim Osmani, Professor, State University of Tetovo; Marina Malish-Sazdovska, Professor, UKLO-Bitola; Ana Cholovikj Leshoska, Coordinator of WG - 5, Director of "Eko-vest"-Skopje.

The Law was formally implemented on the eighth day following its publication in the Official Gazette of the Republic of North Macedonia. However, certain provisions of the Law, including those pertaining to environmental protection and nature conservation, commenced on a later date, specifically on 15 March 2024.<sup>11</sup>

A revolutionary step in this Law is the introduction of a new incrimination – the criminal offense of Ecocide (Article 218-b of the Criminal Code). According to the prescribed punishment (at least 10 years' imprisonment or life imprisonment for serious and long-term damage to the environment), this is equated with the crime of Aggravated murder. The implementation of such a stringent punitive policy is predicated on the paramountcy of the protected good — the environment. It is imperative to recognize that, in contrast to the criminal act of murder, which affects the life of a specific individual or group of individuals, ecocide poses a threat to the lives and health of all individuals without exception, including those of future generations.

Despite the indications from the amendments to the Criminal Code that efforts to promote ecological justice have been reinvigorated, the statistical data on court proceedings persist at a suboptimal level. Critics have expressed divergent opinions regarding the underlying causes of this phenomenon. A restrictive approach is espoused by some critics, who locate the blame in the judicial branch. These critics emphasize that the courts are

---

<sup>11</sup> This law is harmonized with:

- [Directive 2014/42/EU](#) freezing and confiscation of objects and proceeds of crime in the European Union with CELEX number 32014L0042;
- [Directive 2008/99/EC](#) of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law with CELEX number 32008L0099;
- [Directive 2005/35/EC of the European Parliament and of the Council](#) of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements with CELEX number 32005L0035;
- [Directive 2009/123/EC](#) of the European Parliament and of the Council of 21 October 2009 amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements with CELEX number 32009L0123;
- [Directive 2012/18/EU](#) of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC with CELEX number 32012L0018;
- [Directive \(EU\) 2017/1371](#) of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law with CELEX number 32017L1371 and [Regulation \(EU\) no. 258/2012](#) of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organized Crime ("UN Firearms Protocol") and establishing export licensing and import and transit measures for firearms, their parts and components and ammunition with CELEX number 32012R0258.

ineffective in resolving cases related to the protection of the environment and nature. Conversely, critics with a more expansive, systematic perspective highlight structural deficiencies, including the absence and overburdening of court and prosecutorial personnel, the dearth of specialized environmental protection departments, inadequate staff education, and other systemic inadequacies.

However, an examination of the available data reveals a different situation. Despite the considerable environmental pollution, the consequences of which affect the public daily, only a small number of cases reach the courts. According to data from the Basic Criminal Court in Skopje, from 2010 to 2024, a total of fifty-six cases were received, of which seven were received in 2024, with only two cases remaining unresolved (both received in the same year). This data indicates that the processing and resolution of these cases at the largest first-instance court in the country is not subject to delay.

Nevertheless, the number of cases in this area that reach the courts is alarmingly low. Official statistics demonstrate that over a period of 15 years, a mere fifty-six cases were submitted to the court, of which only two remained unresolved. This situation is particularly disconcerting in light of the pervasive pollution that plagues the nation, which is among the most severe in the world.

A study of the processed and resolved cases reveals that the following criminal offenses predominate: Animal cruelty (15 cases); Destruction of forests (12 cases); Usurpation of real estate and illegal fishing (10 cases each); Illegal hunting (3 cases); Pollution of the environment and nature with waste (2 cases); Pollution of animal feed or water, Serious crimes against the environment and nature, Destruction of plantations using harmful substances, and Illegal exploitation of mineral resources (1 case each).

Presently, there are no cases under adjudication at the Basic Criminal Court in Skopje pertaining to the newly introduced offense of ecocide.

The imposed criminal sanctions are dominated by alternative measures, including suspended sentences and two suspended sentences with protective supervision, as well as fines. In five cases, the judicial process was terminated, while in one instance, an acquittal was pronounced, and in another, the charge was dismissed. Prison sentences were imposed in four cases: three for the crime of Usurpation of real estate (Art. 225 of the Criminal Code), and one for the crime of Illegal fishing (Art. 229 of the Criminal Code).

In many cases, the public tends to direct criticism toward the courts for their decision not to impose effective prison sentences. However, as a

criminal judge, it is imperative to underscore that the objective of criminal sanction is to attain the effect of conviction. This effect should not only be of a repressive nature, but, above all, of a preventive character, at both the individual and social levels. Consequently, the impact of a suspended sentence should not be underestimated, particularly when it encompasses an established maximum sentence of imprisonment of two years, accompanied by the possibility of its execution if the offender commits a crime again within the statutory five-year probationary period.

The threat of imposition of a sentence that is to be fulfilled over an extended period of time frequently yields more favorable outcomes than short-term imprisonment. This is especially the case when the suspended sentence is imposed with two conditions: (1) the compensation of the damage caused, and (2) the obligation to return the thing to its original state. These conditions are especially effective when the sentence is pronounced with protected supervision by a probation service with specifically established obligations and an individual risk assessment program. This program will be conducted under the supervision of probation officers according to the locally competent court.

## **1.2. Relation to Misdemeanors in Field of Environment Protection**

As a judge specializing in criminal matters, it is imperative to underscore the prevalence of dualistic scenarios, wherein criminal offenses and misdemeanors coexist within a single case. In this regard, the working group that drafted the "new" Criminal Code demonstrated particular emphasis on environmental crimes, whose effects of commission and the object of protection are partially or fully covered, i.e., are identical to the misdemeanors stipulated in the special environmental regulations.

The following list enumerates the crimes in question:

- The criminal offense "Pollution of the environment and nature" of Article 218, paragraph 1 of the Criminal Code is also covered by Article 20, paragraph 1, indent 3 and Article 212-h paragraph 1, item 1, and item 7 of the Law on Environment.<sup>12</sup>
- The criminal offense "Production, trade or use of substances that deplete the ozone layer" under Article 218-a of the Criminal Code, in its content, the action of commission, and the object of protection is also equal to the content of Article 22-a and Article 212-d, paragraph 1, item 4 of the Law on Environment.

---

<sup>12</sup> [Criminal Code of the Republic of North Macedonia.](#)

- The criminal offense "Deforestation" under Article 226, paragraph 1 of the Criminal Code is also covered by Article 13, paragraph 1, Article 101, paragraph 1, item 1 and Article 101, paragraph 4 of the Law on Forests.
- The criminal offense "Causing a forest fire" under Article 227, paragraph 1 of the Criminal Code, in terms of its content, the action of commission and the object of protection is also covered by the content of Article 54, paragraph 1 and Article 105, paragraph 1, item 7 of the Law on Forests.
- The criminal offense "Poaching" under Article 228 of the Criminal Code, in terms of its content, the action of commission and the object of protection, is also covered by the content of Article 77, paragraph 1, item 2, and item 7, and Article 79, paragraph 1, item 1 of the Hunting Law.
- The criminal offense "Endangering the environment and nature with waste" under Article 230 of the Criminal Code, in terms of its content, the action of commission and the object of protection, is also covered by the content of Article 37, paragraph 1, Article 130, paragraph 1, item 3, and Article 134, paragraph 1 of the Law on Waste Management.
- The criminal offense "Killing or destruction of protected species of wild flora or fauna" under Article 232-a of the Criminal Code, in terms of its content, the act of commission and the object of protection, is also covered by the content of Article 23, Article 23-a, and Article 182, paragraph 1, item 9, and item 12 of the Law on Nature Protection.
- The criminal offense "Unauthorized trading, importing or transporting wild flora or fauna" under Article 232-c of the Criminal Code, in terms of its content, the action of commission and the object of protection, is covered by the content of Article 31, paragraph 1 and Article 182, paragraph 1, item 4 of the Law on Nature Protection.
- The criminal offense "Killing and torturing animals" under Article 233 of the Criminal Code, in terms of its content, the act of commission and the object of protection, is also covered by the content of Article 66, paragraph 1, item 1 and Article 67, paragraph 1, item 1 of the Law on Animal Protection and Welfare.

It is necessary that this situation be addressed with utmost urgency, as the complexity of the matter is compounded by the submission of a final misdemeanor verdict by the defendant during the criminal proceedings,

pertaining to the same offense but originating from a misdemeanor court. In such a case, the court is obligated to dismiss the case, in accordance with the principle *non bis in idem* (i.e., no one may be tried twice for the same offense), which is in accordance with the standards and principles of national and international jurisprudence. However, it is imperative to acknowledge the financial implications of the court proceedings, which, under the prevailing legal framework, are shouldered by the state budget. This predicament gives rise to unfavorable ramifications, as the state is subjected to additional financial obligations, which frequently amount to a substantial sum, rather than receiving fines or compensation for damages from the offender. Conversely, the accused individual is subject to a dual prosecution procedure, wherein he is obligated to demonstrate before the court that he has previously been legally convicted in a misdemeanor proceeding. According to the latest information, the Ministry of Justice has prepared written notifications to the Ministry of Environment and Physical Planning for the purpose of harmonizing the legislation in this area. However, there are still no concrete results.

## **2. Approximation of National Legislation towards European Efforts for Environmental justice from a perspective of NCEU-MK**

The National Convention on the European Union (NCEU-MK) acknowledges environmental justice as a pivotal component in aligning with European environmental standards. This convention functions as a forum for inclusive discourse among all pertinent stakeholders in the EU accession process. In that regard, NCEU-MK dedicated an entire session to issues related to activities to achieve environmental justice, as an essential part of the contents of Chapter 27 – Environment. The objective of this session was to address the challenges and opportunities for enhancing regulatory frameworks, implementing policy measures, and fortifying institutional capacities in this domain through collaborative efforts among civil society, the scientific community, institutions, and international partners. A particular emphasis was placed on the urgency of social engagement, as it is imperative to recognize that environmental protection is impossible without joint action by all relevant stakeholders.<sup>13</sup>

It is necessary to cultivate a collective consciousness that underscores the responsibility of each individual to safeguard the environment. While the incrimination of actions that endanger the environment should be a measure of last resort, it must be strictly applied until more effective

---

<sup>13</sup> The session entitled: "[Approximation of national legislation to European efforts for environmental justice](#)" was the fifth in a row of activities of the Working Group on the Environment (Chapter 27). The session was held on 26 June 2024.

mechanisms are established. The legal framework must undergo meticulous transposition into national legislation, aligning with the standards and benchmarks established by the European Union, the global leader in this domain.<sup>14</sup>

According to the experts of NCEU-MK<sup>15</sup>, while the normative part is to some extent aligned with European regulations, reports indicate a significant shortfall in implementation, which remains a fundamental challenge in this process. Of particular concern is the fact that institutional capacities for implementing environmental protection laws remain limited, while insufficient coordination between relevant state bodies further complicates the implementation of regulations.

The Republic of North Macedonia has become a pioneering nation in the Balkans by establishing the criminal offense of ecocide, thereby underscoring the profound ramifications of environmental crimes on both society and ecosystems. Nevertheless, despite this substantial advancement in legislation, implementation confronts significant challenges, predominantly due to the absence of institutional frameworks for investigating and sanctioning such criminal activities. The Ministry of Interior is currently the weakest link, as it lacks a dedicated department or specialized unit to address environmental crime. Consequently, investigations into such offenses are frequently conducted in a deficient manner or are not initiated at all. This engenders a sense of impunity and undermines the efficacy of legislative reforms.

A further issue is that inspection services, despite their pivotal function in identifying and preventing environmental damage, frequently encounter significant challenges related to understaffing, financial resources, and technical equipment. The Republic of North Macedonia must establish an effective system for monitoring, investigating, and prosecuting environmental crime if the recently introduced legal changes are to have a real impact on environmental protection and the public interest. It is imperative to establish conditions that will encourage trial judges and acting prosecutors to demonstrate greater efforts in resolving these cases.<sup>16</sup>

The establishment of a legal framework for environmental protection does not inherently guarantee the initiation of real prosecution action. It is essential that trial judges and acting prosecutors possess clear and precise instructions for imposing appropriate sanctions. In the absence of

---

<sup>14</sup> Mileva Gjurovska, National Coordinator of NCEU-MK and Professor at the Faculty of Philosophy, [opening address at the fifth session of Working Group 5 \(26 June 2024\)](#).

<sup>15</sup> Nikola Jovanovski, Program Manager at the Center for Legal Research and Analysis, presentation at [fifth session of Working Group 5 \(26 June 2024\)](#).

<sup>16</sup> Ibid.

specialized training and expertise, the judiciary is susceptible to errors in sentencing that may render it ineffective or inconsistent. This, in turn, undermines the efficacy of legal reforms intended to promote environmental protection. Consequently, it is necessary to allocate resources towards the development of expertise among judicial authorities, the enhancement of institutional capacities, and the promotion of inter-institutional collaboration. This strategic approach is essential for the successful implementation of legislative reforms in practice and the attainment of long-term environmental sustainability.<sup>17</sup>

The session disseminated European practices and the legislative framework in the EU related to environmental protection and mechanisms for achieving environmental justice. A particular emphasis was placed on the pertinent new EU Directive, which notably broadens the scope of environmental criminal offenses and establishes more stringent sanctions for offenders. In accordance with the aforementioned directive, the necessity for enhanced collaboration among various ministries was underscored. Moreover, the directive called for the initiative-taking engagement of experts in the consultation process, with the aim of achieving better harmonization of national legislation with European benchmarks. Furthermore, the necessity of enhanced involvement of civil society and environmental organizations in the creation and implementation of legislation was underscored. This involvement is crucial for enhancing the efficacy of pertinent regulations.

In accordance with the Slovak experience, in instances of substantial environmental degradation, such as the discharge of chemical substances into water resources, it is urgent to implement more stringent punitive measures. These measures include the tightening of sanctions through the revision of the limits for minimum and maximum penalties. This course of action has been necessitated by the ineffectiveness of previous penal policies.<sup>18</sup>

During the session, a positive experience from Slovakia was shared regarding the establishment of an environmental police, which significantly contributed to improving the environmental situation in the country. This specialized unit comprises two hundred inspectors who primarily investigate and identify violators of environmental regulations, particularly those involved in polluting activities and the creation of unregulated waste. It has

---

<sup>17</sup> Bojana Pecurkova, President of the Climate Change Center - Skopje, [presentation at the fifth session of Working Group 5 \(26 June 2024\)](#).

<sup>18</sup> Norbert Kurila, Advisor to the President of the Slovak Republic for Environment, Energy, Climate Change and Business Climate, [presentation at the fifth session of Working Group 5 \(26 June 2024\)](#).

been posited that the Slovak Environmental Inspectorate plays a pivotal role in the endeavor to combat environmental infractions. The financial resources of this institution are derived from two primary sources: direct allocation from the state budget and the collection of financial penalties. This dual funding mechanism is a particularly effective strategy for ensuring the institution's financial autonomy. In light of the Slovak experience, Kurila, a Slovak expert, also recommended the establishment of environmental police in other countries as a means of enhancing the efficacy of environmental law enforcement. This approach, as outlined by Kurila, would result in a more substantial protection of natural resources and the prevention of detrimental impacts on ecosystems.

In contrast to the Slovakian context, where a unit of two hundred environmental inspectors is in operation, the Republic of North Macedonia confronts a stark disparity in institutional support within this sector. The Chief Inspector for Nature Protection at the State Environmental Inspectorate noted that there are only twenty-three inspectors actively working in the entire country, a number that is inadequate given the scope of tasks that need to be performed. This discrepancy underscores the pressing necessity for the augmentation of personnel and the enhancement of inspection capabilities in North Macedonia. The overarching objective is to achieve more efficacious environmental protection and to align with European standards. Additionally, a paucity of municipal inspectors exists, who would function at the local level.<sup>19</sup>

The session underscored the significance of alternative mechanisms for out-of-court resolution of minor environmental offenses. These mechanisms were identified as a means for more expeditious and efficient implementation of environmental legislation.<sup>20</sup> The out-of-court settlement system comprises two primary mechanisms: the Misdemeanor Commission and the Environmental Offenses Settlement Commission. These mechanisms facilitate the expeditious processing of offenders, thereby circumventing protracted judicial proceedings and reducing the burden on the judicial system. The Misdemeanor Commission is responsible for addressing minor offenses, for which sanctions may take the form of warnings or financial penalties. The Environmental Offenses Settlement Commission, on the other hand, plays a pivotal role in facilitating mediation between insti-

---

<sup>19</sup> Pejo Kirovski, Chief Inspector for Nature Protection at the State Environmental Inspectorate, [presentation at the fifth session of Working Group 5 \(26 June 2024\)](#).

<sup>20</sup> [This issue was raised by Tanja Paunovska](#), head of the Sector for Cooperation with Local Self-Government Units (LSG) and Administrative and Supervisory Affairs, who is also the chair of the Misdemeanor Commission at the Ministry of Environment and Physical Planning (MoEPP).

tutions and offenders. This mediation process is aimed at achieving a consensus on the appropriate sanctions or obligations to rectify any damage caused.

Furthermore, emphasis was placed on the notion that this approach has the potential to enhance the efficiency of addressing cases of pollution and environmental violations. This is due to the fact that it enables prompt reactions and the implementation of measures to mitigate adverse consequences before they materialize. This system enables institutions to respond promptly by implementing specific measures for remediation and prevention, thereby circumventing the lengthy judicial processes typically associated with traditional legal proceedings.

In the context of European practices, emphasis was placed on the existence of analogous settlement mechanisms within EU Member States. The implementation of these mechanisms has yielded positive outcomes, including the enhancement of the regulatory framework and the more efficient sanctioning of violators. The recommendation was that the Republic of North Macedonia strengthen the capacity of these commissions. This would increase their effectiveness and ensure greater transparency in the out-of-court settlement process.

The necessity for enhanced coordination between local administrations and central institutions in the implementation of this system was also emphasized, as local inspection services possess direct insight into violations in the field and can provide timely recommendations for immediate action. Achieving a balance between sanctions and corrective measures is imperative to stimulate greater compliance with environmental regulations.

During the discourse, a salient question was posited regarding the legal categorization of ecocide in the Criminal Code of the Republic of North Macedonia. The crux of the dilemma lies in determining whether it should be classified as a crime against the environment and nature or as a crime against humanity and international law. This issue carries profound legal and ethical ramifications. The dilemma underscores the evolving nature of the legal framework for ecocide. The determination of its categorization as either an environmental crime or a crime against humanity is contingent upon prevailing global legal trends.<sup>21</sup>

The session also reviewed key amendments to the Criminal Code and the Law on Misdemeanors in the context of environmental legal protection. In that regard, the challenges faced by the working group tasked with

---

<sup>21</sup> Afrim Osmani, professor at the State University of Tetovo, [presentation at the fifth session of Working Group 5 \(26 June 2024\)](#).

revising the Criminal Code of the Republic of North Macedonia were shared, especially with regard to the incrimination of ecocide as a crime. The dilemmas inherent to this issue pertain to the question of where ecocide should be positioned within the legal framework. Currently, the crime of ecocide is classified as a crime against the environment and nature. However, there is a compelling argument that it should be elevated to a category of a crime against humanity and international law, given its extensive and transboundary consequences on human health, ecosystems, and global security.

This debate reviewed several European and international practices, including initiatives by the European Union and the International Criminal Court. These entities are already working to recognize ecocide as an international crime of the highest order. In the context of enhancing the legal apparatus for addressing grave cases of environmental degradation, this issue assumes particular significance. Examples of such actions include widespread pollution, deforestation, the discharge of hazardous substances, and other activities that engender long-term, irreversible consequences.

Moreover, deliberations were held on proposed amendments to the Law on Misdemeanors. The objective of these amendments is to facilitate the implementation of more expeditious and efficacious sanctions for minor environmental infractions. The proposed amendments include the following: (1) an augmentation in the severity of penalties, (2) a reduction in procedural duration, and (3) the allowance for the out-of-court settlement of particular cases.

The conclusions underscored the necessity for additional expert discourse on the optimal placement of ecocide within pertinent penal legislation. They further emphasized the imperative for supplementary mechanisms to augment the criminal liability of perpetrators and enhance the enforcement of legal norms for environmental protection.

The Ministry of the Interior (MoI) has endeavored to address environmental crime in recent years. However, these efforts have been characterized by limitations in scope, a lack of systematic approach, and a tendency to be reactive, often initiated in response to reports from citizens or media outlets rather than being integrated into a comprehensive, long-term strategy to combat environmental offenses.<sup>22</sup> In this regard, the necessity to establish a distinct environmental department within the Ministry of Interior was emphasized, with a mandate to prioritize research and the preven-

---

<sup>22</sup> According to the professor at the Faculty of Security, University "St. Clement of Ohrid" – Bitola, Marina Malish-Sazdovska, at the fifth session of Working Group 5 (26 June 2024).

tion of crimes associated with pollution, illegal waste disposal, destruction of natural resources, and illegal logging. This proposed MoI department would collaborate closely with the State Environmental Inspectorate, the Ministry of Environment and Physical Planning, as well as with local governments and local courts. The objective of this collaborative effort is to implement a coordinated and initiative-taking approach to address these pressing environmental challenges. The establishment of such a department would contribute to enhancing the efficiency of criminal investigations, particularly in cases involving environmental crime, which can have severe ramifications. These include the discharge of toxic substances into water bodies, the clandestine disposal of hazardous waste in unauthorized locations, the contamination of the atmosphere by industrial facilities that fail to adhere to environmental standards, and the transboundary trafficking of waste.

Furthermore, it was emphasized that the absence of an adequate penal policy would result in the ineffectiveness of preventive measures. In this regard, it is imperative to impose more rigorous sanctions on legal entities and individuals who perpetrate environmental crimes, while concurrently enhancing monitoring and enforcement mechanisms.

It was also emphasized that corruption poses a substantial challenge to environmental protection efforts, as it enables certain companies or individuals to evade criminal accountability through bribery or exerting influence over relevant institutions. Consequently, the necessity for enhanced anti-corruption oversight in all domains of social life, including environmental protection, was underscored. To this end, the introduction of specialized anti-corruption mechanisms within inspection services, in conjunction with the enhancement of transparency in the process of issuing environmental permits and licenses, is proposed.

In order to enhance the current state of affairs, a proposal has been put forth to implement specialized training for law enforcement officials who will be tasked with environmental law enforcement. The objective of this initiative is to enhance the comprehension of these offenses and the effective sanctioning thereof. The implementation of such initiatives has the potential to markedly enhance the execution of environmental policies and contribute to the more effective protection of natural resources in the Republic of North Macedonia.

## **CONCLUDING REMARKS**

The city of Skopje has been identified as a global leader in terms of pollution levels, a development that has prompted grave concern regarding

the magnitude of the problem. In its most recent report on the Ohrid Region, the UNESCO Reactive Mission has reiterated its previous warnings, emphasizing the pressing need for the relevant authorities to implement definitive measures aimed at safeguarding the extraordinary natural and cultural heritage of Ohrid. Concurrently, a considerable number of illicit waste disposal sites persist in contaminating even the most underdeveloped rural regions, underscoring the prevailing environmental imbalance and its critical state. This situation necessitates prompt and comprehensive interventions from all pertinent local and national institutions.

In this context, Directive (EU) 2024/825<sup>23</sup> aims to encourage market dynamics towards the production of more environmentally friendly products and processes. It encourages consumers to make purchasing decisions that have a reduced negative environmental impact and prompts retailers to promote products that are distinguished by their environmental or social attributes. The directive stipulates the requirement for the labeling of products according to their level of environmental protection. Furthermore, it establishes stringent monitoring procedures to prevent the misrepresentation of products as "climate neutral" or "carbon positive," in instances where such claims lack a tangible environmental impact.

The directive also considers options for reducing waste through product obsolescence strategies and environmentally friendly delivery methods, such as cargo delivery bikes or electric delivery vehicles. The directive's primary objective is to facilitate the implementation of the European Green Deal of 11 December 2019, thereby empowering consumers to make informed decisions and mitigate the risk of green fraud through the provision of reliable and verifiable information.

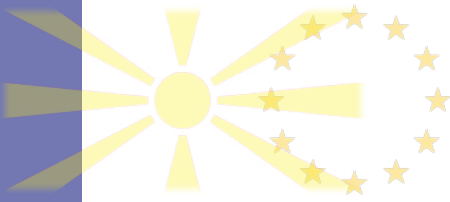
The Republic of Slovenia exemplifies the efficacy of environmental protection measures. Slovenia has been recognized as a verdant oasis and the purest nation on Earth, setting stringent standards for environmental quality. Presently, a decree is being formulated that will impose restrictions on light pollution, encompassing both decorative lighting and Christmas lights, with a stipulated time limit of 10 p.m. This initiative is designed to mitigate the adverse effects of light pollution on the biorhythms of humans, animals, and plants, thereby ensuring a sustainable and healthy environment for posterity.

It is imperative that we acknowledge the positive examples in practice, particularly those from countries that are geographically proximate

---

<sup>23</sup> [Directive 2024/825/EU](#) of the European Parliament and of the Council, amending Directive 2005/29/EC and Directive 2011/83/EU as regards consumer empowerment in the green transition through better protection against unfair practices and through better information.

and possess comparable territorial and demographic characteristics to our own. These countries should be regarded as exemplars, against which we should endeavor to emulate their achievements. This pursuit is of paramount importance, not only to ensure the well-being of our own citizens, but also to safeguard the population of the broader region. It is imperative to recognize that the contamination of air does not recognize geographical boundaries, underscoring the necessity for a unified approach to environmental protection.

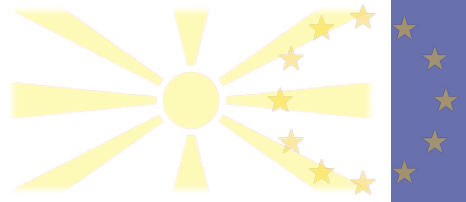


**RECOMMENDATIONS 5<sup>TH</sup> SESSION OF WORKING GROUP 5: ENVIRONMENT (CHAPTER 27) ON THE TOPIC:**

**"Approximation of national legislation to European environmental justice efforts"**

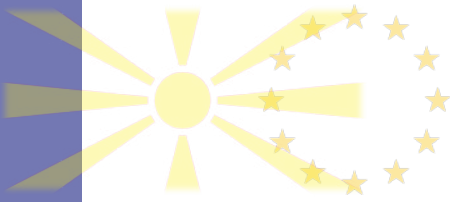
**26 June 2024**

1. The Ministry of Justice should take initiatives to strengthen the capacities of existing courts and public prosecutors in context of court proceedings pertaining to environmental protection.
2. The Ministry of Justice should undertake an initiative to organize continuous training for public prosecutors and judges in the field of environmental law with a special focus on acquiring knowledge and skills to assess damage caused by criminal actions against the environment and to suppress environmental corruption.
3. It is recommended that the Academy of Judges and Prosecutors improve the system of education of future judges and prosecutors by introducing educational content in the field of environmental law, with the aim of their further specialization in this field.
4. The Ministry of Justice should initiate joint action with the Ministry of Environment and Spatial Planning for the harmonization of the legal regulation of the criminal offenses of the Criminal Code in the field of the environment, the commission of which and the object of protection are partially or fully covered, i.e. identical to the offenses provided for in the special environmental regulations, with the active involvement of all parties concerned, including civil associations with expertise in the relevant areas. The current state of noncompliance with this regulation causes a double negative effect: a) Avoidance of criminal liability of the offender, in conditions where a lawful criminal decision has already been made for the same offense. Respecting the imperative application of the principle of "non bis in idem" (no one may be tried twice for the same thing), the court is obligatory to render a dismissal judgment. b) A second negative effect is an unjustified drain of budgetary funds, since the costs of the procedure in such cases necessarily fall on the burden of budgetary funds. On the other hand, such negative effects on society have an encouraging effect on the offender, who not only remains criminally unsanctioned, but also receives budgetary funds to offset the costs of the procedure, which are caused precisely because of his fault.



The following list enumerates the crimes in question:

- The criminal offense "Pollution of the environment and nature" of Article 218, paragraph 1 of the Criminal Code is also covered by Article 20, paragraph 1, indent 3 and Article 212h paragraph 1, item 1, and item 7 of the Law on Environment.
- The criminal offense "Production, trade or use of substances that deplete the ozone layer" under Article 218a of the Criminal Code, in its content, the action of commission, and the object of protection is also equal to the content of Article 22a and Article 212d, paragraph 1, item 4 of the Law on Environment.
- The criminal offense "Deforestation" under Article 226, paragraph 1 of the Criminal Code is also covered by Article 13, paragraph 1, Article 101, paragraph 1, item 1 and Article 101, paragraph 4 of the Law on Forests.
- The criminal offense "Causing a forest fire" under Article 227, paragraph 1 of the Criminal Code, in terms of its content, the action of commission and the object of protection is also covered by the content of Article 54, paragraph 1 and Article 105, paragraph 1, item 7 of the Law on Forests.
- The criminal offense "Illegal hunting" under Article 228 of the Criminal Code, in terms of its content, the action of commission and the object of protection, is also covered by the content of Article 77, paragraph 1, item 2, and item 7, and Article 79, paragraph 1, item 1 of the Hunting Law.
- The criminal offense "Endangering the environment and nature with waste" under Article 230 of the Criminal Code, in terms of its content, the action of commission and the object of protection, is also covered by the content of Article 37, paragraph 1, Article 130, paragraph 1, item 3, and Article 134, paragraph 1 of the Law on Waste Management.
- The criminal offense "Killing or destruction of protected species of wild flora or fauna" under Article 232a of the Criminal Code, in terms of its content, the act of commission and the object of protection, is also covered by the content of Article 23, Article 23a, and Article 182, paragraph 1, item 9, and item 12 of the Law on Nature Protection.
- The criminal offense "Unauthorized trading, importing or transporting wild flora or fauna" under Article 232c of the Criminal Code, in terms of its content, the action of commission and the object of protection, is covered by the content of Article 31, paragraph 1 and Article 182, paragraph 1, item 4 of the Law on Nature Protection.



## "APPROXIMATION OF NATIONAL LEGISLATION TO EUROPEAN ENVIRONMENTAL JUSTICE EFFORTS"

- The criminal offense "Torturing animals" under Article 233 of the Criminal Code, in terms of its content, the act of commission and the object of protection, is also covered by the content of Article 66, paragraph 1, item 1 and Article 67, paragraph 1, item 1 of the Law on Animal Protection and Welfare.
- 5. The Ministry of Justice should initiate procedure to harmonize the Macedonian penal legislation with the new Directive of the European Parliament and of the Council of the EU (2024/1203/EU) in order to strengthen national legislation with content to protect the environment through criminal law, in particular in the part relating to threats. This would mean introducing new and appropriate penalties for natural and legal persons in accordance with the abovementioned Directive.
- 6. A special police unit (ECOPOLICE) should be established within the Ministry of Interior, which will also cover investigations in the field of environmental crime and will allow regional and national coordination of all relevant departments in the Ministry of Interior and other competent institutions. This unit is required to have both regular and continuous communication with relevant civil society associations in order to detect environmental crime early and respond quickly on the ground.
- 7. The Ministry of Environment and Spatial Planning is recommended to organize a discussion with the participation of all stakeholders on the issue of establishing an Environment Agency and creating an Environment Fund that will enable appropriate and timely management of environmental threats.
- 8. Strengthen inspection services, at national and local levels, by increasing the number of inspectors and raising their level of expertise in line with new EU environmental requirements. Special attention should be paid to strengthening the State Inspectorate of the Environment where it is necessary to increase technical and human capacities.
- 9. In order to effectively prevent acts against the environment, it is necessary to adopt a code of ethics, as well as norms regulating conflicts of interest and limiting discretion for all public office holders.

## **MEMBERS OF WORKING GROUP 5 – ENVIRONMENT (CHAPTER 27)**

Tanja Paunovska, Head of the Sector for Cooperation with Local Self-Government and Administrative and Supervisory Affairs, Ministry of Environment and Physical Planning

Ivan Mucunski, Expert from France

Kristina Jovanova, National Programme Officer, OSCE

Kiril Ristovski, President, Florozon

Vanja Lazaridis, Project Manager, IOM

Biljana Petropulos, Eko-svest

Afrim Osmani, Professor, State University of Tetovo

Svetlana Nikolovska, Professor, Faculty of Security – UKLO

Kristina Kuzeska, Manager at the Economic Chamber of North Macedonia

Argjent Karai, Director of Operations, International Management Group - IMG

Julija Brsakoska Bazerkoska, Professor, Faculty of Law “Iustinianus Primus” – UKIM

Pejo Kirkoski, Inspector, State Environmental Inspectorate

Dragan Petrushevski, Judge, Basic Civil Court

Hristina Odjaklieska, Agency for Spatial Planning

## WORKING GROUP 1, AGRICULTURE AND RURAL DEVELOPMENT, CHAPTER 11

---

### **MEMBERS OF THE PROGRAM COUNCIL OF WORKING GROUP 1 – AGRICULTURE AND RURAL DEVELOPMENT (CHAPTER 11)**

**Mileva Gjurovska**, Professor at the Faculty of Philosophy, UKIM, National Coordinator of NCEU-MK

**Maja Lazareska-Joveska**, Head of the Department for European Union, Ministry of Agriculture, Forestry and Water Economy

**Vasko Hadjievski**, Project Coordinator, We Effect Europe Region

**Aleksandra Martinovska-Stojcheska**, Professor at the Faculty of Agricultural Sciences and Food, Coordinator of Working Group 1

**Nikola Jazadjiski**, Project Coordinator

### **Permanent Experts:**

**Biljana Petrovska-Mitrevska**, National Federation of Farmers

**Ana Simonovska**, Professor at the Faculty of Agricultural Sciences and Food, Institute for Agro-economics, "St. Cyril and Methodius" University – Skopje

**Sinisha Cvetanovski**, Ministry of European Affairs

**Ljubo Peno**, Ministry of Agriculture, Forestry and Water Economy



**Aleksandra MARTINOVSKA-STOJCHESKA<sup>1</sup>**

**Ana KOTEVSKA<sup>2</sup>**

**Ana SIMONOVSKA<sup>3</sup>**

**Biljana PETROVSKA MITREVSKA<sup>4</sup>**

**Maja LAZARESKA-JOVESKA<sup>5</sup>**

**Vasko HADJIEVSKI<sup>6</sup>**

---

# **1. KNOWLEDGE TRANSFER AND INNOVATION IN AGRICULTURE: A SYSTEM FOR KNOWLEDGE TRANSMISSION AND INNOVATION IN AGRICULTURE (AKIS)**

## **INTRODUCTION**

The European integration of the Republic of North Macedonia has opened up new prospects for the agricultural sector and rural develop-

---

<sup>1</sup> Professor at the Faculty of Agricultural Sciences and Food, UKIM, Skopje, coordinator of WG 1, NCEU-MK.

<sup>2</sup> Professor at the Faculty of Agricultural Sciences and Food, UKIM, Skopje, NCEU-MK expert.

<sup>3</sup> Professor at the Faculty of Agricultural Sciences and Food, UKIM, Skopje, NCEU-MK expert.

<sup>4</sup> National Federation of Farmers, NCEU-MK expert.

<sup>5</sup> Head of the Department for European Integration at the Ministry of Agriculture, Co-Chair in WG 1.

<sup>6</sup> WeEffect Project Coordinator, Co-Chair at WG 1.

ment. Accession to the European Union (EU) necessitates alignment with the EU's Common Agricultural Policy (CAP), a comprehensive framework that shapes agricultural practices, environmental sustainability, and rural welfare across the Union's member states. The EU CAP is designed to support agricultural producers and ensure the food supply of EU member states and countries with candidate status. The CAP places a strong emphasis on the sustainability of food systems, addressing climate change, and managing natural resources. Additionally, it provides substantial support to rural areas by promoting the rural economy and creating jobs in agriculture, agrifood, and related sectors.

The EU accession process has been identified as a significant catalyst for the agricultural sector and rural development. Successful integration in this area necessitates a comprehensive transformation of the legal, regulatory, strategic, and operational framework to align with the EU CAP. Concurrently, it is imperative to develop the knowledge infrastructure and facilitate the transfer of good practices and innovations to support the sector.

Agriculture is a vital sector for the state, playing a major role in the national GDP and providing livelihoods for a significant portion of the population, as well as driving rural development. However, the sector's future is at risk due to depopulation, insufficient infrastructure investment, and the necessity for farm modernization. EU membership offers opportunities to revitalize rural areas and increase agricultural output through better market access, significant financial assistance, and advanced technologies. Nevertheless, the agricultural sector must make serious adjustments to comply with strict EU regulations and prepare for strong competition from established European food producers.

Chapter 11 - Agriculture and Rural Development is positioned in the fifth cluster of the negotiating framework (Resources, Agriculture and Cohesion), together with Chapter 12 - Food Security, Veterinary and Phytosanitary Policy; Chapter 13 - Fisheries; Chapter 22 - Regional Policy and Coordination of Structural Instruments; and Chapter 33 - Financial and Budgetary Provisions. Joining the EU and aligning with the CAP demand robust management and control systems, as well as compliance with shared EU regulations on marketing standards, quality policies, and organic farming. Per the European Commission (EC, 2023) reports, North Macedonia continues to be moderately prepared in most domains of Cluster 5, with the exception of Chapter 12, which is assessed as having a good level of preparation. In Chapter 11, the primary obstacles involve finalizing and enhancing policy administration systems (farm registry, land parcel identification system, farm accounting data network, and institutional capabilities, particularly of the Payment Agency), as well as enacting a legislative framework

to further align with EU law in fields like support payments, Common Market Organization, and Farm Advisory Services.

It is this final aspect, the oversight of advisory services in agriculture and rural development, that is becoming increasingly significant in the EU accession process and the function of the Agricultural Knowledge and Innovation System (AKIS), including its advisory component, in facilitating this shift. Specific measures have already been implemented to establish an efficient and effective AKIS, particularly with the introduction of the new Law on the Agricultural and Rural Development Advisory System (December 2023). To this end, a dedicated working session of NCEU-MK within the Working Group on Agriculture and Rural Development was focused on this critical matter.<sup>7</sup> This session highlighted the current accomplishments of AKIS at the national level, exchanged various insights and experiences in the processes of knowledge sharing and innovation, and outlined the forthcoming steps for the advancement of this system, mainly focusing on the effective execution of the recently introduced Law on Advisory Services. The session was notably engaging, with nearly every attendee participating in the dialogue. It involved representatives of: the Ministry of Agriculture, Forestry and Water Economy (MAFWE), EU Sector at the Ministry of Agriculture, members of the Monitoring and Coordination Council of ASARD and AKIS at the Ministry of Agriculture, IPARD Management Body at the Ministry of Agriculture, Agency for the Promotion of Agricultural Development, project "Modernization of Advisory Services for Operators in the Field of Agriculture in North Macedonia", Permanent Working Group on Regional Rural Development in South Eastern Europe (SWG-RRD), agricultural producers and their associations, the business sector, academia, international institutions and organizations, relevant state institutions, etc.

### **1.1. Development stages of the European Union's Agricultural Knowledge Transfer and Innovation System (AKIS)**

The Agricultural Knowledge Transfer and Innovation System (AKIS) serves as a platform that promotes the exchange of knowledge and information within the agricultural sector, while fostering innovation processes in agriculture and rural development. At its essence, AKIS is a network comprising individuals and institutions or organizations engaged in creating, distributing, and utilizing agricultural knowledge and innovation. The components of AKIS are embodied by various stakeholders in the agricultu-

---

<sup>7</sup> [Eleventh session of Working Group 1 - Agriculture and Rural Development](#) (Chapter 11, Cluster 5), "Knowledge Transfer and Innovation in Agriculture: A System for Knowledge Transmission and Innovation in Agriculture (AKIS)", 5 March 2024, Club of Deputies - Skopje.

ral sector, including public, private, and non-governmental entities, as well as the media. This intricate network includes research and educational institutions, advisory services, agricultural organizations, and farms. Efficient knowledge sharing and cooperation among these participants are vital. Researchers devise innovative solutions, educators provide foundational skills to future generations, and advisory services play a pivotal role in transferring knowledge and information to equip farmers with the ability to adopt new practices. Agricultural organizations champion their requirements, and the private sector propels technological progress. A robust AKIS cultivates a vibrant environment where knowledge circulates freely, hastening advancement and securing a competitive agricultural sector. The primary objective of establishing such a system is to empower agricultural producers through knowledge and innovation to consistently address challenges such as optimal resource use, profitability and competitiveness, and the effects of climate change, among others.

The theoretical groundwork underpinning the concept of the Agricultural Knowledge and Innovation System (AKIS) can be traced back to the 1980s, originating primarily within the advisory sector, at a time when the principal emphasis was placed exclusively on the transfer of knowledge.<sup>8</sup> Approximately a decade thereafter, this foundational framework was augmented by an emerging recognition of the necessity to disseminate information effectively.<sup>9</sup> Concurrently with the evolution of these conceptual paradigms, a growing imperative emerged for enhanced engagement of innovation within the private sector. Subsequently, in the following decade, this trajectory culminated in the formulation of a novel, parallel construct known as the Agricultural Innovation System, which has since garnered increasing scholarly attention and practical application within the field.<sup>10</sup>

Within the EU, AKIS was established in 2008 by the EU Member States' Standing Committee on Agricultural Research (EU SCAR), but initially only as a theoretical concept, the so-called "Knowledge and Information Transfer System", which has not yet been implemented through EU policies (EU SCAR, 2009).<sup>11</sup> Since then, the concept has evolved in the direction of

---

<sup>8</sup> Nagel, U. (1980). [Institutionalization of knowledge flows. An analysis of the extension role of two agricultural universities in India. Quarterly Journal of International Agriculture 30.](#)

<sup>9</sup> Röling, N. (1990). [The agricultural research-technology interface: a knowledge systems perspective. In: Kaimowitz, D. Making the link. Agricultural research and technology transfer in developing countries.](#) Boulder, U.S: Westview Press, pp. 1-42.

<sup>10</sup> Hall, A., Bockett, G., Taylor, S., Sivamohan, M., Clark, N. (2001). [Why research partnerships really matter: Innovation theory, institutional arrangements and implications for developing new technology for the poor.](#) World Development 29(5): 783-797.

<sup>11</sup> EU SCAR (2009). 2nd SCAR Foresight exercise. [New challenges for agricultural research: Climate change, food security, rural development, agricultural knowledge systems.](#) Brussels, European Commission.

better linking science and practice and strengthening the exchange of knowledge and innovation for the benefit of agricultural producers.

This development precipitated the establishment of the European Partnership for Innovation in Agricultural Productivity and Sustainability, instituted in 2010, with the explicit objective of expediting the innovation process through enhanced cooperation and the harmonization of European Union policies and instruments (EU SCAR, 2012).<sup>12</sup> Building upon this foundation, the Task Forces were instituted in 2012, designed to facilitate purposeful collaboration among a diverse array of stakeholders—including agricultural producers, foresters, advisors, researchers, consumers, and other relevant parties—at both national and regional levels. Their primary objective is to optimize the utilization of complementary knowledge domains, encompassing practical, scientific, and organizational dimensions. Financial support for the Task Forces is provided through the rural development pillar of the European Union’s Common Agricultural Policy, which allocates resources to promote innovative solutions and sustainable practices within the agricultural sector.<sup>13</sup> Additionally, the European Innovation Partnership for Agricultural Productivity and Sustainability (EIP-AGRI) leverages research and innovation programs, most recently articulated through the Horizon Europe framework, to enhance collaboration among educational and research institutions, the private sector, and both governmental and non-governmental organizations. These concerted efforts bore fruit as early as 2014, when AKIS commenced its practical implementation (EU SCAR, 2019).

The AKIS is strategically designated as a cross-sectoral priority within the latest Common Agricultural Policy regulation (2021-2027)<sup>14</sup>, with the overarching goal of modernizing the agricultural sector and rural communities by intensifying the promotion of knowledge, innovation, and digitalization. The newly formulated strategic plans, which constitute a cornerstone of the current cycle of the European Union’s Common Agricultural Policy, establish a framework conducive to enhanced knowledge exchange among practitioners, researchers, and policymakers within the agricultural domain.

Pursuant to EU Regulation 2021/2115<sup>15</sup>, Article 15, Member States are mandated to incorporate into their CAP strategic plans a structured

---

<sup>12</sup> EU SCAR (2012). [Agricultural knowledge and innovation systems in transition - a reflection paper](#). Brussels, European Commission.

<sup>13</sup> [Common Agricultural Policy of EU](#), CAP.

<sup>14</sup> European Commission (2023) [The common agricultural policy: 2023-27](#).

<sup>15</sup> [EU REGULATION 2021/2115](#) of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural De-

system designed to deliver advisory services to farmers and other recipients of CAP support, with particular emphasis on land and farm management ("farm advisory services"). Within this programming period, the CAP assigns heightened significance to the embedding and integration of AKIS across the entire policy lifecycle—encompassing creation, implementation, and evaluation. This entails the ongoing maintenance and enhancement of advisory services at both national and interstate levels, supported by robust financial and institutional frameworks. The objective is to establish a transparent and effective network that ensures the swift dissemination of up-to-date knowledge and information among all stakeholders within the agricultural sector, at both national and European levels.

The promotion strategy of AKIS centers on two principal dimensions: (a) its organizational configuration as an integrated system facilitating the exchange of knowledge among individuals, institutions, and organizations; and (b) the modalities through which advisory services, the scientific community, and other interconnected networks will collaborate to foster innovations and deliver specialized expert guidance.<sup>16</sup>

To ensure the effective implementation of AKIS, the policy framework endorses four pivotal categories of activities:

1. Enhancing the dissemination of knowledge and fortifying the connections between research and practical application.
2. Bolstering agricultural advisory services (encompassing both public and private entities) and promoting their seamless integration into the AKIS framework.
3. Advancing thematic and cross-border interactive innovation initiatives.
4. Facilitating the digital transformation within the agricultural sector.

## **1.2. From Farm to Fork (F2F)**

The AKIS approach has also been prominently incorporated into the latest EU Green Deal strategies, notably the Farm to Fork (F2F) and Biodiversity Strategy. These strategies are designed to address climate change mitigation while promoting healthy and sustainable lifestyles throughout the European continent.

---

velopment (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013, Official Journal of the European Union L 435/1.

<sup>16</sup> [Innovation & knowledge exchange | EIP-AGRI](#)

The F2F strategy explicitly prioritizes research, innovation, knowledge advancement, and skills development as core components of its objectives, allocating the entirety of Chapter 3, titled "Enabling the Transition," to these critical themes. It proposes the allocation of specific funding through the Horizon Europe programs, supplemented by additional resources facilitated via the European Innovation Partnership for Agricultural Productivity and Sustainability (EIP-AGRI) and the Regional Development Fund. Furthermore, the strategy champions enhanced support for the AKIS, particularly through the utilization of Member States' CAP funds, alongside a revised iteration of the European Skills Agenda and the Advisory Services Program tailored for Small and Medium-sized Enterprises within the framework of the European Enterprise Network.

Furthermore, the F2F strategy delineates substantial investments aimed at enhancing both physical and digital infrastructure to address prevailing technical impediments. In pursuit of this objective, the strategy underscores the critical necessity of ensuring comprehensive access to high-speed broadband across rural regions by the target year of 2025, alongside bolstered investments in the Copernicus program to support robust geographic information systems. Additionally, it proposes the transformation of the extant Farm Accountancy Data Network (FADN) into an advanced Farm Sustainability Data Network (FSDN). Concurrently, the strategy envisions the establishment of a unified European data space dedicated to agriculture, aligning with the overarching principles of the European Data Strategy.

Through these measures, the F2F strategy effectively tackles pivotal challenges associated with knowledge development, explicitly acknowledges the imperative to cultivate skills across all proficiency levels and exhibits a resolute commitment to furnishing the requisite financial and infrastructural resources to achieve these objectives.<sup>17</sup>

### **1.3. Organic production**

Within the context of these novel strategies, a prominent illustration is the ambitious objective of ensuring that a minimum of 25% of the European Union's agricultural land is dedicated to organic farming by 2030, accompanied by a substantial expansion in organic aquaculture. As of 2021, the proportion of organic agricultural land across the EU-27 averaged 9.6% of the total utilized agricultural area (FiBL, 2023). Consequently,

---

<sup>17</sup> Reinhardt, T. (2023). [The farm to fork strategy and the digital transformation of the agri-food sector—An assessment from the perspective of innovation systems. Applied Economic Perspectives and Policy](#), 45(2), 819-838.

achieving the stipulated target necessitates an approximate tripling of the current area under organic production.

This example highlights the pivotal role of the AKIS in reaching such ambitious objectives. Attaining these targets necessitates a balanced expansion in both production and consumption, which demands a comprehensive transformation across farming operations and supply chains. Moreover, this shift requires a substantial workforce within the organic sector, equipped with specialized knowledge and training tailored to these demands.

To facilitate this transformation, robust support is essential, encompassing ambitious research and innovation initiatives, the provision of effective advisory services, and the proactive engagement of processors and wholesalers. Additionally, systematic knowledge sharing and targeted training programs for organic operators and all stakeholders within the supply chain are imperative.

The term AKIS is well-established within academic discourse, agricultural policymaking, and economic spheres, where it denotes specific organizational and institutional frameworks designed to advance the agricultural sector. It serves as a foundational concept in policy formulation aimed at fostering innovation for sustainable agricultural development. AKIS is prominently featured in European policy documents, extensively referenced in global literature on agrifood systems development, and has been integrated into the terminology and operational practices of international institutions, including the Organization for Economic Co-operation and Development (OECD) and the World Bank.<sup>18</sup>

#### **1.4. Climate neutrality and sustainability**

In alignment with the overarching ambitions of the European Green Deal, the Green Agenda for the Western Balkans (GAWB) constitutes a pivotal regional initiative aimed at achieving climate neutrality and environmental sustainability by 2050. This Agenda forms an essential component of the Economic and Investment Plan for the Western Balkans and was officially endorsed through the adoption of the Sofia Declaration in November 2020.<sup>19</sup>

---

<sup>18</sup> Sutherland, L.A., Adamson-Fiskovica, A., Elzen, B., Koutsouris, A., Laurent, C., Stræte, E. P., & Labarthe, P. (2023). [Advancing AKIS with assemblage thinking](#). *Journal of Rural Studies*, 97, 57–69.

<sup>19</sup> [Action Plan for the Implementation of the Sofia Declaration on the Green Agenda for the Western Balkans 2021-2030](#) (2021). Regional Cooperation Council (RCC), Sarajevo.

To facilitate the execution of the Green Agenda, an Action Plan spanning 2021 to 2030 has been developed, encompassing 58 specific actions and a precisely delineated timeline for goal attainment. This decadal framework enables harmonization with prominent international and European policy frameworks, including the United Nations Sustainable Development Goals (SDGs), the European Energy and Climate Policy Framework for 2030, the EU Biodiversity Strategy, the Farm to Fork Strategy, as well as the Circular Economy and Zero Pollution Action Plans.<sup>20</sup>

Particular emphasis is placed on Action 47, which seeks to enhance collaboration among the scientific community, educational institutions, and the business sector to accelerate the adoption of innovative and environmentally sustainable technologies and methodologies. To this end, notable progress has been achieved through the Regional Agricultural Knowledge and Innovation System (REAWG), established under the auspices of the Standing Working Group on Regional Rural Development (SWG RRD). This initiative is actively engaged in conducting state analyses, formulating roadmaps, and developing action plans to strengthen the AKIS across the countries of the region.<sup>21</sup>

### **1.5. AKIS in the Republic of North Macedonia**

The establishment of an efficient and fully operational Agricultural Knowledge and Innovation System (AKIS) at the national level is critical for advancing the modernization of agriculture, enhancing its competitiveness and profitability, and promoting the sustainable development of rural communities in the Republic of North Macedonia. Despite the presence of numerous stakeholders within the AKIS framework, the national system remains fragmented, thereby constraining its overall efficacy.

To address these challenges, it is imperative not only to introduce new AKIS structures but also to substantially reinforce the interconnections among existing components. Such enhancements would facilitate continuous and effective communication among all relevant parties. The National Strategy for Agriculture and Rural Development 2021-2027 provides a foundation for supporting a formalized system of advisory services, de-

---

<sup>20</sup> EC (2020). [Guidelines for the Implementation of the Green Agenda for the Western Balkans](#). Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - An Economic and Investment Plan for the Western Balkans. SWD(2020)223. European Commission, Brussels.

<sup>21</sup> EU SCAR AKIS (2019). [Preparing for future AKIS in Europe](#). Brussels, European Commission.

signed to integrate the economic, environmental, and social dimensions of farm and land management.

This system will facilitate the seamless and efficient dissemination of information regarding the latest technological advancements and innovations from scientific research to practical agricultural applications. Furthermore, the institutional enhancement and integration of agricultural advisory services into the broader AKIS are comprehensively outlined in item II.6, "Elements that Should Enable the Modernization of National Policies" (IHRA, 2021).

The EU-funded initiative, "Modernization of Advisory Services for Agricultural Operators in North Macedonia," has yielded significant advancements in enhancing knowledge transfer, with a particular emphasis on strengthening advisory services.

The project is structured around two primary components:

1. Enhancing Advisory Services – This focuses on improving the efficiency, accessibility, and quality of advisory services.

2. Strengthening the Legislative and Strategic Framework – This aims to establish regulatory conditions conducive to the development of a sustainable and modern advisory system.

Within the scope of the first component, several activities have been implemented to date, with notable emphasis on the establishment and piloting of a training program for consultants. This initiative marks a substantial advancement in bolstering the expertise and capacity of advisory services, which is essential for elevating agricultural practices and ensuring the sector's sustainability.

The development of the national Agricultural Knowledge and Innovation System (AKIS) is significantly bolstered through the EU-funded project "Modernization of Advisory Services for Agricultural Operators in North Macedonia" (MAFWE), complemented by the regional efforts of the AKIS Group under the Standing Working Group on Regional Rural Development (SWG-RRD). Together, these initiatives have laid a robust foundation for a "modern" national AKIS, as articulated within the European Union's conceptual framework.

A significant advancement in enhancing the legal framework for agricultural and rural advisory services is the enactment of the Agriculture and Rural Development Advisory System Law in December 2023.<sup>22</sup> This le-

---

<sup>22</sup> Law on the Advisory System for Agriculture and Rural Development in December 2023 [Official Gazette 263/2023](#).

gislation aligns with Regulation (EU) No 1306/2013<sup>23</sup> of the European Parliament and the European Council, ensuring compliance with established European Union standards. The Law governs fundamental aspects of the advisory system, including its establishment, organizational structure, and management, as well as the operational framework for delivering advisory services. Furthermore, it stipulates the criteria and procedures for the registration of advisors and advisory service providers, along with the mechanisms for maintaining official registers of these entities. By instituting a more structured and efficient advisory sector, this legislation plays a crucial role in strengthening support mechanisms for agriculture and rural development, ultimately contributing to the sector's sustainability and resilience.

The Agriculture and Rural Development Advisory System has been established with the primary objective of enhancing the knowledge, skills, and capacities of agricultural producers. Its core function is to provide specialized guidance on the implementation of best agricultural and environmental practices, thereby fostering the sustainable development of the agricultural sector.

Beyond its advisory role in sustainability, the system contributes to increasing the competitiveness of agriculture by promoting innovation, facilitating the adoption of advanced technologies, and supporting digitalization. Additionally, it plays a critical role in fostering entrepreneurship and rural business development while advancing strategies for climate change mitigation and adaptation.

Furthermore, the advisory services encompass activities aimed at safeguarding biodiversity, preserving the environment, and promoting public health, as well as ensuring animal health and welfare. The system also serves as a key mechanism for implementing the measures and activities outlined in the annual programs for financial support in agriculture and rural development, as specified in Article 2 of the relevant legislation.

The legislation establishes a comprehensive legal framework for the continuous professional development and certification of agricultural advisers, the formal recognition of private advisory roles, and the creation of a central coordinating body—the Council for Monitoring and Coordination of the Advisory System for Agriculture and Rural Development (ASARD) and the Agricultural Knowledge and Innovation System (AKIS) as such.

---

<sup>23</sup> [Regulation \(EU\) No 1306/2013 of the European Parliament and of the Council of 17 December 2013](#) on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005, and (EC) No 485/2008.

The organization and management of the ASARD, the coordination of AKIS, and the provision of administrative, technical, and financial support for the operations of the Monitoring and Coordination Council for ASARD and AKIS fall under the jurisdiction of the Ministry of Agriculture, Forestry, and Water Economy (MAFWE). The law defines the structure and responsibilities of the Council, delineates the scope of advisory services, regulates the registration of advisers and advisory service providers, and mandates the implementation of continuous training programs for advisers, among other provisions essential to the establishment of a well-structured and efficient agricultural advisory system.

As a direct outcome of these regulatory efforts, the Monitoring and Coordination Council for ASARD and AKIS was officially established at the beginning of 2024. Concurrently, efforts are underway to digitalize the flow of knowledge and information related to advisory services, a process that is also a key component of the EU-funded project “Modernization of Advisory Services for Operators in the Field of Agriculture in North Macedonia”.

As part of the activities conducted by the SWG-RRD in 2022, an Action Plan for the development of the national AKIS was formulated. Current efforts focus on promoting the AKIS framework, with particular emphasis on increasing awareness among agricultural producers and other stakeholders regarding the various forms and advantages of interactive knowledge exchange and co-innovation.

Access to knowledge and timely expert guidance are essential for ensuring the long-term sustainability of all participants within the food system. Primary producers, in particular, require objective, tailored advisory services to facilitate the adoption of sustainable farm management practices. In this context, the European Union actively supports the development of robust AKIS, which integrates all actors within the food supply chain as such.

Under EU Regulation 2021/2115, EU Member States are mandated to enhance support for AKIS within the strategic plans of the Common Agricultural Policy (CAP), thereby fostering the development and sustainability of effective advisory services. Furthermore, AKIS is increasingly recognized as a pivotal component of the European Green Deal, particularly within the framework of the Farm to Fork (F2F) Strategy. At the regional level, the AKIS model has been acknowledged as a fundamental mechanism within the Green Agenda for the Western Balkans, aligning with the objectives of the European Green Deal and the region’s Economic and Investment Plan.

In the context of the European integration of the Republic of North Macedonia, the establishment of a robust and functional AKIS is imperative to bridge the knowledge gap between local farmers and emerging Europe-

an standards.<sup>24</sup> Advisory services are central to this effort, providing critical information and training on sustainable agricultural practices, efficient resource management, and compliance with increasingly stringent food safety regulations. In light of global challenges—including food security, digitalization, and the sustainability of supply chains—a comprehensive AKIS framework is essential. Such a framework would support the monitoring of evolving European regulations, optimize business management practices, and facilitate access to financial assistance under the CAP.

Furthermore, advisory services provide a role as a vital conduit between research institutions and farmers, facilitating the transfer of innovative technologies and providing essential training for their effective implementation. This dynamic exchange fosters the dissemination of best practices, successful case studies, and lessons learned, ultimately enhancing the sector’s adaptability and resilience. Given the structural and regional diversity of the agricultural sector in North Macedonia, advisory services must be designed to offer targeted support, tailored to the specific challenges and opportunities faced by different regions and types of producers. A well-functioning AKIS will ensure that agriculture in North Macedonia is better equipped for European integration and aligned with the principles of sustainable development set forth in EU policies.

The National AKIS plays a pivotal role in modernizing agriculture, enhancing the capacity of agricultural producers, and improving the overall competitiveness of the sector. Strengthening and integrating AKIS into national policies is crucial for the effective implementation of agricultural and rural development reforms, particularly in the context of the country’s EU accession process.

## **CONCLUDING REMARKS:**

Within the framework of the National Convention on the European Union in North Macedonia (NCEU-MK), the Working Group on Agriculture and Rural Development, during its 11th session, formulated the following key conclusions:

- **Enhancing Awareness of AKIS as a Key Driver of Competitiveness:** Strengthening the AKIS is crucial for improving the competitiveness, productivity, and sustainability of the agricultural sector. By fostering stronger linkages between research institutions, advisory services, agricultural associations, and the business sector,

---

<sup>24</sup> European Commission (EC), 2023, [COMMISSION STAFF WORKING DOCUMENT](#), North Macedonia 2023 Report, Communication on EU Enlargement Policy.

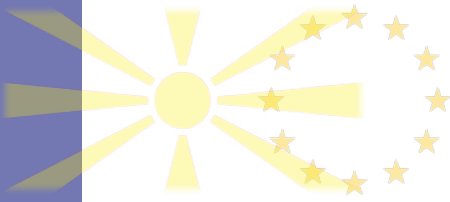
AKIS can facilitate more efficient knowledge transfer and innovation adoption. All relevant stakeholders—including farmers, institutions, and private sector entities—must be made aware of the opportunities offered by AKIS and their active role in its development. To ensure its effective implementation, targeted awareness-raising initiatives, such as information campaigns, workshops, and strategic partnerships, should be promoted.

- **Education and Digital Adaptation as a Driver of Innovation:** The successful implementation of AKIS necessitates the strategic development of training programs for farmers, grounded in the latest scientific research and best practices. The integration of modern learning methodologies, digital technologies, and mobile applications can significantly enhance the adoption of novel technologies and sustainable agricultural practices. Furthermore, it is crucial that educational initiatives are praxis-oriented and tailored to the diverse needs of various stakeholder groups in the sector, including small and medium-scale farmers, young farmers, women in agriculture, and innovative entrepreneurs.
- **Establishment of a Comprehensive Advisory System for Farmers:** The Ministry of Agriculture, Forestry and Water Economy (MAFWE) should prioritize the creation of a modern, efficient advisory system designed to enhance knowledge exchange and facilitate access to innovations. The development of a mobile application enabling seamless communication between all agricultural stakeholders—farmers, experts, institutions, and the private sector—would provide swift and direct access to essential information, including weather forecasts, market prices, emerging technologies, and financial instruments. This initiative presents an opportunity for North Macedonia to assume a leadership role in the regional digitalization of agricultural advisory services.
- **Establish a Coordinating Body for AKIS to Ensure Better Integration:** Experts from the Faculty of Agricultural Sciences and Food have emphasized the necessity for enhanced coordination and integration across all components of the AKIS. The establishment of a central coordinating body would facilitate improved information exchange, foster the dissemination of knowledge and innovation, and contribute to the cultivation of trust among all stakeholders within the system. This body should encompass representatives from academia, governmental institutions, the private sector, agricultural associations, and international collaborators, with the goal of formulating a sustainable, long-term strategy for the promotion of agricultural innovation.

- **Accelerated Implementation of AKIS in Response to Global Challenges:** According to the National Federation of Farmers, the expedited implementation of AKIS is critical in addressing pressing global challenges, such as climate change, enhancing the competitiveness of agricultural products, and optimizing resource management. Given the increasing demand for food and the mounting environmental challenges, AKIS can play a pivotal role in ensuring the sustainable utilization of resources and enabling farmers to adapt to evolving market demands.

### **Recommended Activities:**

- **Organization of Promotional Campaigns:** Implementation of targeted informational campaigns through both traditional and digital media to enhance public awareness and understanding of AKIS.
- **Interactive Events and Trainings:** Coordination of seminars, open farm days, and demonstration workshops designed to familiarize farmers with new technologies and facilitate their hands-on experience with innovative agricultural practices.
- **Clear and Understandable Communication:** Development of accessible educational materials, such as manuals, instructional videos, and informative flyers, utilizing clear and simple language to promote the adoption of new agricultural practices.
- **Local Advisory Centers:** Establishment and reinforcement of local advisory offices aimed at providing ongoing support and training for agricultural producers, ensuring they are equipped with the necessary knowledge and tools to implement best practices.
- **Digital Platforms and Tools:** Development of web portals and mobile applications designed to provide farmers with immediate access to critical information, expert advice, and the latest trends in agriculture, thereby facilitating informed decision-making.



**RECOMMENDATIONS 11<sup>TH</sup> SESSION OF WORKING GROUP 1: AGRICULTURE  
AND RURAL DEVELOPMENT ON THE TOPIC:**

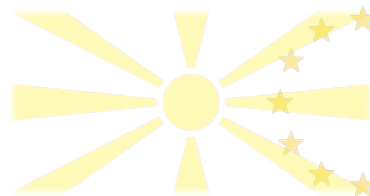
**KNOWLEDGE TRANSFER AND INNOVATION IN AGRICULTURE**

**A system for knowledge transmission and innovation in agriculture (AKIS)**

**5 March 2024**

**1. Implementation of the Law on the Consultative System for Agriculture  
and Rural Development (Official Gazette No. 263 of 12 December 2023)**

- Conduct field promotional activities to inform all stakeholders – agricultural producers, potential advisory service providers and the expert public. This requires coordination between the Ministry of Agriculture, Forestry and Water Management (MAFWE) and other stakeholders.
- Completion and full operationalization of a specialized software application, in order to establish a viable system for updating information and create a repository of materials and data for the sector, which will be easy to search (MAFWE).
- Development of a comprehensive plan of training and educational modules, in cooperation with educational institutions, with a clearly defined time frame and coordination among all stakeholders.
- Verification of counselor education programs by the Center for Adult Education at the Ministry of Education and Science (MES), in cooperation with educational institutions.
- Organization of counselor education programs, with the active involvement of educational institutions and MAFWE.
- Expanding the thematic scope of the trainings, with a focus not only on agriculture and food, but also on the diversification of non-agricultural activities, such as rural tourism and agri-entrepreneurship.
- Implementation of certification and licensing of advisory operators (MAFWE).
- Establish and regularly maintain a registry of counselors, which will include all counseling service providers (MAFWE).



- Establish and maintain a register of trainings and programs for the education of counselors, with clearly defined application criteria (MAFWE, educational institutions, Center for Adult Education).
- Provide a merit system for the quality of training and for the work of advisory operators, based on objective evaluation.
- Increasing the visibility and encouragement of successful counseling and service users through recognition and reward schemes, with the aim of raising the quality of counseling services.
- Inclusion of a representative from secondary agricultural schools in the Council for Coordination and Monitoring of the Advisory System and AKIS, in order to better integrate young experts into the system.
- Immediate accreditation of the IPARD measure "Advisory services" (individual and group councils) under the program 2021-2027, as well as preparation of the new measure "Knowledge and Innovation" for the next program cycle (MAFWE, Agency for Financial Support in Agriculture and Rural Development – AFSARD).
- Ensure sustainable financing of the advisory services system, through measures in national programs, as well as linking it to other support measures (MAFWE).

## **2. Piloting a measure to support collaboration between different stakeholders in AKIS**

- Development and testing of a measure to foster cooperation between AKIS participants, through the National Rural Development Program, in line with EU principles and practices.
- Adapt to support for Innovation Task Forces, similar to the EU Common Agricultural Policy (EU CAP) model, to improve the development and uptake of innovation in agriculture (MAFWE).

## **2. BETWEEN THE CHALLENGES AND OPPORTUNITIES: NORTH MACEDONIA'S AGRICULTURAL POLICY ON THE PATH TO EU ACCESSION<sup>25</sup>**

### **INTRODUCTION**

The agricultural sector plays a pivotal role in the integration process of the Republic of North Macedonia into the European Union (EU). As one of the most vital economic sectors, agriculture not only contributes to overall economic growth but also represents a strategic domain whose alignment with EU standards, regulations, and practices is of paramount importance. The EU's Common Agricultural Policy (CAP) stands as one of the Union's foundational policies, underscoring the necessity for comprehensive reforms and modernization of agricultural policies within North Macedonia.

The process of European integration presents both opportunities and challenges, necessitating structural adjustments and the enhancement of institutional capacities. Alignment with the EU regulatory framework encompasses critical components, such as market organization, quality policies, and support for organic farming.<sup>26</sup> These reforms are essential not only to ensure conformity with EU standards but also to enhance the sector's competitiveness, thereby facilitating the smoother integration of agricultural products from North Macedonia into the broader European market.

The Working Group 1 "Agriculture and Rural Development" of the National Convention on European Integration of North Macedonia (NCEU-MK) has addressed issues related to the complex process of harmonizing North Macedonia's agricultural policies with EU standards. The ensuing dialogue provided a comprehensive overview of the current state of the agricultural sector, development policies, and the strategic framework for European integration, fostering expert discussions on the opportunities and challenges the country faces in this ongoing process as such.

---

<sup>25</sup> This topic was discussed by the participants of the NCEU-MK Working Group 1 held on 22 November 2024 at the Deputies' Club. The text is the contribution of the permanent experts to the working group with the contribution of: Dragan Tilev (Ministry of European Affairs), Emil Erjavec (University of Ljubljana), Perica Ivanovski (Ministry of Agriculture), Stevan Orozovikj (National Federation of Farmers), Petar Gjorgievski (Rural Development Network of North Macedonia).

<sup>26</sup> European Commission, EC (2024a) [COMMISSION STAFF WORKING DOCUMENT North Macedonia 2024 Report](#), Communication on EU Enlargement Policy

Particular emphasis was placed on the crucial role of various stakeholders—ranging from government institutions, agricultural producers and their associations, to academia, the private sector, and international organizations—in shaping the future of agriculture in North Macedonia and preparing the sector for full EU membership.

The session was characterized by dynamic and interactive exchanges, featuring in-depth expert analysis and constructive dialogue within the panel discussions. It was attended by a diverse group of representatives from numerous institutions, including the Rural Development Sector of the Ministry of Agriculture, Forestry and Water Economy (MAFWE), the EU Sector at the MAFWE, the IPARD Management Body, the Agency for Financial Support for Agriculture and Rural Development (AFFDD), the Agency for the Promotion of Agricultural Development, the Ministry of European Affairs, the Standing Working Group on Regional Rural Development in South East Europe (SWG-RRD), as well as representatives from the agricultural and business sectors, academia, international institutions, and pertinent governmental bodies.

## **2.1. Agriculture and Rural Development – Challenges and Opportunities**

Accession to the European Union entails a complex interplay between the challenges and opportunities associated with the development of the agricultural sector and rural areas. The process of harmonization with European policies presents several significant obstacles, which further complicate the alignment of national regulations, instruments, and measures with EU standards.

One of the primary challenges is the structural weakness of Macedonian agriculture, which is characterized by the prevalence of small, predominantly family-operated farms, land fragmentation, an unfavorable demographic structure in rural areas, and poor integration of producers into value chains—both horizontally and vertically. According to the most recent structural survey, there are approximately 178,000 farms in North Macedonia, with an average size of just 1.8 hectares. Over 61% of these farms manage less than one hectare of agricultural land, while as many as 95% occupy less than 5 hectares.<sup>27</sup>

Demographic challenges further hinder the development of the agricultural sector. Approximately 40% of farmers are over the age of 55, and nearly half of them lack formal education or have only completed primary

---

<sup>27</sup> State Statistical Office, Skopje, 2017.

education as such. This demographic profile presents significant barriers to the adoption of innovative agricultural practices and the modernization of production farm methods.

Moreover, agricultural producers occupy a relatively weak position within agri-food chains, primarily due to the absence of effective forms of mutual cooperation and association, as well as insufficient integration with other actors in the value chain. These structural limitations are compounded by the adverse effects of climate change, inadequate adaptation capacities, the impact of economic crises, and the ongoing trends of intensive emigration and depopulation of rural areas.

Rural communities, in contrast to urban areas, face considerable infrastructural and technological deficiencies, limited access to essential services, and unstable local policies. These challenges result in the inadequate involvement of local actors in the policymaking process, fostering mistrust and hindering rural development.

Furthermore, the migration of young people from rural to urban areas—driven by disparities in educational, career, and social opportunities—significantly disrupts the demographic balance. This migration leads to a decline in the local labor force and the economic potential of rural areas, presenting a long-term challenge to the sustainable development of both agriculture and the rural economy.<sup>28</sup>

Conversely, the path to EU accession presents significant opportunities for the agricultural sector. The EU's CAP supports producers, addresses climate change, and promotes the sustainable management of natural resources. It also fosters rural development and sustains rural economies by creating employment opportunities in agriculture, agri-food industries, and related sectors. EU membership could grant access to larger markets, offering Macedonian producers new avenues for selling their products. Moreover, alignment with EU agricultural policies could facilitate access to financing, thereby supporting rural development and modernization efforts. Such financial assistance would enable farmers to adopt sustainable practices, enhance productivity, and improve product quality. Furthermore, the EU integration process promotes the adoption of food safety and environmental sustainability standards, benefiting agricultural producers while also reinforcing consumer confidence in local products, which could potentially expand both domestic and export markets.

---

<sup>28</sup> MRR (2024) Among Challenges and Opportunities: North Macedonia's Agricultural Policy on the Path to EU Accession, [Presentation by Petar Gjorgievski](#), North Macedonian Rural Development Network, NCEU-MK, Working Group 1, 22 November 2024.

## 2.2. Budget support for agriculture and rural development

The most recent publication in a series of studies focused on the assessment of agricultural policy development in North Macedonia and its alignment with the European Union's CAP reveals a sustained increase in total budgetary transfers allocated to agriculture within the country. These financial resources have risen from €129 million in 2014 to €178 million in 2023.<sup>29</sup>

While the strategic programming framework of North Macedonia generally aligns with the strategic objectives of the CAP, the allocation of financial support across the various policy pillars is not uniform. The predominant emphasis of budgetary support remains on direct payments to agricultural producers, which constitute 75% of total financial assistance. This form of support has increased by 31% over the past decade, rising from €104 million in 2014 to €135 million in 2023. Direct payments are intricately linked to production and are disbursed based on cultivated area, number of livestock, or units produced, categorized into basic and additional direct payments.

Conversely, budget allocations for structural and rural development represent an average of approximately 16% of total support. These funds have varied from €16 million in 2014, peaking at €32 million in 2022, before declining to €26 million in 2023. The majority of these measures are designed to enhance the competitiveness and modernization of agricultural holdings.<sup>30</sup>

The EU Progress Report<sup>31</sup> underscores the necessity of establishing robust systems for the management and control of agricultural policy, as well as compliance with the EU's common regulations regarding marketing standards, quality policy, and organic farming. The evaluation of Chapter 11, "Agriculture and Rural Development," indicates that North Macedonia remains moderately prepared in the domain of agriculture and rural development. In recent years, advancements have been achieved in the legislative framework with the enactment of the Agriculture and Rural Development Advisory System Law.<sup>32</sup> Furthermore, notable progress has been made in the implementation of the IPARD II and IPARD III programs.

---

<sup>29</sup> Kotevska, A., Martinovska Stojcheska, A., Erjavec, E. (2024) [European Integration and Agriculture in the Western Balkans: Current Trends and Challenges. Regional Rural Development Standing Working Group in South-East Europe \(SWG\)](#).

<sup>30</sup> Ibid.

<sup>31</sup> European Commission, EC (2024a) [COMMISSION STAFF WORKING DOCUMENT North Macedonia 2024 Report](#), Communication on EU Enlargement Policy

<sup>32</sup> [LAW ON THE ADVISORY SYSTEM FOR AGRICULTURE AND RURAL DEVELOPMENT](#), Official Gazette No. [263/2023\\_1](#) January 2023.

The recommendations put forth by the European Commission in the 2023 report have not been fully implemented; consequently, they remain significant relevance.<sup>33</sup> In the forthcoming period, the Commission emphasizes the necessity of placing greater focus on several critical areas of intervention.

Primarily, it is essential to enact legislation that further aligns with EU law, particularly in the domains of direct payments and the common organization of markets, as well as to explicitly delineate or finalize institutional mandates.

Concerning horizontal issues, the European Commission, for the first time in a series of progress reports, indicates that the Republic of North Macedonia is at an initial stage of preparations for sustainable agriculture. In this context, the necessity of aligning agricultural support policies with EU law is underscored, with particular emphasis on agri-environmental measures.

The components of the Integrated Administrative Control System (IACS) are established in accordance with EU law as such. Nevertheless, further enhancements in data transfer and interoperability among the various components of the system are required, along with the establishment of mechanisms to verify data accuracy.

Some progress has been achieved in the provision of orthophoto (aerial) documentation, which facilitates the updating of the Land Parcel Identification System (LPIS). However, the transfer of the Register of Manufacturers and LPIS to the Payment Agency has not yet occurred, representing a critical step in the reconciliation process.

Regarding interoperability with animal identification and registration (Animal ID) systems, no progress has yet been made, and data quality remains a significant challenge. In relation to the Farm Accountancy Data Network (FADN), the expansion of sample data collection has enhanced the representativeness and relevance of the information obtained. However, additional resources are required to further improve the FADN system and to incorporate mechanisms for the collection and entry of supplementary data pertaining to environmental and social aspects, in alignment with the new EU Farm Sustainability Data Network (FSDN).

The overall assessment indicates that the implementation process of the IPARD program in the Republic of North Macedonia is progressing successfully, achieving the highest level of implementation compared to

---

<sup>33</sup> European Commission, EC (2023) [COMMISSION STAFF WORKING DOCUMENT North Macedonia 2023 Report](#), Communication on EU Enlargement Policy

other beneficiary countries in the region. Under IPARD II, the Western Balkan countries received a total allocation of European funds amounting to € 345 million for the period from 2014 to 2020, supplemented by a 25% national contribution. As of 2023, €190 million has been disbursed, resulting in a cumulative absorption rate of 55.1%.<sup>34</sup> The allocation and utilization of funds exhibit varying degrees of effectiveness across the IPARD countries, namely Albania, Montenegro, North Macedonia, and Serbia. As of May 2024, North Macedonia has achieved the highest absorption rate, reaching 79% of its maximum allocation of €60 million, which corresponds to the utilization of €47.3 million.<sup>35</sup>

Concerning the IPARD III program for the period 2021-2027, the Western Balkan countries have received an indicative allocation totaling € 560 million to support various rural development measures. North Macedonia has already announced the first calls in the fall of 2023 and has commenced the signing of the initial contracts. In addition to the existing measures—M1 (Investments in physical assets of agricultural holdings), M3 (Investments in physical assets for processing and marketing of agricultural and fishery products), and M7 (Farm diversification and business development)—the IPARD program also anticipates the implementation of several additional measures: M4 (Agroecology, climate change-related measures, and organic farming), M5 (Implementation of Local Development Strategies – LEADER Approach), M6 (Investments in rural public infrastructure), M10 (Advisory services), and M11 (Establishment and protection of forests), each with varying statuses regarding funding agreements. However, there is a pressing need to enhance administrative capacity in the implementation of this instrument and to establish more efficient operational structures to ensure the robust execution of the IPARD III program, particularly in relation to the introduction of new measures.

In the area of quality policy, progress has been achieved with the enactment of the Wine Law, and the Viniculture and Wine Strategy. However, the legal framework, including that pertaining to alcoholic beverages, has yet to be fully aligned with EU law. Additionally, administrative capacity and resources remain inadequate. Regarding organic farming, the adoption of a new organic farming law is necessary to further align with EU law and Regulation 2018/848. Efforts should be enhanced to improve the monitoring and control of organic certification and the traceability of organic

---

<sup>34</sup> Kotevska, A., Martinovska Stojcheska, A., Erjavec, E. (2024) [European Integration and Agriculture in the Western Balkans: Current Trends and Challenges](#). Regional Rural Development Standing Working Group in South-East Europe (SWG).

<sup>35</sup> European Commission, EC (2024b), [IPARD Monitoring Committee, North Macedonia, May 2024](#).

products. Concurrently, initiatives should be undertaken to further develop the sector, leveraging the support available under the IPARD III program.

## **2.2. EU-integration of the agricultural sector from the perspective of the National Convention on European Union (NCEU-MK)<sup>36</sup>**

The National Convention on the European Union in North Macedonia (NCEU-MK), as part of the dialogue addressing the challenges and opportunities associated with harmonizing agricultural policy with the EU Common Agricultural Policy (CAP), has arrived at several key conclusions.

The primary conclusion underscores the necessity of a fully committed process for the implementation of a quality agricultural policy, which must be founded on efficient and well-managed institutions. Furthermore, the successful execution of reforms necessitates the engagement of human capital—specifically, professional, well-trained, and continuously educated personnel.

Moreover, the necessity to enhance cross-sectoral cooperation and to establish a consistent and inclusive dialogue that encompasses all relevant stakeholders was emphasized. Long-term investment and sustained consistency in the design and implementation of agricultural policies are also of paramount importance.<sup>37</sup>

In the introductory address delivered by the high-ranking official of the Ministry of European Affairs, the significance of the reform agenda and the opportunities it presents for the development of the sector were underscored.<sup>38</sup> The Explanatory Screening Report, recognized as one of the most comprehensive and intricate documents in the accession process, delineates further benchmarks as developmental directions. In defining the subsequent steps, it is essential to consider the findings of the Report on Improving Competitiveness under the Berlin Process and CEFTA. Additionally, it is imperative to monitor forthcoming initiatives from the European Union

---

<sup>36</sup> "Among the challenges and opportunities: North Macedonia's agricultural policy on the way to EU accession" was the topic of the [twelfth session of Working Group 1 - Agriculture and Rural Development \(Chapter 11\)](#) of the National Convention on the European Union in the Republic of North Macedonia (NCEU-MK), which was held on 22 November 2024, at the Club of Deputies - Skopje.

<sup>37</sup> Prof. Dr. Emil Erjavec, Faculty of Biotechnology, University of Ljubljana, [presentation on 22 November 2024](#).

<sup>38</sup> Dragan Tilev, State Counselor, Ministry of European Affairs, presentation 12th WG 1 session, held on 22 November 2024.

concerning economic potentials and new development strategies aimed at enhancing overall competitiveness.<sup>39</sup>

During the dialogue, it was noted that the agricultural policy of the country has undergone several stages of evolution since gaining independence.<sup>40</sup> One potential approach to enhancing the agricultural policy is to refine the instruments that facilitate more efficient and expedited results, while considering the complex internal structural issues, external constraints, and volatile market conditions. Consequently, it is essential to critically assess the structural deficiencies and constraints within the sector, promote an integrated approach, and develop value chains by leveraging comparative advantages and implementing best practices.

The Common Agricultural Policy (CAP) is a "moving target"; however, the main pillars of agricultural policy must be effectively planned and utilized. Direct payments should be restructured to incorporate an environmental dimension, with increased emphasis on rural development. A critical issue is the enhancement of human capacity at all levels—within governance structures where decision-making responsibilities reside, in administrative frameworks that necessitate ongoing investment in education and training, and through appropriate evaluation mechanisms. Furthermore, fostering dialogue among stakeholders with a participatory and inclusive approach is essential.<sup>41</sup> The experts at the session collectively asserted that increased investments in agriculture are necessary, along with enhanced organization among farmers. Additionally, there is a need for investment in human capital, which should include measures targeted at young farmers, managers, and relevant institutions.<sup>42</sup>

Furthermore, the emigration of youth from rural areas is a concerning issue; therefore, as highlighted by the speakers during the session, measures must be implemented to retain them. Funding frameworks should incorporate robust mechanisms for actively engaging local actors, strengthening local capacities, enhancing economic power, and improving social cohesion to promote long-term community development. It was emphasized that financing for rural development should be prioritized to ensure a continuous flow of resources aimed at enhancing the economic, social, and

---

<sup>39</sup> [The future of European competitiveness: Report by Mario Draghi, September 9, 2024](#), European Commission.

<sup>40</sup> Perica Ivanovski, Agricultural Policy Expert, State Advisor for Policy Analysis, MAFWE, [presentation on 22 November 2024](#).

<sup>41</sup> Prof. Dr. Emil Erjavec, Professor, Faculty of Biotechnology, University of Ljubljana, [presentation at the 12th session of WG 1](#).

<sup>42</sup> Stevan Orozovikj, Executive Director of the National Federation of Farmers, [speaking at the 12th session of WG 1](#).

environmental well-being of rural areas. Without significant financial investment, achieving equitable territorial development remains unattainable. It is essential to take concrete measures to involve local stakeholders at every stage, from program design to implementation, ensuring that their needs correspond to the direction of the initiatives.<sup>43</sup>

Experts noted that Macedonian legislation regarding agricultural policy as such does not lag behind that of other countries in the region; however, additional efforts are required to implement the necessary reforms on the path to EU accession.

The importance of improving alignment with EU policies, fostering greater cross-sectoral cooperation, implementing the Green Agenda, allocating adequate resources to environmental programs and measures, and continuing investments in structural reforms was emphasized.

Furthermore, the necessity of promoting regional cooperation among the countries of the Western Balkans was underscored, along with the need for significant investments to establish equitable regional development. Additionally, there is a pressing need to mobilize the knowledge of local communities, particularly in the context of innovative projects.

#### **CONCLUDING REMARKS:**

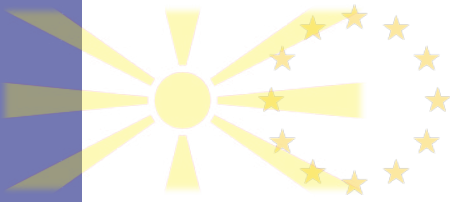
- **Strengthening Institutional Capacities for EU Accession:** The effectiveness of the European integration process is contingent upon ongoing investment in human resources within the administration. A long-term strategy for the education, training, and motivation of staff is essential to ensure the establishment of a professional and effective negotiating team, capable of successfully harmonizing and implementing sectoral policies.
- **Inclusivity in Policymaking:** The sustainable development of the sector necessitates an open and constructive dialogue among all stakeholders, including government institutions, the private sector, civil society, and academia. The establishment of systematic consultations at the political, strategic, and operational levels will facilitate the formulation and implementation of more clearly defined policies.
- **Increased Institutional Coordination for Effective Management:** Enhanced coordination among institutions and improved interoperability of administrative and control systems are essential.

---

<sup>43</sup> Petar Gjorgievski, President of the Network for Rural Development in North Macedonia, [presentation at the 12th session of WG 1](#).

This will facilitate faster and more efficient data exchange, leading to better resource management and stronger synergies between sectoral policies.

- **Monitoring and Evaluation as a Basis for Effective Policies:** The implementation of sectoral policies must be underpinned by regular monitoring and evaluation. Evidence-based analyses will facilitate timely adjustments to measures and ensure their alignment with national and European strategic priorities.
- **Strategic Targeting of Budget Transfers Towards Development Measures:** Financial support within the sector should be strategically directed towards structural reforms, modernization, investment in rural infrastructure, and support for young farmers. This approach will ensure long-term sustainability and enhance the competitiveness of the agricultural sector.
- **Optimization of Rural Development Measures:** The reduction and strategic planning of measures within the Rural Development Financing Program will enhance the efficiency of their implementation. The introduction of multiannual budgeting will facilitate better coordination and provide continuous support for farmers.
- **Expanded Access to Financing Through the IPARD Program:** Increasing the number of accredited measures under the IPARD program will offer more comprehensive support for rural infrastructure, agroecology, and advisory services. This expansion will promote sustainable development and provide farmers with enhanced opportunities for advancement.
- **Development of Effective Models for Economic Association:** The establishment of agricultural cooperatives and producer organizations is a crucial factor for improving the organization of farmers, enhancing competitiveness, and optimizing resource management. Implementing clear support, financing, and training mechanisms will facilitate long-term sustainability and improve market integration.

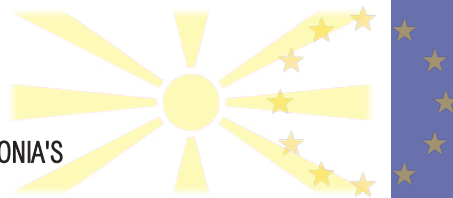


**RECOMMENDATIONS 12<sup>TH</sup> SESSION OF WORKING GROUP 1: AGRICULTURE AND RURAL DEVELOPMENT, CHAPTER 11 ON THE TOPIC:**

**Between the Challenges and Opportunities: North Macedonia's Agricultural Policy on the Road to EU Accession**

**22 November 2024**

1. Continuous improvement of EU membership negotiation capacities – Continuous investment in human resources in the administration is required through education, training and ensuring appropriate evaluation and motivation of staff. This will contribute to increased effectiveness of negotiation teams and better implementation of sectoral policies.
2. Fostering dialogue among all relevant actors in the sector – It is necessary to initiate an inclusive and participatory dialogue at the political, strategic and operational levels, in order to ensure the active involvement of all stakeholders in policymaking and implementation.
3. Improving institutional coordination – It is necessary to strengthen cooperation between different institutions and improve the interoperability of the elements of the integrated administrative control system. This will allow for more efficient data sharing and coordinated policy implementation.
4. Consistent implementation of the policy cycle – Particular emphasis should be placed on the monitoring and evaluation of policies in order to foster evidence-based solutions and ensure their effectiveness and alignment with strategic objectives.
5. Strengthening the development component in budget transfers – An increase in the share of rural development funds is needed, with a focus on structural reforms, sector modernization, investment in rural infrastructure, organizing farmers, supporting young farmers, and fostering knowledge exchange and innovation.
6. Optimization of measures in the Rural Development Financing Program – It is necessary to condense the number of measures, as well as introduce multiannual planning and budgeting, in order to increase coordination and efficiency in their implementation.
7. Expanding the available measures under the IPARD program – An increase in the number of accredited measures for rural infrastructure, agriecological practices, LEADER access, and advisory services is needed, which will create more opportunities to support farmers and rural development.



8. Development of an effective model for economic association of farmers – It is necessary to create a functional model for agricultural cooperatives and producer organizations, which will allow for better organization of agricultural producers, increased competitiveness in the market and more efficient management of resources. This model should include clear support and financing mechanisms, as well as training for farmers to better manage production and market processes.

## **MEMBERS OF WORKING GROUP 1 – AGRICULTURE AND RURAL DEVELOPMENT (Chapter 11)**

Jorde Jakimovski, Professor, Institute for Sociological and Political-Legal Studies

Igor Agovski, Advisor, Ministry of Agriculture, Forestry and Water Economy

Boban Ilić, Secretary General, Regional Working Group for Rural Development (SWG RRD)

Viktor Gjamovski, Agricultural Institute – Skopje

Vlado Srbinovski – Balkania

Daniela Todevska, Professor, Faculty of Agricultural Sciences and Food – Department of Crop Production, “Goce Delčev” University – Štip

Irena Djimrevska, Senior Expert, GIZ

Vase Simovska Boshkova, Head of the Agriculture Sector, Ministry of Agriculture, Forestry and Water Economy

Stevan Orozovikj, Executive director, National Federation of Farmers

Emel Tuna, Professor, Faculty of Agricultural Sciences and Food



11<sup>th</sup> Session Working Group 1, 5 March 2024



13<sup>th</sup> Session Working Group 3 and Working Group 4, 28 March 2024



5<sup>th</sup> Session Working Group 5, 26 June 2024



14<sup>th</sup> Session Working Group 3, 3 July 2024



14<sup>th</sup> Session Working Group 4, 8 July 2024



3<sup>rd</sup> Session Working Group 6, 13 July 2024



4<sup>th</sup> Session Working Group 6, 10 September 2024



15<sup>th</sup> Session Working Group 4, 30 October 2024



15<sup>th</sup> Session Working Group 3, 6 November 2024



12<sup>th</sup> Session Working Group 1, 22 November 2024



Joint Meeting, 21 August 2024



Signing of a Memorandum with ZMAI, 10 September 2024



7<sup>th</sup> Plenary Conference, 11 December 2024



7<sup>th</sup> Plenary Conference, 11 December 2024