

## COMPLIANCE MATRIX

("the Former Yugoslav Republic of Macedonia")

Treaty	Treaty Requirement	Self assessment			Relevant legislation and institutional framework in place <sup>1</sup>	Difficulties in implementing specific requirements <sup>2</sup>
		Not implemented	Partially implemented	Fully in compliance		
CoE Criminal Law Convention on Corruption	<b>Criminalization of Offences/and Provision of:</b>	Yes/No	Yes/No	Yes/No		
	Active and passive bribery <sup>3</sup>			Yes	Receiving a bribe (art.357); Giving a bribe during elections and voting (art.162); Unauthorised reception of gifts (art.253) Criminal Code of the Republic of Macedonia(Official Gazette of the RM.37/96,80/99,4/02;43/03 and 19/04 Art.14-17and 30-Bribery of voters; Granting privileges or discriminating after elections; Exercising influence during election, appointment and discharge from managerial position, Law on prevention of corruption (Official Gazette of the RM.28/02;46/04;83/04 consolidated text)	
	Money-laundering of proceeds from corruption			Yes	Money-laundering and other proceeds of crime(Art.273) Criminal Code of the Republic of Macedonia (Official Gazette of the RM.37/96;80/99,4/02;43/03and19/04)	
	Accounting corruption related offences			Yes	Art.280 & Art.378,Criminal Code of the Republic of Macedonia (Official Gazette of the RM.37/96;80/99,4/02;43/03and19/04;	
	Effective and dissuasive sanctions and measures			Yes	The penalties for acts of corruption remain in sphere of the penal laws	
	Legal entities criminal and non-criminal liability			Yes	Art28-a; Art96-a to 96-g Criminal Code of the Republic of Macedonia (Official Gazette of the RM.37/96;80/99,4/02;43/03and19/04	
	Liability of legal persons			Yes	Art28-a; Art96-a to 96-g Criminal Code of the Republic of Macedonia (Official Gazette of the RM.37/96;80/99,4/02;43/03and19/04	

<sup>1</sup> When applicable please only provide the Law/Act title, Nr. and date of entry into force

<sup>2</sup> Please list the specific areas/notions

<sup>3</sup> Please note that which subjects are covered by active and passive bribery (i.e., public officials, civil servants, international officials, private sector etc)

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CoE Civil Law Convention on Corruption	Setting up of specialised anti-corruption bodies			Yes	The State Commission for the Prevention of Corruption has been established according to the Law on Prevention of Corruption(Official Gazette of the RM.28/02;46/04;83/04consolidated text);The Public Prosecutor's Office of the Republic of Macedonia-Unit for Fight Organised Crime and Corruption(On the basis of art.29 of the Law of the Public Prosecutor's Office (Official Gazette of the RM.38/04);Ministry of the Interior; Financial Police; Public Revenue Office	
	Protection of collaborators of justice			Yes	Art.270-a and 270-b from Law on Protection of Witnesses (Official Gazette of the RM. .38/05 on29.05.2005);	
	Investigating or prosecuting authorities, gathering of evidence and confiscation of proceeds			Yes	Art 98-100, Criminal Code of the Republic of Macedonia (Official Gazette of the RM.37/96;80/99,4/02;43/03and19/04)	
	International co-operation: mutual assistance, extradition & provision of information during proceedings re: corruption offences			Yes	Art.502-508 and Art.535-539, Law on Criminal Procedure (Official Gazette of the RM.15/97;44/02;74/04)	
	<b>Provision of:</b>	Yes/No	Yes/No	Yes/No		
	compensation for damage			Yes	Art.180,189Law on the obligation and art.20 prg.4 Law on prevention of corruption (Official Gazette of the RM.28/02;46/04;83/04consolidated and art5-a Law on amending and appending on prevention of corruption (Official Gazette of the RM.28/02;46/04;83/04consolidated	
	liability (including State liability for acts of corruption committed by public officials);			Yes	Art 167,168Law on obligations;Art.353 Abuse of official position and public authority; Art.353-v Unconscientiously performance of duties and Art.360-a Abuse of public, business or military secret, The Criminal Code of the Republic of Macedonia(Official Gazette of the RM.37/96;80/99,4/02;43/03and19/04 Art 10 Law on prevention of corruption (Official Gazette of the RM.28/02;46/04;83/04consolidated	
	contributory negligence: reduction or disallowance of compensation, depending on the circumstances			Yes		

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CoE Additional Protocol to the Criminal Law Convention on Corruption  UN Convention against Corruption	validity of contracts;			Yes			
	protection of employees who report corruption			Yes	Influence over employing close relatives - Law on Prevention of Corruption (Official Gazette of the RM.28/02;4/04;83/04consolidated text);		
	clarity and accuracy of accounts and audits			Yes			
	acquisition of evidence	Yes					
	court orders to preserve the assets necessary for the execution of the final judgment and maintenance of status quo pending resolution	Yes?					
	international co-operation			Yes			
	<b>Provision of:</b> measures to establish, as criminal offences, the active and passive bribery of domestic and foreign arbitrators and jurors	Yes/No	Yes/No	Yes/No	Yes	Receiving a bribe(art.357), Giving a bribe(art.358); Giving a bribe during elections and voting (art.162);Unauthorised reception of gifts(art.253) Criminal Code of the Republic of Macedonia (Official Gazette of the RM.37/96;80/99,4/02;43/03and19/04; Art.62 Law on the courts and Rule procedure of the Courts	
	<b>Provision of:</b> Preventive measures	Yes/No	Yes/No	Yes/No	Yes		
	Criminalization and law enforcement			Yes			
	International cooperation			Yes			
Asset recovery			Yes		Law on prevention on corruption		
Technical assistance and information exchange			Yes		Criminal procedure		