




**REGIONAL  
ANTI-CORRUPTION  
INITIATIVE**

  
РЕПУБЛИКА СЕВЕРНА МАКЕДОНИЈА - РЕПУБЛИКА МАКЕДОНИЈА РЕПУБЛИКА  
ДРЖАВНА КОМИСИЈА ЗА СПРЕЧУВАЊЕ НА КОРУПЦИЈАТА  
KOMISIONI SHETETËROK PËR PABANDALIM TE KORRUPSIONIT  
Бр.-Nr. 03-3336/1  
25-09-2020 20\_\_ год.-viti  
СКОПЈЕ-ШКУП

**MEMORANDUM OF UNDERSTANDING AND COOPERATION**

**BETWEEN**

**STATE COMMISSION FOR PREVENTION OF CORRUPTION**

**and**

**REGIONAL ANTICORRUPTION INITIATIVE SECRETARIAT**

**Bearing in mind** the mandate of the State Commission for Prevention of Corruption, its role and importance in enforcing whistleblowing as a tool to fight corruption, unlawful or other inadmissible activity that has been, is being or will be conducted, which endangers the public interest;

**Taking into account** the role of the Regional Anticorruption Initiative Secretariat (RAI Secretariat), established to support the cooperation and coordination of the fight against corruption of its member countries and beneficiaries;

**Recognizing** broader efforts that the Regional Anticorruption Initiative (RAI) is investing in fighting corruption and promoting good governance in all its aspects, including by strengthening the rule of law in Southeast Europe (SEE), improving the efficiency, integrity and accountability of the public sector, all of which is essential to the welfare, stability and prosperity of SEE;

**Considering** that the aforesaid efforts include the implementation by RAI Secretariat of the EU funded project 'Breaking the Silence: Enhancing Whistleblowing Policies and Culture in Western Balkans and Moldova' over the period from April 2020 through April 2023 (the Project) as an initiative of great importance for enhancing the whistleblowing process in SEE;

**Further bearing in mind** that the Project focuses primarily on strengthening the whistleblowing legislative and institutional framework, in line with the EU Directive, increasing the capacity of public institutions to respond to whistleblowing efficiently and effectively, providing a regional peer-to-peer learning platform and opportunities for government and non-governmental collaboration, educating the public, especially the youth, about the importance of whistleblowing in fighting corruption and about whistleblower disclosure and protection mechanisms.

**Aware** that the strengthening of whistleblowing as a tool to fight corruption constitutes a strategic commitment of the EU and SEE as expressed in the *Directive of the European Parliament and of the Council on the protection of persons who report breaches of the Union and SEE whistleblowing laws adopted during the period 2014 and 2018*.

**Considering** that all Project activities are aimed at helping public institutions in SEE to live up to their commitments taken on in the process of European integration, in particular to enhance their capacities to efficiently combat corruption, and recognizing the relevance of such a Project for the achievement of common long-term goals;

**Appreciating** the fact that the establishment of a favourable mechanism of cooperation and mutual coordination is essential for the achievement of best outcomes with respect to the priorities which the State Commission for Prevention of Corruption and RAI Secretariat (hereinafter: Participants) identified together, and also the fact that the Memorandum is not intended to create any legally binding obligations on the Participants, but to enhance their cooperation in specified common interests, the Participants conclude:

**Memorandum of Understanding and Cooperation  
on the Enhancement of Whistleblowing Policies and Culture**

**Article 1**

**Purpose and Nature of MoU**

- (1) The purpose of this Memorandum is to provide for cooperation among the Participants in areas of common interest, and to define the framework, principles and modalities of such cooperation, with a view toward fully and efficiently harnessing such cooperation.
- (2) In their cooperation, the Participants will respect and appreciate each other's organizational structure, institutional capacities and procedures.
- (3) The Participants understand that this MOU is not a legally binding document and creates no legally enforceable obligations for any of the Participants. Participants further agree that any activities contemplated under this MOU are subject to availability of funds, each Participant's internal requirements and further agreement of any relevant parties.

**Article 2**

**Scope of Cooperation**

- (1) The cooperative arrangements under this Memorandum will include, but are not limited, to the following areas:
  - (i.) Preparing a needs assessment relevant to strengthening the capacity of the State Commission for Prevention of Corruption to respond to whistleblowing efficiently and effectively;
  - (ii.) Developing an action plan relevant to strengthening the capacity of the State Commission for Prevention of Corruption to respond to whistleblowing efficiently and effectively;
  - (iii.) Implementing the capacity building action plan through the provision of expert support, training, advocacy opportunities, peer and expertise exchanges, promotion of the results and similar;
  - (iv.) Monitoring the effects of the implementation of the capacity building action plan, in the context of the fight against corruption, providing opinions on issues on both its implementation and the need for enactment of necessary amendments;
  - (v.) Pursuing joint research and carrying out studies in the area of whistleblowing;
  - (vi.) Carrying out legislative and institutional reform relevant to whistleblowing;
  - (vii.) Developing and implementing a professional, comprehensive training program on whistleblowing;

- (viii.) Developing and implementing a public information and education campaign on whistleblowing as a tool for preventing and combating corruption.

### **Article 3**

#### **Intentions of the Participants**

Subject to each Participant's availability of funds, internal procedures and further agreement by the Participants, the Participants intend to cooperate as follows:

- (1) The Participants express their commitment to make all possible efforts to collaborate in a unified and synchronized manner, in accordance with their rules and procedures.
- (2) The Participants agree that their joint activities will be in line with both the respective workplan of each Participant, and relevant strategic document applicable to their work.
- (3) The Participants intend to routinely exchange information with each other and consult on issues of common interest.
- (4) The Participants intend, as required, to convene meetings to exchange information and review outcomes of activities performed pursuant to this MOU and to plan future activities.
- (5) Each Participant will invite and engage representatives of the other Participant to participate in events and activities organized or sponsored by such Participant, which fall within the scope of this MOU and may be of interest to the other Participant.
- (6) The participants intend to ensure adequate participation of their representatives in activities carried out pursuant to this MOU and enable their participation in work bodies and attendance of professional meetings organized in the areas defined in this MOU.
- (7) Analysis, recommendations and outcomes that arise from the activities of the Participants carried out pursuant to this MOU will be made available to all Participants and taken into account in assessment and towards improvement of current systemic arrangements in the area of whistleblowing.

### **Article 4**

#### **Promotion of Cooperation**

The Participants agree on the need to promote their cooperation and thus agree to promote the role and contribution of each Participant, in accordance with the applicable rules and requirements of each Participant.

### **Article 5**

#### **Entry of Operation and Amendments to the Memorandum**

- (1) The Memorandum will become operative on the day of its signing.
- (2) Anticipated scope and modalities of cooperation as defined in this Memorandum may be further specified through Annexes to this Memorandum, as agreed to in writing by all Participants.

- (3) In case of any dispute which may arise between the Participants in the interpretation and application of this Memorandum, the Participants will consult with a view toward finding a mutual understanding, acceptable to all Participants.

**Article 6**  
**Final Provisions**

- (1) The Memorandum will be signed in English language, in two originals, one for each Participant.

RAI Secretariat

State Commission for Prevention of Corruption

  
Vladan Joksimovic  
Head of RAI Secretariat

  
Biljana Ivanovska  
President

