

## Overview of the State of play on the implementation of Plan 3-6-9 as of 15.11.2017

### Introduction

Plan 3-6-9 was adopted on 04.07.2017, and the next day was presented to the public. It was prepared in response to the recommendations from numerous meetings with our international partners, above all the EU, in order to unblock the European integration processes of the Republic of Macedonia. All these meetings were aimed precisely at the preparation, harmonization and undertaking of obligations that are reflected in this Plan.

The direction of the reforms arises from the Government's Work Program 2017-2020, the Przino Political Agreement and follows the recommendations of the high-level meetings with representatives of the EU institutions, including the Urgent Reform Priorities, as well as the recommendations of the Council of Europe, the Venice Commission and GRECO, the OSCE / ODIHR, and the reports of the Group of experts led by Priebe, as well as consultations with the civil sector.

The proposed short-term measures, contained in this Plan, should be implemented until the Local Elections. The remaining measures, which are being prepared by the competent institutions, should be implemented by November / December or before the EU Council in December, as well as those that are to be implemented by March next year, or until the next Regular Report of the European Commission for Macedonia.

The professional services of all the competent institutions, the Parliament, the Government, the state institutions, the civil sector and the opposition took part in the definition of the measures in this Plan. A mechanism for coordination and monitoring of the implementation at ministerial and operational level has been established and is fully operational. Appropriate reports are to be prepared and distributed to the Parliament, the European Commission and other international partners, as well as the civil society and the general public.

In addition, a factual overview of the status of implementation of the measures provided for in Plan 3-6-9 as of 15.11.2017 is given, based on the information received from official sources. The structure of this review follows the structure of Plan 3-6-9.

### 1. Elections

**In the part of the elections**, the Government accepts the OSCE/ODIHR and the Venice Commission recommendations, and implements them in the short, medium and long term. In the short-term, the measures are focused on supporting the State Election Commission and its internal consolidation and strengthening its capacities, and in the context of preparations for local elections, including the updating of the Voters List, education of the election administration and the voters.

#### **Status of the implementation of the measures:**

- At the Government session held on 5.09.2017, a "Declarative commitment on Free and Fair Elections" was adopted, which emphasizes the importance of free, direct and democratic elections as the fundamental value of the constitutional order of the Republic of Macedonia, as well as the respect of the inviolable electoral right and the smooth implementation of the electoral process without political influence and pressure on voters.
- The Agency for Audio and Audiovisual Media Services, in accordance with the obligations of the Electoral Code, from started 7.08.2017 to conduct regular weekly monitoring of the media reporting after announcing the elections. In the reports, the professional standards and principles for performing the activity, including the prohibition to report on the activities of the Government in the function of electoral media representation were monitored.
- AAAMS prepared a Report from the monitoring of the election media coverage of the 2017 Local Elections, , which concludes that most of the television broadcasters and radio stations fulfil the professional standards,

some of them taking a critical position towards the Government. However, deviations have been noted in several programme services and appropriate misdemeanour procedures.

- The working engagement of the persons employed in the legal unit and the sectors for Voters' List and IT within the SEC is ensured until the end of the year, as temporary employments that are expected to be transformed into permanent employment during the next year. In addition, the systematisation act, the internal organisation act and the functional analysis report were adopted, and the consent from MISA on the systematisation act was obtained on 30.08. 2017.
- At the Government session held on 12.09.2017, "Guidelines for the manner of acting of the ministries, other state administration bodies and administrative organizations during the election process" was adopted. It provides guidelines on the manner of acting of the ministries, other state administration bodies and administrative organizations, officials who manage state bodies as well as employees in state bodies during the conduct of parliamentary, presidential and local elections from the day of their announcement until their completion in accordance with the law. According to this guidelines, during the election process, construction of new facilities in infrastructure or premises for social activities with funded from the budget cannot be started, and public nor public events on the occasion of construction or putting into use of such facilities can be held. Thereafter, salaries, pensions and other allowances from the budget, which are not regular monthly payments, cannot be paid, state capital cannot be alienated, nor collective agreements can be signed. In addition, the Ministry of Finance must publicly (on the Internet) publish all budgetary expenditures in the election period. Also, in the state bodies, no procedure for employment of new persons can be initiated, or a procedure for termination of employment. Furthermore, elected officials cannot use information obtained during the election campaign, nor should they pressure employees to participate in electoral activities, nor use threats or intimidation of employees in terms of their employment, social security. While state employees cannot participate in electoral activities during working hours, nor do they perform party activities or emphasize party symbols at the workplace.
- At the Government session held on 12.09.2017, "Guidelines on prohibition for using movable and immovable items in state ownership during the election process" was adopted, thus establishing the guidelines on the manner of acting of the Ministries, other state administration bodies and administrative organisations in connection with the use of state-owned movable and immovable property during the parliamentary, presidential and local elections from the day of their announcement until their completion in accordance with the law. According to this instruction, in the state bodies (offices, premises), as well as in the working premises which are located in objects of the state bodies, sessions cannot be held or activities related to the election process cannot be conducted. Also, movables used by state bodies cannot be used for the needs of an election campaign.
- On 5.07 2017, new Rules of Procedure of the State Election Commission were adopted.
  - In order to establish a new organisational structure of the SEC's Expert service, the following acts were adopted: a report on conducted functional analysis, a report on conducted analysis for the needs of regional units and offices, new act on internal organisation, new act on systematisation of jobs.
  - In view of the elections, the SEC adopted the following bylaws: new rulebook on the manner and procedure for deciding upon complaints (5 July 2017 and amendments dated 21 July 2017), guideline on the manner and procedure for submission, acceptance and confirmation of the candidates' lists for local elections (21 July 2017), guidelines on verification of the voter's identity (21 July 2017), guidelines on valid and invalid ballots (21 July 2017), programme for training of municipal election commissions and election boards (16 August 2017), manuals for training of municipal election commissions and election boards, and a video manual that is in the phase of editing was recorded.
- Pursuant to Article 31 of the Electoral Code and Article 2 of the Rules of Procedure of the SEC, the Commission's sessions are public. At the working meetings with the SEC representatives, the need to ensure full transparency of the work on the SEC sessions in accordance with the Electoral Code was indicated.

- At the 25th session held on 29 August 2017, the Government of the Republic of Macedonia adopted a Decision by which the State Election Commission was given a premises for permanent use without compensation, thus the problem which the Commission faced was overcome.
- An administrative update of the Voters' List is being carried out, as well as a check of the integrity of the personal identification documents issued by the Ministry of Interior.
  - Implementation of the Agreement for data exchange with the Office for Keeping the Registers of Births, Marriages and Deaths within the interoperability project has started. Successful trial testing of computer data exchange has been conducted.
  - The Voters' List is permanently available on the SEC website with the following data: name, surname and address of voters. Its updating is done in cooperation with the Ministry of Interior and the State Statistical Office, on a quarterly basis, i.e. on 3 months, as prescribed by law, after which the updated Voters' List is published. Also, before the elections, the updated Voters' List, is published so that the data contained in it to be checked. This system of publishing the Voters' List has been functioning for many years and it has proven to be good.
  - The promotion of the procedures for verification by the citizens and updating the Voters' List and encouraging citizens, civil society organisations and political parties to conduct continuous insight into the Voters' List, has been functioning correctly in practice. Before each election cycle, the SEC publishes a public call for check of the Voters' List. The interest in checking data by the citizens is large, done electronically and on the printed version as well. If there are no elections, the list is updated, i.e. it is checked on an ongoing basis, twice a year, by the SEC.
  - The SEC continuously controls the integrity of the database of the Voter's List by checking the reports on newly issued biometric ID cards and passports, the basis for the issued ID cards and passports, as well as by making an insight in the MOI records, as well as databases and records of other state bodies and institutions.
  - The Voters' List for Local Elections was available for public insight from 21 August 2017 until 9 September 2017. A total of 1.814.644 voters are registered in the Voters' List for the local elections.

- **Local elections 2017**

Based on the Statement of Preliminary Findings and Conclusions of the OSCE/ODIHR Observation Mission, the conducting of the Local Elections on 15 October 2017 contributed to strengthening of the confidence in the democratic process. The elections were held in a competitive environment, with candidates that generally could run a campaign without restrictions, and the fundamental freedoms were generally respected.

The media that were subject to monitoring provided unbiased coverage of the candidates and promoted the possibility of political debate. Despite the organisational challenges, the election administration provided the voters with the right to exercise their right to vote. The election day was generally well-conducted, although some procedural irregularities were observed.

A total of 1,814,644 voters were registered for the election. During the online and personal verification of the Voter's List, only a few changes were requested. As a result of that, many of the international observers' interlocutors expressed confidence in the integrity of the Voter's List, while some continued to raise concerns, including about the implementation of the residence requirement.

19 political entities and 65 groups of voters proposed a total of 258 candidates for mayors and 370 candidate lists for the local elections on 15 October 2017. Voters were offered a wide range of choices, and in some municipalities elections were held with a large number of registered candidates.

Although the Regulations on campaign financing has been improved over the recent years, in accordance with the previous recommendations, it did not provide fully adequate transparency due to the lack of mandatory revision of the preliminary reports, as well as the insufficient powers of the State Audit Office for

oversight.

Media monitoring by the OSCE/ODIHR showed that the public media provided all participants with free time for broadcasting during prime times, but only a small number of candidates used it. The two major parties dominated in the paid advertising on the private media. TV debates were organised, but not all of the invited candidates took participation.

AAAMS, as a responsible body for providing balanced and impartial coverage of the elections, raised six misdemeanour procedures for misdemeanours by the media.

The fact that civil observers had access to all stages of the process contributed to transparency and offered non-party assessment of the elections. Over 3,000 observers monitored the activities on the election day.

## 2. Assembly

The Government focuses on full support of all measures for restoring the democratic environment in this key institution through political dialogue and cooperation with all parliamentary parties and especially with the opposition. The Government will give its own contribution in the light of ensuring conditions for full implementation of the agreed Recommendations after the events of 24.12.2012, related to the violent events of 27.4.2017. The Government, the coalition partners and the majority in the Assembly, in an open and sincere cooperation with the opposition, shall see to ensure that the supervisory function of the Assembly and the parliamentary bodies over the work of the Government and its security and intelligence services is regular and routine, with the highest possible level of transparency and inclusion of representatives from the civil society.

### **Status of the implementation of the measures:**

- On 16 August 2017, the President of the Government sent a letter to the President of the Assembly, underlining the unambiguous readiness of the Government to hold weekly and thematic sessions for parliamentary questions in duration of one hour, in time and format that is most appropriate and in accordance with the internal procedures of the Assembly.
    - The Government, i.e. the coalition partners and the majority in the Assembly, are prepared in open and sincere cooperation with the opposition to ensure that the oversight function of the Assembly and parliamentary bodies over the work of the Government and its security and intelligence services will be regular and routine.
    - In Article 122, paragraph 2 of the Rules of Procedure of the Assembly, it has been established that the working bodies can invite experts from certain areas and other institutions and associations in the sessions in order to provide opinions as regards the issues that are discussed at the session of the bodies. This possibility has so far been used in the work of the working bodies. Also, the Government commits to and accepts mandatory elaboration of draft-proposal of laws at expert level before the parliamentary bodies.
    - For the purposes of opening the Assembly for the civil sector, the Assembly of the Republic of Macedonia hosted 2 events organised with the civil society. The activation of a new tool called "e-Window" is ongoing, and it will enable the citizens to apply for attendance at plenary sessions. Also, a new tool has been added, named "Meetings", through which the citizens will be able to get familiar with the activities of the Members of the Assembly;
- In September, the Assembly of the Republic of Macedonia renewed the Interparty Assembly Group for the Rights of the Handicapped Persons, in cooperation with Polio Plus. Furthermore, the Assembly of the Republic of Macedonia established a Club for Youth Issues and Policies. The Club is a non-formal body of the Assembly of the Republic of Macedonia, composed of the members of all parliamentary organisations, non-formal youth groups and the youth representatives of the parties;
- On the other hand, in the letter of the President of the Government, the Government obliged itself that the majority in the Assembly will commit to more adequate inclusion of the civil society in the discussions of the parliamentary bodies;
  - The Government is actively committed to including the Assembly in the reform of the intelligence and security services;

- In the letter, the Government also commits itself to fully support the measures aimed at restoring the democratic environment in this key institution, through political dialogue and cooperation with all parliamentary parties, including the opposition.

- On the session of the Assembly held on 14 July 2017, the decision for establishing the National Council for European Integration was adopted. A president (from the opposition) and a vice president were elected. 21 committees were established, 10 of which are chaired by the opposition (VMRO-DPMNE, SPM, BESA) and 11 are chaired by the ruling party (SDSM, DUI, including independent MPs). The first session of the NCEI, held on 20 September 2017 treated the realised activities of the Government and the future plans in the area of reforms related to the European integration process.

- The Committee for Supervision of the Work of the Security and Counter-Intelligence Directorate and the Intelligence Agency held a meeting on 4 July 2017 at which the Rules of Procedure of the Committee were adopted. On 19.7.2017, a joint meeting was held of both parliamentary committees for supervision of the work of the security and counter-intelligence services, with European Commission experts led by Mr. R. Priebe. The parliamentary supervision and the implementation of the recommendations were discussed during the meeting. All the participants at the meeting agreed to work together towards fulfilling the recommendations. The presidents of the two committees pointed out that they will make greater contribution in all areas for which the committees are competent
  - On 30.8.2017, the second session of the Committee was held. The session was closed for the public due to the classified information in the documents. The Committee discussed the Report on the work of OSCI and the IA for 2016.
- On 18.9.2017, a meeting of the Committee on Supervision of the Work of the Office for Security and Counter-Intelligence and of the Intelligence Agency was held which discussed about Information on the need for establishing Inter-ministerial work group for preparation and monitoring of the implementation of the plan for realisation of the recommendations by the group of high experts for systemic matters in the area of rule of law, regarding interception of communications. The Committee has appointed two members who will participate in the work of the inter-ministerial work group.
- On 18.7.2017, the Committee on Supervision of the Implementation of the Special Investigation Measure-Interception of Communications by the Ministry of Interior, the Financial Police Office, the Customs Administration and the Ministry of Defence held a session on which the Rules of Procedure of the Committee were adopted. The session was attended by representatives of the Ministry of Interior, the Financial Police Office, the Customs Administration and the Ministry of Defence;
- The constitutive session of the Women's Parliamentary Club was held on 6 July 2017. The club will act to initiate legal solutions for achieving gender equality and improving women's rights, their active involvement in the decision-making process in the country, as well as strengthening and spreading democracy in all spheres of the society. On 20.7.2017, the Women's Parliamentary Club held a meeting on the topic "Women's Parliamentary Club, Achievements and Priorities". The second meeting was held on 27.7.2017;
  - The Club, within its competences, reacted and condemned the discriminatory attitude towards women-participants at the International Athletic Marathon in Ohrid, where the awards for the women contestants were lower than those for those for men contestants. Moreover, in the course of August, it worked upon the preparation of a Draft-Declaration for Inclusion of More Women-Mayors in the Republic of Macedonia. On 21-22 September, the Club held a workshop on the topic: "We Build Bridges of Understanding", at which members of the Women's Parliamentary Club took part;
- At the meeting of the Standing Inquiry Committee on Human Rights held on 14.7.2017, the President and Vice President of the Committee were elected, thus the Committee structure was completed.
  - The President of the Standing Inquiry Committee for Protection of the Freedoms and Rights of the Citizen, on 14.9.2017, held a meeting with the NDI, where it was planned priority matters to be addressed at the future meetings, organisation of on-the-spot visits to the penitentiary institutions and institutions for mental diseases, the Reception centre for asylum seekers and others, as well as organisation of the celebration of 10<sup>th</sup> December-the International Human Rights Day in the Assembly.

### 3. Appointments

The Government is open for full cooperation **with the President of the Republic of Macedonia**, for ensuring the smooth functioning of all state institutions in accordance with the defined constitutional and legal obligations and their competences.

#### **Status of the implementation of the measures:**

- Consultations were initiated with the President of the Republic of Macedonia for filling the vacant posts in the diplomatic missions. Several meetings were held.
- Two public calls were announced by the President of the Assembly of the Republic of Macedonia for election of two members of the Council of Public Prosecutors, the first one on 07.06.2017 and the second on 18.08.2017. The deadline for submission of applications for the two announcements ended (the deadline for the first announcement was on 22.06.2017, and the deadline for the second announcement was on 04.09.2017). The Committee on Election and Appointment Issues should hold a meeting on which proposals for two members of the Council from the submitted applications will be determined.
- Three members of the Constitutional Court should be elected, whose mandates expire as follows: one in July and two in October. For election of a judge of the Constitutional Court of the Republic of Macedonia, within the competence of the Assembly of the Republic of Macedonia, the Committee on Election and Appointment Issues of the Assembly should hold a meeting on which it will determine a proposal for a judge of the Constitutional Court. The proposal for election of the other two constitutional judges is under the competence of the President of the Republic of Macedonia.

### 4. Implementation of the Ohrid Framework Agreement

The Government, in the spirit of cohesion, completes the implementation of the legislative elements of the Ohrid Agreement.

- The Government on the 20th session held on 04.08.2017 adopted the text of the Draft Law on the Use of Languages. Once the Law is adopted in the Assembly, the Ministry of Justice, through the Ministry of Foreign Affairs, will submit the Law, and the open issues that are not part of this Law, to the Venice Commission and will request an opinion on the package of legal solutions. On 7 September 2017, the Draft Law was adopted by the Committee on European Affairs in the Assembly. Whereupon, the Draft Law was debated upon at the Legislative Committee (meeting No.12, on 12.9.2017), Committee on the Political System and Inter-Ethnic Relations (meeting No. 8, on 13.09.2017). The parliamentary procedure is ongoing. The Law is in a plenary session debate from 13.9.2017, and was adopted in first reading on 15.11.2017.

### 5. Civil society

The Government treats the civil society as an equal partner and corrector of its decisions, with the full right to participate in policy-making, to give suggestions and to criticise. The Government intends to make the dialogue with the civil society continuous, transparent and fully inclusive.

#### **Status of the implementation of the measures:**

- In relation to the Decision on the establishment of a Council for Cooperation between the Government and the Civil Sector, from 2016, the General Secretariat on 13.07.2017 organised a consultative meeting with the representatives of the IPA2 mechanism and the informal group of 89 civil society organisations. The report of the meeting was published on the website of the Unit for Cooperation with the NGO [www.nvosorabotka.gov.mk](http://www.nvosorabotka.gov.mk) together with a call to the CSOs for submitting proposals for amending the

Decision, no later than 15.09.2017. Additional consultations will be organised after the preparation of a Draft Decision on Amending the Decision on the establishment of the Council.

- A Report on the undertaken measures and activities from the Action Plan for implementation of the Strategy for cooperation of the Government with the Civil Sector (2012-2017) has been prepared. In line with the consultations with the competent institutions, some of the measures and activities will be continuously implemented in the period 2018-2020, while for some of the unfulfilled measures there is an assessment on their relevance or need for additional analysis. The report was reviewed by the GRM on 19.9.2017 and is published on [www.nvosorabotka.gov.mk](http://www.nvosorabotka.gov.mk) in the Implementation of the Strategy section.
- At the Government session held on 15.08.2017, the Rules of Procedure for amending the Rules of Procedure of the Government were adopted, which increased the minimum number of days for consultation on ENER from 10 to 20 days.
- At the Government session held on 4.07.2017, the Information on the Process of Regulation Impact Assessment (RIA) was reviewed and the conclusions were adopted obliging all the ministries to follow the RIA procedures and the publication on ENER. Pursuant to the Rules of Procedure of the Government and the e-government system, the sessions of the working bodies and the Government take into consideration the materials that contain the necessary opinions in accordance with Article 68 of the Rules of Procedure, including the opinion of the MISA on the draft laws that are subject to RIA.
- In July 2017, on the website of the Unit for Cooperation with NGOs of the General Secretariat [www.nvosorabotka.gov.mk](http://www.nvosorabotka.gov.mk), in the Financial Support section, a detailed tabular overview of allocated funds for support of civil society organisations by the Government was published, chronologically by years, for the period 2012-2016. The database offers an opportunity to search association by name, project and year of allocated funds and it will be regularly updated.

## 6. Media

In the part of the media, the Government is building a partnership with the associations and the civil sector, in order to liberate the media space from any institutional or personal influences, including from financial dependence. The Government has stopped the commercial advertising, will strengthen and fully professionalise the public broadcasting service and will open up the public information of public character and public interest.

### **Status of the realisation of the measures:**

- The Government at the session held on 5.09.2017, adopted a conclusion which adopted the following Statement: The Government of the Republic of Macedonia and its institutions express strong political will and support for continued application of the Code of Ethics for Media Reporting and strongly encourage the application and respect of the system for media self-regulation.
- The Government at its session held on 22.08.2017, adopted a conclusion under which all state administrative bodies are obligated, there is pointing out to the institutions which do not have the status of state administrative bodies, and it is recommended to the local self-government units to stop the broadcasting, i.e. advertising campaigns/videos on paid media space in electronic commercial broadcasters - televisions and radios, daily and weekly newspapers, billboards, internet portals, with the exception of social media.
- On 24.09.2017, a government spokesperson held a press conference announcing the advertising costs of the Government for the period 2008-2015. Regarding the allocation of the money, as was explained at the press conference, the criteria for transferring the money for lease of advertising space to the commercial national concessionaires are unclear, although the tabular presentation presented at the press conference suggests that the rating did not play any role and that criteria simply did not exist. In addition, at the press conference on 16.09. 2017, as a part of the analysis of the costs for attracting foreign direct investments in

the last 10 years, the expenses paid to the Macedonian media were presented.

- The first public discussion on media reforms was held on 14.07.2017, with participation of the Minister for Information Society and Administration and the Minister without Portfolio in charge of the Communication, Accountability and Transparency. On 23.06.2017, the Minister without Portfolio participated in a conference dedicated to the media sector reforms organised by MIM with the EU support. Several meetings were also held with representatives from the DEU on the topic. The ministers also held several individual meetings with representatives of media and media associations, as well as representatives of the international community.
- After the first public consultation on the media reforms, all interested parties were invited to submit draft amendments to the Law on Audio and Audiovisual Media Services. Based on the received comments and proposals, MISA in coordination with the Minister without Portfolio in charge of the Communication, Accountability and Transparency, prepared a draft text of the Law Amending the Law on Audio and Audiovisual Media Services, which was sent to all interested parties and published on the MISA website. The deadline for submitting comments to the interested parties of the draft text of the Law was 11.9.2017. Another public discussion, if necessary, will be organised, the Draft Law will be revised again before it enters the regular procedure for adoption.
  - The draft law was submitted to the EC and the OSCE. An analysis of the Draft Law, prepared by an OSCE analyst, who works in the area of media, is expected in October. If necessary, the Draft Law will be revised again before it enters the regular procedure for adoption (which it will include publication on ENER).
  - At the session No. 12 of the ARM held on 19.09.2017, the amendments to the Law on Audio and Audiovisual Media Services were adopted by shortened procedures, which eliminates the obligation of the citizens and companies to pay a broadcasting fee. MRT will be financially supported by the state budget with annual allocation of 0.5% of the budget. This Law shall enter into force on the day of its publication in the Official Gazette.
- Based on the Report prepared by the Ministry of Interior for the period from 2013 to June 2017, for registered cases of physical and verbal attacks and pressures on journalists, a total of 44 reports have been submitted for physical attacks on journalists from citizens or media, endangering of the security in the form of threats of any kind or hate speech. The majority of the reports are in the area of Skopje - 28, then Ohrid - 14 and two reports in the area of Strumica.
- On 17.08.2017, the first briefing for journalists and editors was held in the Government, on which the ideas were presented for the work of the Sector for Communications, which will operate as a service for the citizens and the media. The Government Agenda, its conclusions and announcement are publicly and transparently published on the website. After each Government session, briefings are held in order to inform immediately the public about the work of the Government.

## 7. Public administration reform

The Public Administration Reform (PAR) in short, medium and long term is one of the key priorities of the Government which will begin with defining a quality and widely accepted PAR Strategy in direction towards complete depoliticisation and professionalisation of the administration, and building quality and service-oriented administration that will function and work in improved working conditions, using all the possibilities of modern access through e-government, e-services and interoperability.

### **Status of the implementation of the measures:**

- At the 8th Government session, held on 22 June 2017, a conclusion was adopted obliging all ministers to declassify all information/data related to costs for business trips and representation costs within the ministries (in future, as well as for the previous period), except for the data that should remain protected in accordance with the legal regulations (for security structures, services, etc.).
  - The Government, at its 25th session, held on 29.08.2017, adopted a decision to declassify the information

adopted by the Government that are in the public interest and refer to the agreements for granting state aid.

- Thereby, the directors of the Agency for Foreign Investments and the Directorate for Technological Industrial Development Zones are obliged to declassify the information previously classified by their institution, referring to information and agreements for granting state aid.

- On 17.08.2017, the Deputy Prime Minister of the Government in charge for European Affairs, held a meeting with the Commission for Free Access to Public Information, whereupon discussing the possibilities and effects of the eventual cessation of the Decision for determining the compensation for material costs for a given information, from the information holders. The government will strive to choose the most rational solution that will be most favourable for the public. At the 28<sup>th</sup> session of the Government of the Republic of Macedonia, held on 19.09.2017, a decision was adopted to abolish the remuneration for the free provision of information of public interest in form of an electronic record of the information on flash drive or on the e-mail addresses of the applicants.
- The register (list) of holders is regularly updated. On 24 August 2017, a Circular Letter for updating the data was sent, in order that the responsible officials registered in the Registry of holders of information of public interest that is published on the Commission's website are reminded to the obligation arising from the Articles 8 and 9 of the Law on Free Access to Public Information. The deadline for submitting the data for the responsible official, the correct name and address of the institution, contact phone, e-mail address, website address, as well as the manner in which the list of information is available for the citizens is 12.09.2017. The circular letter was also sent electronically to 1259 persons from the List of Holders for 2016. By 05.10.2017, the Commission registered and recorded the changes made to the information holders, which made the changes and corrections for a total of 831 holders, and the data of 131 newly appointed officials were updated.
- In accordance with the efforts and the expressed transparency for the work of the Government, a new section "Government Sessions" was created on the Government website <http://vlada.mk/vladini-sednici>, which enables access to the agendas and the adopted minutes from the Government sessions (adopted conclusions on the items on the agenda). This novelty was officially announced and promoted in the media on 17.08.2017.
- The working sub-groups regularly hold meetings for finalisation of the Public Administration Reform Strategy and the draft Action Plan. The process of revision of the narrative part of the Strategy has begun. It will be completed by the end of October, after which the working subgroups will be invited again to discuss the text. During October, the coordinators of the working subgroups will work together with experts from SIGMA to revise the action plan and the costs of the Strategy, which will also be discussed at meetings with members of the working subgroups
- At the 36-th Government session held on 7.11.2017 the Draft Law Amending the Law on Administrative Servants was adopted to simplify to some measure the promotion and professional training of civil servants.
- The procedure for updating the Register of employees in the public sector started, the revision as well as the collection of data is ongoing. On 13 August 2017, a part of the data was presented at a press conference. After receiving the information regarding the status of the data entered in the Register, a MISA team is working on a preliminary internal data check.
- The new draft of the Public Finance Management Programme 2018-2021 has been finalised and it has been submitted electronically to the EU Delegation on 19 July 2017. The public dialogue with stakeholders (civil sector, academia, associations) was held on 19 September 2017. A revision of the programme text will follow after the consultation and the received comments, and the adoption is expected by the end of 2017.

## 8. Judicial reform

In the area of **judicial reform**, the Government accepts the remarks and recommendations of the European Commission and the Council of Europe (Venice Commission and GRECO), which on a short, medium and long term is committed to build an independent, impartial, professional and efficient judicial system. In the short term, the Government makes a full revision of the Draft Strategy on Judicial Reform and builds an atmosphere of free judiciary, without political pressure, in order to provide space and the necessary legal changes in a medium and long term.

### **Status of implementation of the measures:**

- With the decision of the Minister for Justice of 1 August 2017 a Working Group was established for drafting the Law Amending the Law on the Judicial Council of the Republic of Macedonia and drafting a Law on Cessation of the Law on the Council determining the facts and initiating procedure for liability of judges is established. The draft laws are prepared and approved by the Council. According to the Rules of Procedure of the Government of the Republic of Macedonia, the notification for the start of the process of preparation of the Draft Laws has been announced to ENER on October 4, 2017, and on October 18, 2017 the Draft Laws were published on ENER for consultation in accordance with the deadline of 20 days. The draft laws were submitted to the Venice Commission on 17.10.2017, and they will be reviewed at the December session of the Commission.
- With the Decision of the Minister for Justice of August 31, 2017, a Working Group for preparation of the Law Amending the Law on Courts (grounds for disciplinary responsibility, disciplinary measures) and the Law Amending the Law on the Judicial Council (procedure for disciplinary responsibility and assessment of judges).is established.
- With the Decision of the Minister for Justice of 17 July 2017 a Working Group for revision of the Strategy for reform in the justice sector with an Action Plan was established. The first meeting of the group was held on 19 July 2017, whereby the group was obliged to submit the final version of the strategy with an Action Plan to the Minister for Justice not later than 10 September 2017. The draft Strategy and the Action Plan have been prepared and submitted to the DEU / EC for comments on 5 and 6 September 2017. The finalization of the Strategy is in progress, in accordance with the recommendations of the EC of the second draft of the Strategy. Since the EC consultations on the preparation of the Strategy and the Action Plan are ongoing, it is expected that after the adoption of the EC recommendations, the Government of the Republic of Macedonia will adopt the Strategy by the end of November 2017.
- In order to ensure inclusiveness and transparency in the process of preparation of the Strategy, two working meetings were held so far (27 July 2017 and 29 August 2017) with all representatives of the institutions from the judicial and civil sector during which the Draft - Strategy for the reform of the judiciary sector was presented. During its preparation, their remarks and suggestions were taken into account. Some of these remarks are incorporated into the Draft Strategy and the Action Plan, and some of them will be included in the future legal solutions.
- With a Decision by the Minister for Justice, on 17 July 2017 a Judicial Reform Council was established, which is responsible to coordinate and monitor the reforms in the judiciary sector. So far, 5 meetings have been held on which the Council reviewed the draft Strategy for reform of the judiciary sector and the action plan, which was approved at the last meeting. Also, at the last meeting, the council reviewed the amendments to the laws envisaged within the judiciary - the Law on the Council for establishing facts and disciplinary responsibility of judges and preparation of amendments to the Law on Judicial Council.
- On September 22, 2017, a working group was established for insight into the functionality of the information system (ACMIS) for the purpose of authorized access to ACMIS for an insight into the data and control of the previous operation of the information system, proper use, automatic distribution, determination of eventual abuse and accountability and supervision over the application of the provisions of the Court's Rules of Procedure. The group consists of 8 people (MJ, IT persons from the MJ, Basic Court

Kavadarci, Judicial Council, Appellate Court Skopje, judges from the Basic Court Kavadarci, Appellate Court Skopje). International representatives will be involved as needed. So far, the WG has conducted two inspections at BC Skopje 1 in Skopje, for which the President of the Court has been informed in a timely manner. The inspection will continue to the Supreme Court, appellate courts and other randomly chosen courts. At the same time, independent auditors will be engaged to review the work of ACMIS.

- According to the Strategy for reforms in the judicial sector 2017-2022, it is planned strengthening of the work of the SPO, as an independent institution within the PPORM. Their powers will refer to cases related to corruption cases arising from the tapped materials. The new amendments to the Law on PPO will enable continuation of the work of the SPO. Pursuant to this, the SPO will be transformed into a SP office with independent competencies within PPORM.

With a decision by the Minister of Justice, on 1 August 2017, a Working Group for Amending the Law on Whistleblowers Protection was established. The working group is in charge of drafting the Law by the end of September 2017. On 07.08.2017 a notification was sent to ENER for the beginning of a process for preparation of amendments to the Law on Whistleblowers Protection. On 01.11.2017 to the Draft Law is published on the ENER for consultations, in accordance with the deadline of 20 days.

- With a decision by the Minister for Justice, on 30 August 2017, a working group was established for preparing a Draft Law Amending the Law on Witness Protection, composed of representatives from the MJ, MoI, the Higher Public Prosecutor's Office in Skopje, the Public Prosecutor's Office for Prosecution of Crimes related to and arising from the content of the illegal interception of communications, and professors from the Faculty of Law. The draft Law Amending the Law on Witness Protection has been prepared. On 28.09.2017 a notification was sent to ENER for the beginning of a process for preparation of the Draft Law Amending the Law on Witness Protection. On 16.10.2017, the draft RIA Report with the Draft Law Amending the Law on Witness Protection was published on the ENER, for consultations within the deadline of 20 days according to the Rules of Procedure of the Government of the Republic of Macedonia. On October 17, 2017, it was submitted for an opinion to the Venice Commission, which will be reviewed at the December session of the Venice Commission.
- The general acts on the systematisation of the job positions in the office of the Ombudsman were approved at the session of the Assembly held on 11 July 2017. In this regard, funds have been approved by the Ministry of Finance for six (6) new employments in the Ombudsman's Office by the end of the year.
- In cooperation with experts from the IPA 2011 project "Strengthening the Rule of Law", the Strategy for Information Technology in the Judiciary Sector 2018-2023 has been prepared. In the preparation of the Strategy representatives of several institutions were included<sup>1</sup>. The Draft Strategy was sent for comments to all WG members on October 13, 2017. Upon completion of the consultations with all institutions, it is expected that it will be adopted by the Government of the Republic of Macedonia in December 2017.

## 9. Reform of Intelligence and Security Services

The Government believes that **the reform of the intelligence and security services** is more than necessary. Given that this is a comprehensive reform, the Government will provide a transparent and inclusive debate, in which the consultation process will be properly implemented. The reforms will be implemented in a concrete way and on the field only after we provide a clear picture, plan and dynamics for the necessary changes, which will eliminate the reasons for the identified weaknesses in the security mechanism and the security and intelligence services, and we will restore confidence in them.

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<sup>1</sup> MoJ, Supreme Court, Courts, JCRM, PPORM, Directorate for Execution of Sanctions, AJPP, Association of Lawyers, Association of Notaries, Representatives of Enforcement Agents and Mediators

**Status of the implementation of the measures:**

- After intensive consultations within the Ministry of Interior on the model for reform of the intelligence and security system. it was selected by the Government on 12 September 2017.
- The Government, on October 31, 2017 adopted a Decision on establishing a working group composed of representatives of all involved institutions, scientific and professional public, as well as representatives of the two parliamentary committees- Committee for supervising the work of the Security and Counter-Intelligence Directorate and the Intelligence Agency and Committee on oversight of the implementation of the special investigation measure interception of the communication by the Ministry of Interior, the Financial Police Management, Customs Management and the Ministry of Defence. The above-mentioned working group tasked to prepare the plan for the implementation of the recommendations of the European Commission experts led by R. Priebe for systemic rule-of-law issues related to interception of communications (2015) will be developed after the adoption of the model by the Government.. The first meeting was held on 13 November 2017. The Draft Plan was prepared and shared with the members of the Working Group for comments.
- Consultations with the institutions involved in the project for the National Coordination Centre for the fight against organised crime and assessment of the degree of readiness for operation are ongoing. The legal acts necessary for the functioning of this Centre have been developed, adequate premises have been provided, and an assessment of the readiness of the institutions for operationalisation has been made. The headquarters of the National Coordination Centre will be in the Ministry of Interior. Technical equipping of the premises of the National Coordination Centre is ongoing and an ADSL line is also provided.
- A proposal for the model for an external independent mechanism for oversight of the work of the police adopted by the Government on 12.09.2017. In accordance with the adopted model for the external mechanism, a special department will be established in the Public Prosecutor's Office for Prosecution of Organized Crime and Corruption, which will be competent only for the prosecution of the crimes committed by the employees of the Ministry of Interior and members of the prison police.
  - In addition, a special unit will be established within the Ombudsman, in which in addition to the experts, representatives from non-governmental organizations will also participate.
  - The legal framework necessary for the establishment of the external mechanism is also defined. Ministry of Justice and Ministry of Interior by the middle of December 2017 are obliged to submit to the Government of the Republic of Macedonia the draft texts of the legal amendments for the purpose of their adoption.
- The Government adopted a Decision appointing members, deputy members and secretaries of the National Committee for the Prevention of Violent Extremism and Countering Terrorism at the session held on 4 August 2017. The Decision to establish the National Committee for the Prevention of Violent Extremism and Countering Terrorism was published in the "Official Gazette of the Republic of Macedonia" No. 98 of 1 August 2017.
- The Government at its session held on 4 August 2017 adopted a Decision on the appointment of the National Coordinator for the Prevention of Violent Extremism, as well as Decisions on the appointment of the Deputy National Coordinator for the Prevention of Violent Extremism and the Deputy National Coordinator for Countering Terrorism. The decisions are published in the Official Gazette of RM No. 110 of 14 August 2017.

**10. Fight against organised crime and corruption**

The Government is committed to put from theory into practice the **fight against organized crime and corruption** by releasing mechanisms from political influences and pressures. We define and implement reforms that will ensure an impartial and professional attitude towards every reported corruption case, with equal access

and application of the laws for every citizen of the Republic of Macedonia. We will do this transparently and with full respect to all recommendations coming from domestic and foreign experts and civil society.

**Status of the implementation of the measures:**

- The definition of specific measures for reform of the Department for fight against corruption in the Ministry of Interior is ongoing, with focus on specialised trainings and strengthening the capacities of the employees.
- Based on the State Commission for Prevention of Corruption's report, the Government will propose further measures to strengthen the SCPC.
- On its 22 session (9 August 2017) the Government of the Republic of Macedonia adopted a Decision on the preparation of the Strategy of the Republic of Macedonia for strengthening the capacities for conducting financial investigations and confiscation of asset, with an Action Plan for its implementation which should be prepared by the Ministry of Justice and the Ministry of Finance in cooperation with the Public Revenue Office; Customs Administration; Financial Police Directorate and Financial Intelligence Directorate.
  - The strategy will be adopted by the end of 2017 and will contain a comprehensive system of legal, institutional measures that are necessary for strengthening the overall national capacities for conducting financial investigations and confiscation of property.

## 11. Migration

In the area of **migration**, the Government starts the negotiations with the European Commission on the Status Agreement for (FRONTEX) European Agency for Border and Coast Guard, because it believes that this is of mutual interest both for us and for the EU.

**Status of the implementation of the measures:**

- On 18 July 2017, the Government approved the negotiation positions and set up a negotiation team. The head of the team is the State Secretary in the Ministry of Interior. The delegation is composed of representatives of the Ministry of Interior, MFA, SEA and DPDP (a total of 12 persons). Thus, the team is authorised to start negotiations with the European Commission on the Status Agreement for FRONTEX.
- - On 15 September 2017 in Brussels, the first meeting of the negotiating teams of the Republic of Macedonia and the EC was held, on which the views between the two sides were largely aligned. On 20 September 2017, the EC submitted new proposals regarding the text of the Agreement, in order to bring the attitudes of both sides closer. The final EC proposals are under consideration. The second round of negotiations is scheduled for 24 November 2017 in Skopje.
- The Ministry of Interior has initiated technical meetings with the EC to harmonise the national system with the relevant EU requirements and the Schengen rules.
- The Ministry of Interior/ the National Commission for fight against human trafficking and migrant smuggling with mediation of the IOM on 13 and 14 of September 2017 organised a regional workshop where representatives from the special unit of Serbia were invited as well as representatives from the Republic of Greece in order to review their experiences and best practices.
  - In order to implement this activity, the need for conclusion of a Memorandum of Understanding between the Public Prosecutor's Office of the Republic of Macedonia and the Ministry of Interior was identified, which will envisage measures for strengthening the cooperation in the fight against smuggling of migrants and human trafficking. On the basis of the said Memorandum, the Public Prosecutor will appoint a Head and Deputy Head of the Special Unit from among the public prosecutors of the Basic Public Prosecutors for Suppression of Organized Crime, while the Minister of Interior will determine the representatives from the various organizational units in the Ministry of Interior who will participate in the work of the special unit.

- As regards the revision of the Law on Asylum and Temporary Protection in line with the recommendations of the EC expert, TAIEX expert mission for asylum for the preparation of the same Law was held from 10<sup>th</sup> to 14<sup>th</sup> of July 2017. On 6 September 2017 the draft law and accompanying documents were submitted to the EC. The EC comments were received on 06.11.2017 and will be appropriately considered