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in Public Administration in North Macedonia



ProTRACCO

Promoting Transparency and Accountability in Public Administration

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Integrity Concept for North Macedonia

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PREFACE

This report has been produced in the framework of the EU-Funded Project “Promoting Transparency and Accountability in Public Administration of North Macedonia” (ProTRACCO), under its Activity 1.2.1 “Support to the development of the integrity concept”.

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Contents

1.	CHAPTER I. Introduction to the Integrity Concept	7
1.1	Background.....	7
1.2	Defining the terms used in the Integrity Concept	8
1.3	Scope of the Integrity Concept	9
1.4	Responsibilities within the Integrity Concept	10
2.	CHAPTER II. Establishing the Institutional Integrity Climate.....	13
2.1	Integrity requirements for all sectors	13
2.2	Public sector integrity requirements	13
2.2.1	Merit-based employment, promotion, leadership and rewards	13
2.2.2	Respecting incompatibilities and restrictions.....	15
2.2.3	Submitting statement of property status and interests.....	15
2.2.4	Management of conflicts of interest.....	16
2.2.5	Rules on gifts.....	16
2.2.6	Codes of ethics.....	17
2.2.7	Transparency, openness and access to information of public interest.....	18
2.2.8	Transparent public procurement and efficient resource management.....	18
2.2.9	Post-employment restrictions (pantouflage/revolving doors)	19
2.2.10	Whistle-blowers' protection	20
2.2.11	Intolerance of integrity violations	21
2.3	Political sector integrity requirements.....	22
2.3.1	Transparency of political parties funding and financing of electoral campaigns 22	
2.3.2	Ethics codes for political parties and parliamentarians	23
2.3.3	Conflict of interest, statements of property status and interests for candidates in elections and candidates for political appointments.....	24
2.3.4	Observing lobbying rules by politicians	24
2.4	Private sector integrity requirements (connected to public sector)	24
2.4.1	Refraining from hiring former public employees during the period of post- employment restrictions (pantouflage/revolving doors).....	24
2.4.2	Observing public procurement rules.....	24
2.4.3	Observing lobbying rules by business.....	25
3.	CHAPTER III. Supporting the Institutional Integrity Climate.....	25
3.1	Research, education and awareness raising on integrity and anti-corruption.....	25
3.2	Guidelines, methodologies, software supporting implementation of integrity and anti- corruption tools.....	26
4.	CHAPTER IV. Integrity Control	27
4.1	Responsibility for integrity controls	27
4.2	Integrity controls in institutions by managers.....	27
4.2.1	Ethics Code	27
4.2.2	Corruption Risk Assessment.....	27
4.3	Integrity controls in institutions by special state bodies.....	27
4.3.1	Mandate of the Special Commission for the Prevention of Corruption.....	28
4.3.2	Mandate of the State Administrative Inspectorate	28

4.3.3	Mandate of the Agency for Protection of the Right to Free Access to Information	28
4.3.4	Mandate of the Public Procurement Bureau.....	28
4.3.5	Mandate of the State Audit Office	28
4.3.6	Mandate of the Ministry of Justice.....	28
4.3.7	Mandate of the Public Revenue Office.....	28
4.3.8	Mandate of the State Election Commission.....	28
4.4	Sectoral and nation-wide integrity controls by the Special Commission for the Prevention of Corruption (SCPC)	29
4.4.1	Sectoral Corruption Risk Assessment (sectoral integrity assessment)	29
4.4.2	Corruption Proofing (anti-corruption review of legislation)	29
5.	CHAPTER V. Sanctioning Lack of Integrity	29
5.1	Liability forms for integrity violations	29
5.2	Sanctioning mechanisms by sectors	30
5.2.1	Integrity violations in the public sector.....	30
5.2.2	Integrity violations in the political sector	31
5.2.3	Integrity violations in the private sector	32
6.	CHAPTER VI. Recommendations.....	32
6.1	Improving the integrity system.....	32
6.2	Developing national and/or sectoral integrity strategies.....	33
6.3	Designing a sectoral integrity assessment methodology	33
6.4	Developing integrity guidelines and training modules	33
6.5	Conducting integrity research, surveying and polling.....	33
	ANNEX 1: LEGISLATION MAPPING ON PUBLIC, POLITICAL AND PRIVATE	
	INTEGRITY IN NORTH MACEDONIA.....	34
	ANNEX 2: Analysis of Integrity Concept elements in France, Slovenia and	
	Lithuania	66
	- INTRODUCTION	66
1.	INTEGRITY CONCEPT FRAMEWORK.....	67
1.1	Regulations and strategic framework	67
1.2	Accountabilities and responsibilities (building integrity culture).....	88
1.3	Strengthening institutional integrity culture - internal and external.....	94
1.4	Oversight/control/monitoring.....	100
1.5	Sanctioning violation of integrity requirements.....	101
2.	RISK ASSESEMENT	105
3.	PUBLIC INTEGRITY ELEMENTS.....	109
1.1.	Merit-based employment, promotion, leadership and rewards	109
1.2.	Respecting incompatibilities/hierarchy restrictions in the exercise of position ..	111
1.3.	Refraining from misuse of the position for private gain;	111
1.4.	Declaration of assets and private interests	111
1.5.	Management of conflicts of interest	114
1.6.	Codes of ethics in the public sector / codes of professional conduct (i.e. Code of ethics for public officials, of judges etc.)	117
1.7.	Transparency and impartiality of the decision-making process	118
1.8.	Post-employment limitations (revolving doors) + private sector limitations.....	120
4.	PRIVATE INTEGRITY ELEMENTS	122

6.1. Observing revolving door policies (refraining from hiring former public employees the set period of time)	123
6.2. Observing public procurement rules	123
6.3. Lobbying.....	125
5. POLITICAL INTEGRITY ELEMENTS:	128
7.1 Management of conflict of interest, declarations of interest and assets.....	128
7.2 Political ethics standards (code of ethics/ code of conduct of political party members, of members of the Parliament).....	128
6. REFERENCES	133

LIST OF ABBREVIATIONS:

SCPC	State Commission for Corruption Prevention
CRA	Corruption Risk Assessment
MoF	Ministry of Finance
MoJ	Ministry of Justice
RNM	Republic of North Macedonia
LAS	Law on Administrative Servants
LPCCI	Law on Prevention of Corruption and Conflict of Interest
LPSE	Law on Public Sector Employees
LPW	Law on Protection of Whistle-blowers
LFPP	Law on Financing Political Parties
LUDSMP	Law on Use and Disposal of State-Owned Property and Municipal Property
Government Ethics Code	Code on Ethics for the members of the Government and for the public officials appointed by the Government
LFAPI	Law on Free Access to Public Information
LIQMS	Law on Introduction of a Quality Management System and a Common Framework for Assessing Operations and Providing Services in the Civil Service
LPP	Law on Public Procurement
SCPPA	State Commission for Public Procurement Appeals
SAO	State Audit Office
PRO	Public Revenue Office
SEC	State Election Commission
MISA	Ministry of Information Society and Administration
APDAS	Academy for Professional Development of Administrative Servants

Integrity Concept

1. CHAPTER I. Introduction to the Integrity Concept

1.1 Background

The development of an Integrity Concept of the North Macedonia (RNM) was included as an activity in the State Program for Prevention and Repression of Corruption, Prevention and Reduction of the Occurrence of Conflicts of Interest, as well as in its Action Plan 2016 – 2019¹. According to this Plan, the elements of the Integrity Concept covered: ethical codes; operating standards and procedures; corruption risk assessments; integrity policy; internal controls; trainings; internal reporting channels; management (conflicts) of interests; reporting and (transparency). The current Action Plan of the Public Administration Reform Strategy 2018-2022² pursues strengthening the integrity of institutions. To this end, the Plan requires conducting an analysis of the integrity and ethics implementation at the political and professional level, as a prerequisite for the risk management mechanism, as well as policy upgrade and monitoring based on clearly defined indicators.

In September 2020, the EU-funded Project *Promoting Transparency and Accountability in Public Administration in North Macedonia* commissioned the preparation of recommendations for drafting a concept of integrity (strategic document), alongside with a comparative analysis with other countries on integrity concepts (including preparation of analysis of the national legislation that regulates integrity and ethics)³. From the outset of the mission, the representatives of the State Commission for Corruption Prevention (SCPC) clarified that the idea of developing an Integrity Concept was linked to the extensive discussions from the past decade on the integrity plans, which mark the conclusion of the corruption risk assessment (CRA). Although it was always perceived as a natural area of expertise of the SCPC, the CRA was included as a part of the risk management process, prescribed to the public institutions under the legislation regulating public internal financial control (PIFC), the implementation of which was to be secured by the Ministry of Finance (MoF). This approach, however, prevented the SCPC from getting involved in what seemed to be its obvious area of competence. Therefore, the SCPC came to the conclusion that a broader view is required, in the form of an Integrity Concept, enabling the SCPC to develop various tools, such as: monitoring integrity obligations at the central/local levels; integrity training program; sectoral integrity assessment (complimentary to the institutional CRA).

Based on the mission's terms of reference and the expectations expressed by the SCPC, this paper presents a draft Integrity Concept, recommendations to further develop it and explanations for its intended use in line with the 2016-2019 national anti-corruption policy and

¹ Under strategic goal 1: Strengthening institutional system and legislation for prevention of corruption and conflict of interest, 1.1. Area: Integrity and ethics in institutions at all levels.

² Under priority area 3: Responsibility, Accountability and Transparency, Special Objective 3.3.: Strengthening the Integrity of the Institutions, Measure 3.3.1. Strengthening the integrity and ethics at the political and professional level.

³ Objective: "Strengthen ethics, integrity, transparency and accountability of public administration", Activity 1.2.1 "Concept of Integrity drafted".

the 2018-2022 public administration reform policy. It is not an assessment, nor a comparative analysis, but rather a systematization in a logical framework the existent and intended integrity requirements currently found throughout various sources of legislation. Most of the integrity elements described in the Integrity Concept are existent and compliant with international standards. However, several gaps (unregulated areas) were identified as well. The Comparative review conducted could be used as a source of inspiration for further developing the Integrity Concept and for closing the gaps.

1.2 Defining the terms used in the Integrity Concept

The **2017 OECD Recommendation on public integrity**⁴ “integrity” clarifies the definition of “public integrity” and that of “public sector”:

public integrity refers to the consistent alignment of, and adherence to, shared ethical values, principles and norms for upholding and prioritizing the public interest over private interests in the public sector⁵.

In line with international standards, the **2019 Law on Prevention of Corruption and Conflict of Interest** (“Official Gazette of the Republic of Macedonia”, No.12/2019) contains the definition of an even broader term, that of “integrity”⁶. Besides, it would be relevant to quote additionally definitions provided in the same Law to “public interest”⁷, “corruption risk”⁸, “official person”⁹ and “official duty”¹⁰, used throughout the Integrity Concept:

integrity means legal, independent, impartial, ethical, responsible and transparent performing of activities with which official persons protect their reputation and the reputation of the institution they are responsible for, i.e. are employed in, remove risks and remove the suspicions for possibilities of occurring and development of corruption and thus they provide confidence of the citizens in the performing of the public functions and in the work of the public institutions.

public interest means protection of basic freedoms and human rights recognized by the international law and determined by the Constitution of the Republic of Macedonia, prevention of risks for health, defence and security, protection of environment and nature, protection of property and freedom of market and entrepreneurship, rule of law and prevention of crime and corruption.

corruption risk means any kind of internal or external weakness or a process that may

⁴ <https://www.oecd.org/gov/ethics/recommendation-public-integrity/>

⁵ The 2017 OECD Recommendation on public integrity defines the public sector as including “the legislative, executive, administrative, and judicial bodies, and their public officials whether appointed or elected, paid or unpaid, in a permanent or temporary position at the central and subnational levels of government. It can include public corporations, state-owned enterprises and public-private partnerships and their officials, as well as officials and entities that deliver public services (e.g. health, education and public transport), which can be contracted out or privately funded in some countries”

⁶ Article 8 paragraph (7).

⁷ Article 8 paragraph (8).

⁸ Article 8 paragraph (6).

⁹ Article 8 paragraph (2).

¹⁰ Article 8 paragraph (10).

constitute an opportunity for occurrence of corruption within state bodies, public enterprises and other public sector institutions, which includes issues of conflict of interests, incompatibility of functions, receipt of gifts and other illicit payments, lobbying, lack of whistle-blower protection system, fraud, inappropriate use of powers, discretionary authorizations, financing of political parties and campaigns against the law, trading and unauthorized use of information, transparency of procedures and documents and other issues relevant for the integrity.

<i>official person</i>	means all elected or appointed persons and public sector employees.
<i>official duty</i>	means the sum of obligations that a person is obligated to undertake and which derive from the performance of a certain function or profession or the official position of the person.

Additionally to the definitions provided in the international and national legal frameworks, for the purposes of this Integrity Concept, such terms as: “professional integrity”, “institutional integrity”, “integrity climate” and “sectoral integrity” are further defined:

<i>professional integrity</i>	means performing official duties with integrity and through constant adherence to shared ethical values, principles and norms for upholding and prioritizing the public interest over the private interest at the workplace (public institution).
<i>institutional integrity</i>	imply all official persons in a public institution, managers and employees, acting with professional integrity.
<i>integrity climate</i>	is the corruption-free environment in which public and private institutions function, achieved through implementation of the integrity requirements.
<i>sectoral integrity</i>	represents the activity of all institutions in a sector unfolded with institutional integrity (examples of broader sectors: public, political, private; examples of narrower sectors: healthcare, education, law-enforcement, judicial etc.).

1.3 Scope of the Integrity Concept

According to the earlier mentioned RNM policy documents, the Integrity Concept is intended to cover the public administration and public institutions.

However, nation-wide, it is impossible to grow a culture of integrity if the public sector is dealt with in isolation from the private sector and the political sector. The latter partly overlaps with the public sector, through political party members appointed and elected in state functions, and partly overlaps with the private sector through political party members remaining outside state functions, but enjoying or not state financial support.

For these reasons, the scope of the Integrity Concept, as defined by the SCPC, extends to cover requirements for the:

- *public sector*
- *political sector*
- *private sector (to the extent to which it connects to the public sector).*

1.4 Responsibilities within the Integrity Concept

There are different responsibilities engaged in the process of achieving integrity in the public, political and private sectors: to establish an integrity climate in the institution, to support it using “friendly” means, to further enhance it through stricter means such as control and sanctioning. These four types of responsibilities within the Integrity Concept are further illustrated:

<i>Establishing the Institutional Integrity Climate</i>	Official persons (managers and employees) in a public institution acting with professional integrity, i.e.: merit-based recruitment and promotion, declaring gifts, managing conflicts of interests, avoiding incompatibilities, observing restrictions, enabling protected reporting, providing access to information, transparent public procurement etc.
<i>Supporting the Institutional Integrity Climate</i>	Integrity training Developing guidelines, methodologies, software aimed to assist fulfilment of integrity requirements
<i>Integrity Control</i>	Corruption Risk Assessment Corruption proofing of legal acts Control of the property status and interests Control of conflicts of interests Control of public spending Control of political parties financing Control of observing transparency and free access to information etc.
<i>Sanctioning Lack of Integrity</i>	Imposing disciplinary sanctions for ethical and integrity violations, which do not amount to other types of liability Imposing misdemeanour and criminal sanctions for integrity violations, as prescribed by the law

The above-illustrated delimitation of responsibilities can be used to further explain the construction of the Integrity Concept. At the Core of the Integrity Concept is the *responsibility for establishing the institutional integrity climate*, belonging to official persons in the public institutions: employees, on one hand, who have to comply with the integrity requirements and managers, on the other hand, who have to create the proper conditions in the institutions to enable employees to fulfil their integrity requirements, as well as to lead by example. In other words, official persons have to act with professional integrity.

The core responsibility is then further strengthened through the *responsibility for supporting institutional integrity climate*, belonging to the managers of the public institutions, but also to outside actors, such as specialized state bodies such as the SCPC and others, as well as civil society organizations. Thus, if the official persons are not entirely able to act with professional integrity, due to insufficient understanding of integrity requirements or due to their complexity, it is possible to support them through special integrity training sessions, through development of methodologies, guidelines and software solutions. In charge of these supporting function can still be the institution's manager and/or other entities with special expertise.

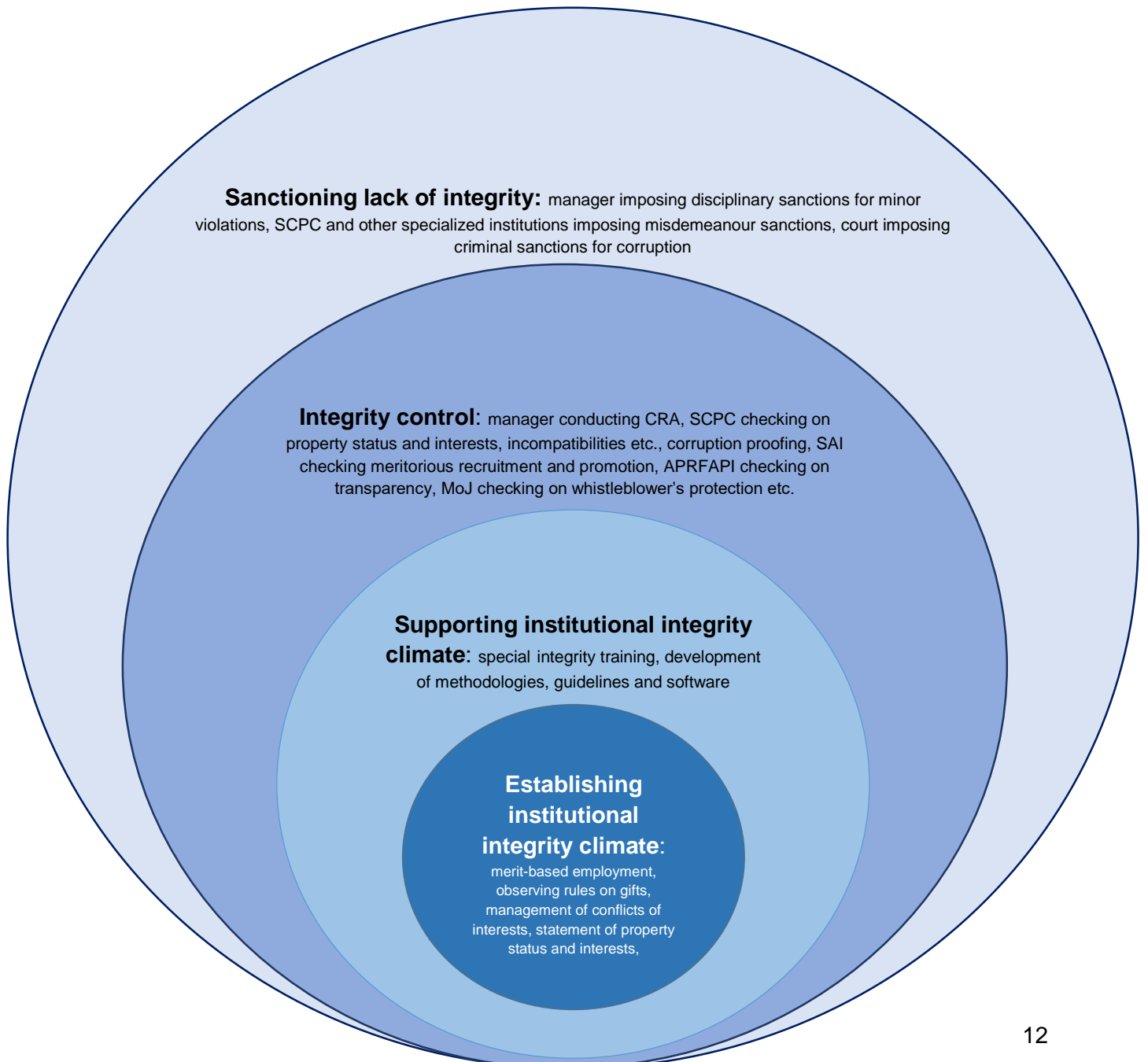
If the core responsibility of establishing the integrity climate is not fulfilled by managers and employees, if they do not seek support from other for the establishment of the institutional integrity, the next way of strengthening it is through *responsibility for integrity control*, through which either the public institution's manager has to check what is wrong and needs to be fixed to prevent corruption (i.e. through risk management and internal control of corruption) and/or external specialized institutions step in with control, oversight, monitoring over various aspects of integrity: SCPC checks on the property status and interests, conflicts of interests, incompatibilities, restrictions and limitations, conducts corruption proofing; the State Administrative Inspectorate – checks the observance of the merit-based recruitment and promotion; the Agency for the Protection of the Right to Free Access to Public Information – checks the transparency and openness towards the citizens of the public institution; the Public Procurement Bureau and the State Audit Office – the observance of the public procurement rules and the overall effective management of public assets; the Ministry of Justice – the observance of the whistle-blowers' protection etc.

At last, if the first three tiers of responsibility have not been able to secure the achievement of professional and institutional integrity, intervenes the *responsibility for sanctioning lack of integrity*, through which either disciplinary, misdemeanour or criminal sanctions are imposed. The institution's manager at this stage can only enforce the integrity requirements among employees through disciplining them and when the breaches are beyond the scope of disciplinary liability – it is for the manager or any other person to report the breach to the competent sanctioning bodies (i.e.: SCPC, prosecution, courts etc.)

Below is a graphical illustration of these four tiers of responsibilities within the Integrity Concept:

Figure 1.

Responsibilities within the Integrity Concept



2. CHAPTER II. Establishing the Institutional Integrity Climate

2.1 Integrity requirements for all sectors

In the logical construction of an Integrity Concept, based on the above-mentioned four-tier list of responsibilities, it is important to understand that the responsibilities of establishing the institutional integrity should be primordial and that the rest of responsibilities only come afterwards. Therefore, at the core of the Integrity Concept should be the proper defining of the obligations related to fulfilling the integrity requirements by official persons, both managers and employees of public institutions.

- **Public sector integrity requirements**

- 1) Merit-based employment, promotion, leadership and rewards;
- 2) Respecting incompatibilities and restrictions;
- 3) Submitting statement of property status and interests;
- 4) Management of conflicts of interest;
- 5) Rules on gifts;
- 6) Codes of ethics;
- 7) Transparency, openness and access to information of public interest;
- 8) Transparent public procurement and efficient resource management;
- 9) Post-employment restrictions (pantouflage/revolving doors);
- 10) Whistle-blowers' protection;
- 11) Intolerance of integrity violations.

- **Political sector integrity requirements**

- 1) Transparency of political parties funding and financing of electoral campaigns
- 2) Ethics codes for political parties and parliamentarians
- 3) Conflict of interest, statements of property status and interests for candidates in elections and candidates for political appointments
- 4) Observing lobbying rules

- **Private sector integrity requirements (connected to public sector)**

- 1) Refraining from hiring former public employees during the period of post-employment restrictions (pantouflage/revolving doors)
- 2) Observing public procurement rules
- 3) Observing lobbying rules

2.2 Public sector integrity requirements

The sources of the integrity requirements are the laws and by-laws, depending on which the obligations to fulfil the public sector requirements will be clear or not in the course of implementation. In this section, both the legal framework and the obligations included in it with regards to each integrity requirements in the public sector will be presented.

2.2.1 Merit-based employment, promotion, leadership and rewards

Legal framework:

The *Law on Public Sector Employees (LPSE)*¹¹ sets the general legal framework on the human resources management in the public sector. LPSE is an umbrella-law above other specific-sectoral laws, which separately regulate the details of certain public activity. Articles

¹¹ Law on Public Sector Employees, Official Gazette of RNM no. 27/14 and subsequent amendments

4-13 regulate the general principles or the basis on which employment in the public sector is based. Articles 20a-23 regulate the employment process. The implementation of these articles is further clarified in the *related bylaws*:

- Rulebook on compulsory elements of the public call for filling a job position in the public sector throughout application for employment, and the form, content and the manner of keeping a register of persons who provided false data in employment in public sector;
- Methodology on planning of the employment in the public sector pursuant to the principle of adequate and equitable representation and the content and the form of the annual plan for employment and report on implementation of the annual plan for employment.

The *Law on Administrative Servants (LAS)*¹² is a special law that covers in a broader and precise way all aspects of employment of the administrative servants (one of the four groups of public sector employees).¹³ Articles 30-47 regulate the employment process. Articles 48-53 regulate the promotions. Articles 85-97 regulate the rewarding system. The implementation of these articles is further clarified in the *related bylaws*:

- Decree on implementation of the procedure for employment of administrative servants;
- Rulebook on the form and content of the internal note, the manner of submission of the application for promotion, performance of administrative selection and interviews as well as the way of scoring and the maximum number of points from the selection process, depending on the category of work;
- Rulebook on performance semi-annual interview, the detailed criteria for the assessment of the administrative servants;
- Annual decisions on determination of the value of the single unit for calculation of the salaries of the administrative servants.

Obligations of managers and employees in public institutions

Obligations related to recruitment, promotion, professional development, evaluation and reward of the employees in the public sector are set in a clear way, with clearly defined time frames in the LPSE.

The employment in the public sector should be planned in advance, through annual employment plans adopted by each institution individually. The employment plan should be confirmed and accepted by the state body responsible for the budgeting of the institution.

Recruitment and promotions are based on open competition and the results of a selection procedure.

The merit system introduced in the LAS for the administrative servants precisely defines the duties on the side of the public institution and on the side of the administrative servants.

The public institutions plan the employment of administrative servants in advance, in their annual plans.

¹² Law on Administrative Servants, Official Gazette of RNM no. 27/14 and subsequent amendments

¹³ Certain issues related to the employment of administrative servants in the judiciary and public prosecution, diplomacy, customs and tax administration, inspectorates, state audit office, regulatory bodies and the National Bank, may be regulated with separate law or by collective agreement in a manner different from the LAS.

The recruitment process starts with a public announcement for the vacant job position and the criteria that are required from the potential candidates. In a transparent, fair and competitive selection procedure, the best candidate for the job should be selected.

The promotion process starts with internal announcement, after which in a transparent, fair and competitive selection procedure the best candidate from the current employees in the institution shall be selected.

The recruitment process for administrative servants is managed by the Agency for Administration.

2.2.2 Respecting incompatibilities and restrictions

Legal framework:

Article 38 from the LPSE sets the general framework of incompatibilities in the public sector. Article 45 from the *Law on Prevention of Corruption and Conflict of Interest (LPCCI)*¹⁴ regulates the restrictions of the appointed and elected officials in the exercise of public office.

Articles 44 and 49 from the LPCCI regulate the incompatibilities of the appointed or elected officials with other professions.

Obligations of managers and employees in public institutions

The LPSE establishes that the work of the employees in the public sector is incompatible with exercising direct political activities during the working time and at the working place.

The LPCCI defines the particular situations and activities that are incompatible with the role of public function due to public confidence in the integrity, impartiality, and personal disinterestedness of the official persons. The appointed and elected officials during the exercise of public office are restricted in (i) managing a company or institution as an owner (ii) holding managing rights in the management board of a private company or institution.

The appointed or elected official is obliged to notify the institution where he is appointed or elected, about the legal entities in his ownership, in which he has shares or managing roles. The appointed or elected official should transfer the management rights to third parties.

2.2.3 Submitting statement of property status and interests

Legal framework:

The LPCCI determines the categories of officials who are obliged to report their property status and interests to the SCPC. Articles 82-86 regulate the manner of the reporting. Article 87 regulates the publicity of the submitted declarations. Articles 89-91 regulate the Register that is kept by the SCPC. Articles 92-96 regulate the procedure for control checks and investigation of the assets and interests of the officials.

Obligations of managers and employees in public institutions

Any elected or appointed person, responsible person in a public enterprise, public institution or other legal entity with state capital, administrative servants of category A determined by law or a person employed in the office of the President of RNM, the President of the Assembly of

¹⁴ Law on Prevention of Corruption and Conflict of Interest, Official Gazette of RNM no. 12/19 and subsequent amendments

RNM, the Vice-Presidents of the Assembly of RNM, the Prime Minister of RNM, the Deputy Prime Ministers of RNM, the Ministers and the Secretary General of the Government of RNM, are obliged to submit a statement of property status and interests within the strictly deadlines stipulated by LPCCI.

The same officials are obliged to report any changes in their property status and interests that may occur during the exercise of the office.

2.2.4 Management of conflicts of interest

Legal framework:

The LPCCI regulates the prevention of conflict of interests between officials' personal interests and their duties as civil servants. Articles 72-75 regulate the process in case of and reporting a conflict of interests. Articles 76-81 regulate the procedure for determination of conflict of interests in front of the SCPC.

Obligations of managers and employees in public institutions

The LPCCI defines in a consistent way the main duties for the officials (any elected or appointed person and public sector employees) for managing conflict of interests:

- to undertake measures for avoidance of any potential conflict of interests;
- to notify their superior in case of conflict;
- to ask for exemption and stop their actions under certain circumstances; etc.

Also, upon notification of the officials, the managing person of the institution where they work, is obliged to take all measures in order to prevent the occurrence of conflict of interests.

2.2.5 Rules on gifts

Legal framework:

Article 39 of the LPSE regulates the gifts for officials. The implementation of the above-mentioned article is further clarified in the Decree on the manner of utilization of the received gifts and management of the records of the received gifts and other issues related to the received gifts.

Also, gifts are regulated in Article 58 of the LPCCI.

Further provisions applicable to gifts are contained in Articles 55, 56 of the *Law on Use and Disposal of State-Owned Property and Municipal Property*¹⁵ (LUDSMP).

The implementation of the above-mentioned article is further clarified in the Decree on the criteria, the process of receiving and giving gifts and reporting of gifts.

Obligations of managers and employees in public institutions

The LPSE provides that the employees in the public sector should not receive gifts that are connected with their work, except protocolary and occasional gifts of non-significant value. The LPSE defines the way the gifts should be reported to the institution and the value of the gifts that are allowed to be received.

The SCPC is responsible for preparing and publishing a catalogue of gifts based on data obtained in accordance with the law.

¹⁵ Law On Use And Disposal Of State-Owned Property And Municipal Property, Official Gazette of RNM no. 78/15 and subsequent amendments

Under the LPCCE the officials in the public sector should not receive gifts that are connected with their work, with certain exceptions determined by law.

The institutions are obliged to submit an annual report on received gifts to the SCPC.

According to the LUDSMP the officials should not receive gifts while exercising office, except in cases and under circumstances precisely determined by law. The law also determines which gifts would be considered to be a property of the state, and not of the individual who received them.

The public institutions and the state authorities could give gifts under the rules determined with law.

2.2.6 Codes of ethics

Legal framework:

The *Code on Ethics for the members of the Government and for the public officials appointed by the Government (Government Ethics Code)*¹⁶ regulates the manner of their behaviour and work in order to ensure strengthening of their integrity and the citizens' trust in their work. Articles 3-11 determine the basic work principles and standards. Article 12 regulates the avoidance of the conflict of public and private interests. Article 13 regulates the separation of state and political party interests. Article 15 regulates the approach towards the employees related to their impartiality. Article 17 regulates the receiving gifts. Article 18 regulates the integrity regarding the use and costs of material resources. Article 22 regulates the reporting of conflict of interests.

The *Code of Administrative Servants*¹⁷ regulates the ethical standards and rules of conduct of administrative servants. Articles 5-12 determine the basic work principles and standards. Article 13 stipulates a prohibition for the administrative servants on taking advantage of their work status.

Obligations of managers and employees in public institutions

According to the Governments Ethics Code, the members of the Government and the public officials appointed by the Government are obliged:

- to sign a statement confirming that they will adhere to the Government Code while performing their duties;
- to avoid any conflict of interests;
- to provide mechanisms for compliance with the legal regulations by all employees in the institution they manage;
- when participating in party activities, they should not jeopardize the professionalism and availability of the public function;
- to respect the professionalism and impartiality of the public sector employees, and under no circumstances to instruct them to act contrary to the law; etc.

The Code of Administrative Servants stipulates obligations for the administrative servants, such as:

¹⁶ Code on Ethics for the members of the Government and for the public officials appointed by the Government, Official Gazette of RNM no. 232/20

¹⁷ Code of Administrative Servants, Official Gazette of RNM no. 183/14

- to sign a statement for accepting the Declaration for joint mission of the employees in the public sector, at the time of employment;
- not to allow a conflict on personal and public interest and always to represent the public interest;
- not to take advantage of the status as an administrative servant; etc.

2.2.7 Transparency, openness and access to information of public interest

Legal framework:

The general legal framework on transparency is regulated by Article 10 of LPSE.

The special legal framework is defined by the *Law on Free Access to Public Information (LFAPI)*¹⁸. Article 8-11 from LFAPI regulates the duties of the holders of information for providing transparency and openness.

Articles 4, 6, 12-28 of the LFAPI regulate the process for gaining access to public information and the cost for the access.

Obligations of managers and employees in public institutions

The LPSE provides that the duties for public sector employees to provide access to public information are determined by law.

The LFAPI provides several ways of exercising transparent and accountable public sector: disclosure of documents, information and data at the initiative of the institution and disclosure of documents, information and data at a request of a third party.

The Agency for protection of the right to free access shall prepare a list and publish the holders of public information.

The LFAPI allows individuals and legal entities to exercise their right to access public information, providing detailed steps and timelines to be followed in this process. The individuals or legal entities could initiate the process through written, verbal or electronic requests.

The public institution holding of information should respond to the received request within 20 days.

The legal entity or the individual has the right to appeal in case their request has been denied.

The access to information is free of charge, except when copies of documents have been provided, the charge should be equal to the real cost for providing the copies.

2.2.8 Transparent public procurement and efficient resource management

Legal framework:

The *Law on Public Procurement (LPP)*¹⁹ defines the legal framework for the public procurement procedures in order to be ensured the transparency and integrity of the process. Articles 33-38 regulate the general measures on preventing corruption and conflict of interests. Articles 41-42 regulate the public call for the procurement and availability of the tender documentation to all interested economic operators. Article 136 prohibits influence on the

¹⁸ Law on Free Access to Public Information, Official Gazette of RNM no. 101/19

¹⁹ Law on Public Procurement, Official Gazette of RNM no. 24/19

decision-making by the State Commission for Public Procurement Appeals (SCPPA). Article 169 requires exemption of the members of SCPPA in case of conflict of interests.

Article 38 and 57 of the LPCCI also prohibits any type of privilege, discrimination or influence in public procurement procedures.

Articles 5 and 6 of the *Law on Introduction of a Quality Management System and a Common Framework for Assessing Operations and Providing Services in the Civil Service (LIQMS)*²⁰ regulates the introduction and use of international or Macedonian standard systems by the official within the institutions in order to ensure better quality of the services.

Obligations of managers and employees in public institutions

The LPP determines the duties of the employees at the public authority, as members of the public procurement commission, and the appointed members of the SCPPA. The main duties are:

- all instructions regarding the procedure should be given to the employees in written or in electronic form;
- any person engaged at the public authority who has information about corruption case is obliged to inform the SCPC or the Public Prosecutor's Office;
- the members of the public procurement commission, as well as the responsible person of the public authority shall sign a statement for non-existence of conflict of interests, or in case of existence, they shall resign from the work in the commission;
- the members of the SCPPA shall be exempted from work in cases when there is a conflict of interests; etc.

According to the LPCCI the officials are obliged to:

- enable the SCPC to inspect the public procurement documentation; and
- not to exercise any unlawful influence on any other person in public procurement procedure.

The LIQMS imposes different duties on different categories of employees, such as:

- introduction of at least the basic standard ISO 9001;
- introduction of a common framework for assessing through employee involvement and self-assessment; etc.

2.2.9 Post-employment restrictions (pantouflage/revolving doors)

Legal framework:

Articles 47 and 48 of the LPCCI impose certain restrictions on the officials in relation to their further employment after termination of their mandate.

Obligations of managers and employees in public institutions

According to the LPCCI, the persons whose capacity as an official has been ceased are further (within a set time lines) restricted from:

- employment in a trade company in which the person has conducted a supervision;
- employment in a company with which the person has established any contractual relationship in the exercise of public authorizations;

²⁰ Law on Introduction of a Quality Management System and a Common Framework for Assessing Operations and Providing Services in the Civil Service, Official Gazette of RNM no. 69/13 and subsequent amendments

- advocating for an organization with which as an official has established contractual or business relationship;
- representing a legal or a natural person in front of the authority in which as official has participated in making decisions;
- performing management or audit activities in a legal entity in which as official had performed supervisory or monitoring activities.

2.2.10 Whistle-blowers' protection

Legal framework:

General provisions of whistle-blower's protection are included in Articles 30 and 35 from the LPSE. Furthermore, such provisions are also inserted in Article 43 from the LPCCI.

The special legal framework is contained in the *Law on Protection of Whistle-blowers (LPW)*²¹. Further provisions are contained in the bylaw – Rulebook on protected internal reporting in institutions from the public sector.

Obligations of managers and employees in public institutions

Public sector employees are obliged to perform the work delegated by their superior or the authorized person of the institution. However, when performance of such work results in committing a crime, they are obliged to report it to their immediate superior and the SCPC.

The LPSE provides protection for the public sector employees who would disclose administrative wrongdoing, criminal or corrupt activities against the official duties, public interest, security and defence.

The LPCCI guarantees protection to the whistle-blowers' from criminal prosecution or any other liability for the disclosed information that indicate corruption activities.

The process of protected disclosure of information, the rights of the whistle-blowers' and the duties of the institutions involved are regulated by the LPW.

The whistle-blowers' is statutory safeguarded against reprisals and is afforded anonymity and confidential handling of the information supplied.

The protected reporting could be done as a:

- protected internal reporting (direct reporting at the institution of interest),
- protected external reporting (reporting at the Ministry of internal affairs, SCPC, Ombudsman etc.)
- protected public reporting (making the information publicly available).

The whistle-blowers should be protected and be guaranteed the confidentiality of the reporting. The identity of the whistle-blowers should not be revealed without his consent. The right for confidentiality could be limited only by a court decision.

The institution that has received the reporting should proceed further and to undertake the activities described by the LPW.

²¹ Law on Protection of Whistleblowers, Official Gazette of RNM no. 196/15 and subsequent amendments

2.2.11 Intolerance of integrity violations

Legal framework:

The laws subject of this analysis provides sanctions on parties that have engaged in corrupt practices or other integrity violations. Depending on the type of violation, severity of the consequences, the sanctions may be imposed as a disciplinary, misdemeanour or criminal. The specific determination of the sanctions, their duration, the right of remedies etc. are provided with the related law and bylaws.

LPSE regulates employment issues, the rights and obligations of the employees in the public sector.

This law on a principal level provides disciplinary and/or material liability for the violations of the integrity-related elements (Article 40).

Namely, the LPSE does not regulate the procedure for determining the liability of the employees in the public sector or the system of sanctioning. This matter is further clarified in the separate laws.

Article 64 from the LAS regulates the monitoring of the work of the administrative servants and the sanctions in case of a negative assessment.

Articles 70-80 from the LAS regulate the administrative servants' disciplinary regime.

The implementation of the above-mentioned articles is further clarified in the related bylaws:

- RULEBOOK on the process of performance of the disciplinary procedure for disciplinary offences and on the form of secret voting

Article 4 of the LPCCI stipulates the principle of integrity as one of the main principles to which all officials, including the appointed or elected persons, should adhere while undertaking actions related to the violation of integrity;

Articles 23, 24, 27, 94 regulate the mandatory cooperation between the institutions and the SCPC related to measures and actions in case of determined integrity-related violations;

Article 61 requires reporting crimes related to corruption by any official;

Articles 77, 78 regulate the measures and actions that should be undertaken by the institutions when determine a conflict of interests of some official.

Furthermore, all of the above-mentioned integrity requirements contains sanctions in their respective legislation, namely in the LPSE, LAS, LPCCI, LPP, LFAPI, LIQMS and the LPW²².

Obligations of managers and employees in public institutions

The superior administrative servants are obliged to monitor the efficiency of the administrative servants during the year through annual evaluations. If the outcome of two annual evaluations in a row or three in the last five years, indicate lowest (negative) performance of the administrative servant, meaning underperformance and breach of the public service principles, the managing person of the institution should terminate the employment. This could be considered to have an impact of a sanction.

²² Please note that the list of the laws regulating the sanctioning integrity-related violations is not comprehensive considering that the separate laws and collective agreements are not part of this analysis.

A disciplinary procedure could be commenced against administrative servants (administrative servants of the class of secretaries are excluded) for the violation of their official duties.

Every administrative servant or other person in accordance with the law, has the right to initiate (with written submission) a disciplinary procedure against an administrative servant.

The secretary or the managing person of the institution should process the disciplinary proceeding in a manner specified with the LAS depending on the severity of violations (serious disciplinary offences or lesser disciplinary breaches).

The LPCCI stipulates certain duties for the public institutions and the employees, such as:

- the institutions are obliged to provide all the information to the SCPC needed for a certain investigation within 15 days as of receiving the request from the SCPC;
- the institutions should enable the SCPC to inspect their documentation;
- upon a notification of the SCPC, the institutions should undertake respective measures against the official who has violated the law or is related to conflict of interest, and notify the SCPC about the undertaken measures within 60 days as of receiving the notification;
- any official who is aware of a crime related to corruption by any other official is obliged to report it; etc.

In case the disciplinary violation at the same time represents a criminal/misdemeanours offence in accordance with the law, the disciplinary proceeding does not preclude the person from being criminally /misdemeanour prosecuted.

It is not specified whether the institution should report the administrative servant's criminal/misdemeanour offences to the authorized institutions (mainly the Public Prosecutor and the Ministry of Interior Affairs).

Appointed officials who are the managing persons of the public sector institutions, do not fall under the LAS and they are not disciplinary liable. Their duties and liabilities are defined with the law under which they are appointed.

However, they are exposed to political and criminal liability. The political liability means that they could be dismissed from the office by the authority (the Government) that appointed them. Also, they are criminally liable for any crime they commit connected to the exercise of the public office.

2.3 Political sector integrity requirements

2.3.1 Transparency of political parties funding and financing of electoral campaigns

Legal framework:

The *Law on Financing Political Parties (LFPP)*²³ regulates the manner of providing funds for the operation of the political parties, as well as the control over financing by the competent authorities. Articles 4-5, 23 regulate the publicity and transparency of funding sources and expenditures. Article 17 regulates the Register of donations. Article 25 regulates the

²³ Law on Financing Political Parties, Official Gazette of RNM no.76/2004 and subsequent amendments

publication of the report of the received donations and the annual financial statement on the websites of the State Audit Office (SAO) and the Public Revenue Office (PRO).

The *Electoral Code*²⁴ provides the legal framework for the financing of electoral campaigns. Article 71 regulates the mandatory legal requirements related to the bank account on which the funds can be collected. Articles 83, 84 regulate the allowed and prohibited sources of funds, set limits on permitted donations and determine the needed reports that shall be prepared by the political parties. Article 85 regulates the preparing and submitting a complete financial report on the election campaign and performing audit to the same by the SAO.

Obligations of political parties and members

Under the LFPP, the political parties are obliged to:

- publish a register of donations and an annual balance sheet on their websites;
- submit a report of the received donations and an annual financial statement to the SAO;
- submit a report of the received donations to the PRO;
- submit an annual balance sheet to the SAO, the PRO and the Central Registry; etc.

For the all above mentioned duties, there are strictly stipulated terms and time frames that parties are required to meet.

According to the Electoral Code, the political parties are obliged to:

- obtain a unique tax number and open a bank account designated “for election campaign”, only for the purpose of collecting funds for elections;
- transfer the difference in the permitted and donated amount to the Budget of RNM in case the donations exceed the permitted amount (from natural persons up to EUR 3,000 and from legal entities up to EUR 30,000);
- transfer the donated value to the Budget of RNM if the origin of the donation cannot be determined;
- conduct a register of donations;
- prepare and submit to the competent authorities a financial report, reports for the received donations, and publish the same on their websites.

The Electoral Code specifies the manner in which the political parties shall fulfil the above duties in a precisely defined period of time.

2.3.2 Ethics codes for political parties and parliamentarians

Legal framework:

Article 8-c of the Electoral Code stipulates only an obligation for the political parties, participants in the electoral process, to sign a Code on Fair and Democratic Elections.

²⁴ Electoral Code, Official Gazette of RNM no.40/2006 and subsequent amendments

Following the GRECO Fourth Evaluation Round, a Code of Ethics of MPs was adopted. In January 2019, the Assembly adopted amendments to the Code of Ethics with revised rules on conflicts of interests, gifts and sanctions. In July 2019, the competent supervisory body – the Assembly’s Committee on Procedure and Mandate-Immunity – adopted “Rules on conducting the procedure for determining committed minor and serious violations of the Code and on pronouncing measures stipulated by the Code of Ethics for MPs”, which also included a gift reporting form.

Obligations of political parties and members

With the EC the political parties are obliged to pledge that:

- will not exert any pressure on the employees in the public administration and institutions;
- no employee or citizen shall be subject to any kind of threat to their employment and social security as a result of their support to any political party or candidate, or lack thereof.

2.3.3 Conflict of interest, statements of property status and interests for candidates in elections and candidates for political appointments

Legal framework:

The LPCCI does not stipulate an obligation for the candidates in elections and political appointments to report a conflict of interests or to submit an assets declaration to the SCPC.

Obligations of political parties and members

Currently missing.

2.3.4 Observing lobbying rules by politicians

Legal framework:

There are not any provisions within the Law on Lobbying which refer to the political parties.

Obligations of political parties and members

Currently missing.

2.4 Private sector integrity requirements (connected to public sector)

2.4.1 Refraining from hiring former public employees during the period of post-employment restrictions (pantouflage/revolving doors)

Legal framework:

The LPCCI does not set out restrictions for hiring former public employees that the private companies should adhere to and pay attention to. It is only up to the former official to adhere to the restrictions stipulated by the LPCCI.

Obligations of businesses:

Currently missing.

2.4.2 Observing public procurement rules

Legal framework:

The LPP provides certain rights and obligations for the economic operator in relation to be assured a transparent public procurement procedure. Articles 34 regulates reporting of corruption. Articles 88 and 120 regulate the grounds for exclusion from the procurement procedure or termination of the procurement contract. Article 136 prohibits influence on the decision-making of the members of SCPPA.

Obligations of businesses:

The economic operators are obliged to:

- inform the SCPC or the Public Prosecutor's Office as interested persons in case they have information on corruption;
- not exercise any influence on the decision-making by the members of the SCPPA; etc.

2.4.3 Observing lobbying rules by business

Legal framework:

The Law on Lobbying²⁵ regulates the lobbying for the legislative and executive authority at central and municipality level, by the registered lobbyist. Article 6 regulates the transparency of the lobbying. Articles 8 and 9 stipulate a prohibition for certain categories of people to perform lobbying.

Obligations of businesses:

The companies are obliged to:

- register in the Register of Lobbyists which is kept in the Assembly of the RNM;
- give accurate data for the person who he is lobbying for and the purpose of the lobbying;
- respect the rules for the conflict of interests and prevention of corruption;
- submit a report on the lobbying to the General Secretary of the Assembly of RNM and the SCPC; etc.

3. CHAPTER III. Supporting the Institutional Integrity Climate

3.1 Research, education and awareness raising on integrity and anti-corruption

Public sector employees have the right to continuous professional development, for which the institutions bring appropriate programs.²⁶ The Ministry of Information Society and Administration (MISA) is preparing an annual program of generic training for administrative staff, which it adopts no later than July 1 of this year for the following year.²⁷ Based on the trainings from the individual plans for professional development, the secretary, i.e. the head of the institution in which a secretary is not appointed, prepares an annual training plan for all administrative employees in the institution.

²⁵ Law on Lobbying, Official Gazette of RNM no.106/2008 and subsequent amendments

²⁶ Law on Public Employees, Article 28.

²⁷ Article 56 of the LAS.

Generic trainings are performed for the purpose of professional development of the administrative employees in accordance with the framework of general competencies, and the specialized ones are performed for the purpose of professional development in relation to the special competencies. Specialized trainings can be organized at the Academy for Professional Development of Administrative Servants (APDAS), which is an organizational unit in the MISA²⁸.

The LAS envisages mentoring as a method of transferring knowledge and skills among administrative officers. A mentor can be any administrative officer who is assigned to a higher-level job than a mentored administrative officer, and who has completed mentor training²⁹.

The MISA envisages conducting generic trainings on “Anti-corruption measures and ethics in the civil service”, in cooperation with the SCPC. In 2018, 64 administrative staff visited such trainings. No data for trainings carried out in 2019 were available.

The administrative staff have limited opportunities to learn about the integrity and professional ethics of training, as well as the importance of corruption in the civil service and measures to prevent it through training, although officials have the will and need for specific training on ethical standards in the service³⁰.

According to Article 17 entry 19) of the LPCCI, part of the SCPC competence is to undertake activities in the field of education and awareness raising on corruption and conflict of interest. Article 30 of the LPCCI prescribes for the cooperation of the SCPC with associations and foundations, scientific institutions and the private sector, in the frames of realization of their program activities that include research, analysis, trainings, informing and raising the awareness of the public and the public sector institutions and transfer of good practices, the State Commission may co-operate with associations and foundations, scientific institutions and the private sector, in the area of prevention of corruption.

3.2 Guidelines, methodologies, software supporting implementation of integrity and anti-corruption tools

In implementing the integrity requirements, the public, political or private institutions can develop themselves or request assistance from the SCPC, other specialized state institutions or civil society organizations support in developing guidelines, methodologies, software solutions and other means to support the use of integrity and anti-corruption tools. For instance:

- guidelines for conflict of interest management, for filling out the statement of status property and interests, for providing free access to information or for handling protected reports.
- methodologies for institutional integrity assessment, for corruption proofing of legislation, for conducting integrity and anti-corruption training courses.

²⁸ Analysis of the implementation of the regulations that govern the integrity and ethics at the political and professional level, Elena Dimovska, August 2019, page.18-19.

²⁹ Article 60 of the LAS.

³⁰ Analysis of the implementation of the Code for Administrative Servants - Current situation, conclusions and recommendations, prepared by the International Republican Institute (IRI), February 2019.

- software solutions for anti-corruption surveying, for e-learning on integrity topics, for monitoring the implementation of an action plan by employees.

4. CHAPTER IV. Integrity Control

4.1 Responsibility for integrity controls

Considering the legal framework of the institutional integrity climate, responsibility for exercising control over different aspects of integrity are:

- Within the public institutions – managers of these institutions;
- Outside public institutions – special state bodies.

4.2 Integrity controls in institutions by managers

Managers have an overall role of exercising control over the implementation of the integrity climate requirements by the employees and are entitled to bring those who violate the rules to disciplinary liability.

However, if the violation amount to a misdemeanour or crime – the manager has to report it externally to other specialized bodies. However, such bodies can exercise control over fulfilment of integrity requirements in their ambit of competence even without such reports from the managers.

4.2.1 Ethics Code

Provisions prescribing control over integrity requirements only to the managers are those related to controlling the application of Ethics codes in the public institutions.

4.2.2 Corruption Risk Assessment

There are special means of controlling fulfilment of ethics and integrity in the public institutions, carried out under the Law on Public Internal Financial Control 2009 (PIFC)³¹, as part of the overall risk management approach, namely the Corruption Risk Assessment, as a result of which an integrity plan of the institution has to be developed. Corruption Risk Assessment is part of the Risk Management Guidelines, adopted by the Ministry of Finance. In this context, the internal auditors in the public institutions have a leading role in conducting risk management and alerting the manager of the risks, including those of corruption in the institution.

Implementation of this control measure is a sound indicator of the interest of the manager to uphold integrity in the public institution, through the assessment and management of corruption risks.

4.3 Integrity controls in institutions by special state bodies

Different elements of the integrity climate in the public institutions and sometimes – in the political and private sectors – are checked by special state bodies, such as the SCPC, SAI, APRFAI, PPB, SAO, MoJ, PRO, SEC.

³¹ Law on public internal financial control (Official Gazette No.90/2009, 12/2011 and 188/2013)

The SCPC, however, due to its mandate dedicated to prevention of corruption does not carry out only integrity control in institutions, but overall in the public sector (see section 4.4 below).

4.3.1 **Mandate of the Special Commission for the Prevention of Corruption**

- Respecting incompatibilities and restrictions
- Submitting statement of property status and interests
- Management of conflicts of interest
- Rules on gifts
- Transparent public procurement and efficient resource management
- Post-employment restrictions (pantouflage/revolving doors)
- Transparency of political parties funding and financing of electoral campaigns
- Sanctioning integrity-related violations

4.3.2 **Mandate of the State Administrative Inspectorate**

- Merit-based employment, promotion, leadership and rewards
 - Rules on gifts
 - Transparency, openness and access to information of public interest
 - Transparent public procurement and efficient resource management
- The SAO performs an audit on all transactions as of the day of opening the election account until its closure. Even more, the three above mentioned authorities sign a Memorandum of Understanding in order to detect the irregularities in the financing of the campaign and take measures against the party which is subject to oversight.

4.3.3 **Mandate of the Agency for Protection of the Right to Free Access to Information**

- Transparency, openness and access to information of public interest

4.3.4 **Mandate of the Public Procurement Bureau**

- Transparent public procurement and efficient resource management

4.3.5 **Mandate of the State Audit Office**

- Transparent public procurement and efficient resource management
- Transparency of political parties funding and financing of electoral campaigns

4.3.6 **Mandate of the Ministry of Justice**

- Whistle-blowers' protection

4.3.7 **Mandate of the Public Revenue Office**

- Transparency of political parties funding and financing of electoral campaigns

4.3.8 **Mandate of the State Election Commission**

- Transparency of political parties funding and financing of electoral campaigns

4.4 Sectoral and nation-wide integrity controls by the Special Commission for the Prevention of Corruption (SCPC)

4.4.1 Sectoral Corruption Risk Assessment (sectoral integrity assessment)

This integrity control measure applied by the SCPC is similar to CRA as part of the risk management applicable by managers in the public institutions. However, in case of the SCPC, as of 2019 the new Law on prevention of corruption and conflicts of interests³² sets the competence of the SCPC to *prepare analysis of the risks of corruption in different sectors*.

4.4.2 Corruption Proofing (anti-corruption review of legislation)

This integrity control measure is carried out by the SCPC at the nation-wide level, in line with the 2019 new Law on prevention of corruption and conflicts of interests³³ which sets the competence of the SCPC to *conduct corruption proofing of laws, by-laws and other general acts, in accordance with the methodology it adopts*.

5. CHAPTER V. Sanctioning Lack of Integrity

All the above-mentioned integrity requirements contains sanctions in their respective legislation, namely in the LPSE, LAS, LPCCI, LPP, LFAPI, LIQMS and the LPW³⁴. These laws provide sanctions on parties that have engaged in corrupt practices or other integrity violations. Depending on the type of violation, severity of the consequences, the sanctions may be imposed as a disciplinary, misdemeanour or criminal. The specific determination of the sanctions, their duration, the right of remedies etc. are provided with the related law and bylaws.

5.1 Liability forms for integrity violations

Integrity violations entail disciplinary, misdemeanour, tort and criminal liability.

Disciplinary liability is imposed by the managers, in both public institutions. Even though managers of private institutions are also able to impose disciplinary sanctions, the law does not require them to apply disciplinary sanctions for the integrity violations provided in this Integrity Concept.

Misdemeanour liability is established by the SAI, Labour Inspectorate, Misdemeanour Commission of the SCPC, Misdemeanour Commission within the Agency for protection of the right to free access to public information, courts.

³² Article 17 item 17 of the Law on prevention of corruption and conflicts of interests ("Official Gazette of the Republic of Macedonia" No. 12/19)

³³ Article 17 item 2 of the Law on prevention of corruption and conflicts of interests ("Official Gazette of the Republic of Macedonia" No. 12/19)

³⁴ Please note that the list of the laws regulating the sanctioning integrity-related violations is not comprehensive considering that the separate laws and collective agreements are not part of this analysis.

Tort liability is decided by the SAI and the Labour Inspectorate.

5.2 Sanctioning mechanisms by sectors

5.2.1 Integrity violations in the public sector

- 1) **Merit-based employment, promotion, leadership and rewards** – in case of violation of this integrity requirement, the SAI and the Labour Inspectorate issue misdemeanour payment orders for voluntary payment of the misdemeanour sanction. In case of no voluntary payment, the Inspectorate initiates a tort procedure in front of the authorized court.
- 2) **Respecting incompatibilities and restrictions** – the misdemeanour procedure is conducted and the sanctions are imposed by the Misdemeanour Commission in the SCPC.
- 3) **Submitting statement of property status and interests** – for the misdemeanours determined with the LPCCI, the Misdemeanours Commission within the SCPC leads the procedures and imposes the sanctions. In addition, if during the investigation of the property of the official, conducted by SCPC, the origin of the property is suspicious, the SCPC may initiate a criminal procedure in which case the court could impose a criminal sanction.
- 4) **Conflicts of interests** – The SCPC conducts the procedure for determining the conflict of interests. The Misdemeanours Commission within the SCPC leads the misdemeanour procedures and imposes the sanctions. Also, upon request by the SCPC, the authority that has elected or appointed the official or where the official has established employment, could initiate a procedure for dismissal or a disciplinary procedure against such official respectively.
- 5) **Rules on gifts** – Against the official who has received a gift contrary to the provided legislative, the institution where he works, should conduct a disciplinary procedure and impose a disciplinary sanction in accordance with the LAS. The Misdemeanours Commission within the SCPC leads misdemeanours procedures and imposes misdemeanour sanctions towards the officials who have been offered a gift contrary to the law, and have not refused such an offer.
- 6) **Codes of ethics** – The Government Code does not provide an external control over its implementation. Namely, the Government appoints one member of the Government who is responsible for monitoring the implementation of the Government Code and submits reports for that to the Prime Minister in a defined period of time. The Administrative Code does not provide an external control over its implementation. Considering the stipulated disciplinary liability for non-compliance, the institution where the administrative servant works is authorized to ensure execution of the Administrative Code. Failure to comply with the provisions of the Administrative Code is a basis for initiating and conducting a disciplinary procedure by the institution where the administrative servant works, in accordance with the LAS.
- 7) **Transparency, openness and access to information of public interest** – The Misdemeanours Commission within the Agency for protection of the right to free access to public information leads the procedures and imposes the sanctions.
- 8) **Transparent public procurement and efficient resource management** – Depending on the violation, different institutions are authorized to investigate the

potential violations and/or to impose sanctions, such as: the PPB; the SCPPA; the Administrative Court; the Primary Court competent for misdemeanours; the Public Prosecutor's Office; the Primary Criminal Court. The SCPC is authorized to notify the competent authorities such as the PPB, the Primary Court competent for misdemeanours or the Public Prosecutor's Office in order to be undertaken measures within their competences. The administrative inspector is obliged to issue a misdemeanour payment order to the person responsible for the misdemeanour in accordance with the Law on Misdemeanours. A competent court conducts a misdemeanour procedure and imposes a misdemeanour sanction for a performed misdemeanour under LIQMS

- 9) **Post-employment restrictions (pantouflage/revolving doors)** – The Misdemeanours Commission within the SCPC leads the misdemeanours procedures and imposes misdemeanour sanctions towards persons who do not comply with the provisions provided.
- 10) **Whistle-blowers' protection** – The misdemeanour procedure is conducted and a misdemeanour sanctions are imposed by a competent court.
- 11) **Intolerance of integrity violations** – The public sector institutions impose disciplinary sanctions for violations of their employees; the court for the criminal offences; the Government of the Republic of North Macedonia for the political sanction of the appointed officials. For the misdemeanours determined with the LPCCI, the Misdemeanours Commission within the SCPC leads the procedures and imposes the sanctions. The SCPC is also authorized to initiate a procedure for determining liability of the managing persons in front of the authorities which have elected or appointed them and/or the competent Public Prosecutor's office.

5.2.2 Integrity violations in the political sector

- 1) **Transparency of political parties funding and financing of electoral campaigns** – Upon a proposal of the SAO, the Minister of Justice decides on the right for receiving funds from the Budget of RNM. The basic court is authorized to lead the misdemeanour procedure and decide on the misdemeanour sanctions. The SEC safeguard the legality of the elections in accordance with the EC. On the other hand, the SCPC decides, on its own initiative or upon filed complaints, for violation of campaign financing provisions of the EC. The Administrative Court is competent for deciding the cases initiated upon a lawsuit against the decision of the SCPC.

On the other hand, if the SAO detects irregularities in the financial report of the election campaign participant, the SAO shall initiate a misdemeanour procedure or shall report the irregularities to the respective public prosecutor.

The misdemeanours procedure shall be conducted and misdemeanour sanction shall be imposed by the court.

- 2) **Ethics codes for political parties and parliamentarians** – sanctions missing.
- 3) **Conflict of interest, statements of property status and interests for candidates in elections and candidates for political appointments** – sanctions missing, as candidates in elections and candidates for political appointments are not bound to declare conflicts of interests and to file statements of property status.
- 4) **Observing lobbying rules** – sanctions missing.

5.2.3 Integrity violations in the private sector

- 1) **Refraining from hiring former public employees during the period of post-employment restrictions (pantouflage/revolving doors) – sanctions missing.**
- 2) **Observing public procurement rules – sanctions missing.**
- 3) **Observing lobbying rules** The SCPC investigates violations performed by the lobbyists, imposes sanctions towards the same and notifies the General Secretary of the Assembly of RNM about it. Against the decision from the SCPC, the lobbyists are entitled to initiate an administrative dispute in front of the Administrative Court.

6. CHAPTER VI. Recommendations

This Integrity Concept brings together all the relevant aspects of anti-corruption and integrity aspects in the RNM in a system, explaining how integrity is born in the institutions from the public, political and private sectors, how integrity is upheld through support, control and sanctioning measures.

6.1 Improving the integrity system

The system described revealed certain missing elements. It is therefore recommended to consider introducing:

- Ethics codes for political parties and parliamentarians, sanctions for failure to respect them and institutionalize efficient internal monitoring mechanisms;
- Regulations on the conflict of interest, statements of property status and interests for candidates in elections and candidates for political appointments, as well as sanctions for failure to observe them and institutionalize efficient internal monitoring mechanisms with the use of information communication technology;
- Obligations of observing lobbying rules by politicians and sanctions for failure to observe them and institutionalize efficient monitoring mechanisms with the support of information communication technology;;
- Regulations and sanctions for the private sector failing to refrain from hiring former public employees during the period of post-employment restrictions (pantouflage/revolving doors);
- Review and clearly define sanctions for the private sector failing to observe public procurement rules;
- Sanctions for businesses failing to observe lobbying rules.

In addressing these recommendations, the SCPC is encouraged to refer to good practices identified in Annex 2. The analysis provided therein helps to understand the process, good practices and evident weaknesses of foreign experience in implementing Integrity elements and institutes. The analysis also consists of warnings of possible failures during the implementation process.

6.2 Developing national and/or sectoral integrity strategies

Understanding the role and the place of all the elements of the Integrity Concept, it becomes clearer what influences the growth of integrity in institutions, sectors and overall in the country.

It is therefore recommended to use the Integrity Concept to develop a National Integrity Strategy divided into sectors and/or to develop separate sectoral integrity strategies (i.e. for bigger sectors – public, political, private, or for smaller sectors – healthcare, law enforcement, sports etc.).

The national or sectoral strategies should aim at reinforcing the accountability of the institutions involved for carrying out their integrity-related mandate: establishing integrity climate in institutions, supporting institutional integrity climate, integrity control and sanctioning of the lack of integrity. The Strategy could make sure that no gaps are left in the accountability canvas of the institutions in charge of contributing, each at their level, to building an upholding integrity. Furthermore, such a strategy could either take the approach of filling in the gaps (i.e. establishing new obligations and sanctions which are missing, planning training sessions and designing guidelines, software etc.) or could envisage ongoing monitoring of the proper fulfilment of the obligations incumbent to different stakeholders in the Integrity Concept, additionally to filling in the gaps.

6.3 Designing a sectoral integrity assessment methodology

The Integrity Concept has to set the base for designing the sectoral integrity assessment by the SCPC. It would imply developing specific questionnaires on the fulfilment of the different roles of the stakeholders from a sector in terms of integrity, in order to understand what aspects of integrity need to be reinforced in the sector.

6.4 Developing integrity guidelines and training modules

Frequently, the integrity framework in the RNM is not properly followed because it is scattered in different laws, by-laws, regulations. However, the systematization provided in the Integrity Concept enables the planning of appropriate trainings, as well as designing special guidelines for different professional categories, in which the general integrity requirements described herewith would be intertwined with the special professional requirements for different categories, i.e.: Integrity Guidelines for Judges, Integrity Guidelines for the Police, Integrity Guidelines for the local governance etc. It is therefore recommended to use the Integrity Concept as a basis for the drafting of different professional integrity guidelines and use them as a training material for the respective category.

6.5 Conducting integrity research, surveying and polling

The Integrity Concept may be also used to research the integrity levels and issues through surveys and polls, in which questions could be asked about various integrity elements described in this Concept. These surveys and polls, if conducted regularly, could become a point of reference and a basis to design a national Integrity Index.



This project is funded by the European Union



Promoting Transparency and Accountability

in Public Administration in North Macedonia



ANNEX 1: LEGISLATION MAPPING ON PUBLIC, POLITICAL AND PRIVATE INTEGRITY IN NORTH MACEDONIA

Public Integrity element	Law, by-law, article regulating this integrity element	Are the duties of employer/employee in the public institution clear with regard to this element?	Which institutions exercise outside monitoring/control	Is there a sanction for violation ?	Which institutions are investigating violations/imposing a sanction?
	<p>Law on Public Sector Employees (LPSE)³⁶ represents a general legal framework that establishes the human resources management in the public sector through a systematic and general approach. LPSE has a meaning of an umbrella above the other specific-sectoral laws, which separately regulate the details of certain public activity.</p> <p><u>Articles 4-13</u> regulate the general principles or the basis on which employment in the public sector is based;</p>	<p>Yes, the issues related to recruitment, promotion, professional development, evaluation and reward of the employees in the public sector are set in a clear way, with defined time frames.</p> <p>The employment in the public sector should be planned in advance, through annual employment plans adopted by each institution</p>	<p>The Ministry of Information Society and Administration (MISA) monitors the integral implementation of the law.</p> <p>The State Administrative Inspectorate (SAI) controls the effective enforcement of the legislation and the compliance of the</p>	Yes	<p>The SAI and the Labour Inspectorate issues misdemeanour payment orders for voluntary payment of the misdemeanour sanction. In case of no voluntary payment, the Inspectorate initiates a tort procedure in front of the authorised court.</p>

³⁶ Law on Public Sector Employees, Official Gazette of RNM no. 27/14 and subsequent amendments

Project implemented by:



<p>1. Merit-based employment, promotion, leadership and rewards³⁵</p>	<p>Articles 20a-23 regulate the employment process.</p> <p>The implementation of the above-mentioned articles is further clarified in the related bylaws:</p> <ul style="list-style-type: none"> - RULEBOOK on compulsory elements of the public call for filling a job position in the public sector throughout application for employment, and the form, content and the manner of keeping a register of persons who provided false data in employment in public sector; - METHODOLOGY on planning of the employment in the public sector pursuant to the principle of adequate and 	<p>individually. The employment plan should be confirmed and accepted by the state body responsible for the budgeting of the institution,</p> <p>The recruitment and the promotions must be based on open competition and on the results of a selection procedure.</p>	<p>stakeholders to the related legislation.</p>		
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³⁵ The analysis of this integrity element is based only on the LPSE and the LAS as a basic legal framework that addresses this matter and represents the ground for human resources management, based on the principle of merit, that should be applied and followed in the separate laws. The public sector employees are divided into four categories depending on the type of work they do. The employment relation of some of the categories of employees is subject to regulation in several separate laws and collective agreements. These separate laws and collective agreements are not part of this analysis.

Namely, the employment relations of (i) the employees in the public sector institutions in the field of security, defence and intelligence or so called the officials with special duties; (ii) the public service providers in the area of healthcare, education and science, labour, social affairs, child protection, culture, public information, as well as in the area of utilities and other activities for which public enterprises have been established, and (iii) technical support personnel are subject of regulation with separate laws.

However, in order to be determined whether there is a consistent and adjusted approach to human resources management policies in the entire public sector, a broader analysis should be undertaken that would cover the separate laws and collective agreements too.

Accordingly, the analysis of this integrity element refers only to the employees in the public sector, meaning that the appointed or elected officials are not part of the same.

	<p>equitable representation and the content and the form of the annual plan for employment and report on implementation of the annual plan for employment.</p>				
	<p>Law on Administrative Servants (LAS)³⁷ is a special law that covers in a broader and precise way all aspects of employment of the administrative servants (one of the four groups of public sector employees).³⁸</p> <p><u>Articles 30 -47</u> regulate the employment process;</p> <p><u>Articles 48-53</u> regulate the promotions;</p> <p><u>Articles 54-60</u> regulate the professional training;</p> <p><u>Articles 85-97</u> regulate the rewarding system.</p> <p>The implementation of the above-mentioned articles is further clarified in the related bylaws:</p>	<p>Yes, the merit system introduced for the administrative servants precisely defines the duties on the side of the public institution and on the side of the administrative servants.</p> <p>The public institutions shall plan the employment of administrative servants in advance, with their annual plans.</p> <p>The recruitment process starts with a public announcement for the vacant job position and the criteria that are required from the potential</p>	<p>The MISA monitors the integral implementation of the law.</p> <p>The SAI controls the effective enforcement of the legislation and the compliance of the stakeholders to the related legislation.</p>	<p>Yes</p>	<p>The violations are investigated and reported by the SAI at first place. The SAI issues misdemeanour payment orders for voluntary payment of the fine. In case of no voluntary payment, the Inspectorate initiates a tort procedure in front of the authorised court.</p>

³⁷ Law on Administrative Servants, Official Gazette of RNM no. 27/14 and subsequent amendments

³⁸ Certain issues related to the employment of administrative servants in the judiciary and public prosecution, diplomacy, customs and tax administration, inspectorates, state audit office, regulatory bodies and the National Bank, may be regulated with separate law or by collective agreement in a manner different from the LAS.

	<ul style="list-style-type: none"> - DECREE on implementation of the procedure for employment of administrative servants; - RULEBOOK on the form and content of the internal note, the manner of submission of the application for promotion, performance of administrative selection and interviews as well as the way of scoring and the maximum number of points from the selection process, depending on the category of work; - RULEBOOK on performance semi-annual interview, the detailed criteria for the assessment of the administrative servants; - Annual DECISIONS on determination of the value of the single unit for calculation of the salaries of the administrative servants. 	<p>candidates. In a transparent, fair and competitive selection procedure, the best candidate for the job should be selected.</p> <p>The promotion process starts with internal announcement, after which in a transparent, fair and competitive selection procedure the best candidate from the current employees in the institution shall be selected.</p> <p>The recruitment process for administrative servants is managed by the Agency for Administration.</p>			
<p>2. Respecting incompatibilities and restrictions in the exercise of public office</p>	<p><u>Article 38</u> from the LPSE</p>	<p>The work of the employees in the public sector is incompatible with exercising direct political activities during the working time and at the working place.</p>	<p>The institution is determined with the separate laws.</p>	<p>Yes</p>	<p>The institution is determined with the separate laws.</p>

	<p><u>Article 44, 49</u> from the Law on Prevention of Corruption and Conflict of Interest (LPCCI)³⁹ regulate the incompatibilities of the appointed or elected officials with other professions;</p> <p><u>Article 45</u> from the LPCCI regulates the restrictions of the appointed and elected officials in the exercise of public office.</p>	<p>The LPCCI defines the particular situations and activities that are incompatible with the role of public function due to public confidence in the integrity, impartiality, and personal disinterestedness of public officials.</p> <p>The appointed and elected officials during the exercise of public office are restricted in (i) managing a company or institution as an owner (ii) holding managing rights in the management board of a private company or institution.</p> <p>The appointed or elected official is obliged to notify the institution where he is appointed or elected, about the legal entities in his ownership, in which he has shares or managing roles. The appointed or elected official should transfer the</p>	<p>The State Commission for Prevention of Corruption (SCPC) monitors the integral implementation of the law.</p>	<p>Yes</p>	<p>The misdemeanour procedure is conducted and the sanctions are imposed by the Misdemeanour Commission in the SCPC.</p>
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³⁹ Law on Prevention of Corruption and Conflict of Interest, Official Gazette of RNM no. 12/19 and subsequent amendments

		management rights to third parties.			
3. Declaration of assets and private interests	<p>The LPCCI determines the categories of officials who are obliged to report their property status and interests to the SCPC.</p> <p><u>Articles 82-86</u> regulate the manner of the reporting;</p> <p><u>Article 87</u> regulates the publicity of the submitted declarations;</p> <p><u>Articles 89-91</u> regulate the Register that is kept by the SCPC;</p> <p><u>Articles 92-96</u> regulate the procedure for control checks and investigation of the assets and interests of the officials.</p>	<p>Yes, any elected or appointed person, responsible person in a public enterprise, public institution or other legal entity with state capital, administrative servants of category A determined by law or a person employed in the office of the President of RNM, the President of the Assembly of RNM, the Vice-Presidents of the Assembly of RNM, the Prime Minister of RNM, the Deputy Prime Ministers of RNM, the Ministers and the Secretary General of the Government of RNM, are obliged to submit a statement of property status and interests within the strictly deadlines stipulated by LPCCI.</p> <p>The same officials are obliged to report any changes in their property status and interests that may occur during the exercise of the office.</p>	The SCPC supervises the implementation of the provisions related to the reporting of the property status and interests.	Yes	<p>For the misdemeanours determined with the LPCCI, the Misdemeanours Commission within the SCPC leads the procedures and imposes the sanctions.</p> <p>In addition, if during the investigation of the property of the official, conducted by SCPC, the origin of the property is suspicious, the SCPC may initiate a criminal procedure in which case the court could impose a criminal sanction.</p>

4. Conflicts of interest	<p>The LPCCI regulates the prevention of conflict of interests between officials' personal interests and their duties as civil servants.</p> <p><u>Articles 72-75</u> regulate the process in case of and reporting a conflict of interests;</p> <p><u>Articles 76-81</u> regulate the procedure for determination of conflict of interests in front of the SCPC.</p>	<p>The LPCCI on a consistent way defines the main duties for the officials (any elected or appointed person and public sector employees) for managing conflict of interests:</p> <ul style="list-style-type: none"> - to undertake measures for avoidance of any potential conflict of interests; - to notify their superior in case of conflict; - to ask for exemption and stop their actions under certain circumstances; etc. <p>Also, upon notification of the officials, the managing person of the institution where they work, is obliged to take all measures in order to prevent the occurrence of conflict of interests.</p>	The SCPC supervises the implementation of the provisions related to the prevention of conflict of interests.	Yes	<p>The SCPC conducts the procedure for determining the conflict of interests.</p> <p>The Misdemeanours Commission within the SCPC leads the misdemeanour procedures and imposes the sanctions.</p> <p>Also, upon request by the SCPC, the authority that has elected or appointed the official or where the official has established employment, could initiate a procedure for dismissal or a disciplinary procedure against such official respectively.</p>
5. Rules on gifts	<p><u>Article 39</u> of the LPSE regulates the gifts for officials.</p> <p>The implementation of the above-mentioned article is further clarified in the DECREE on the manner of utilisation of the received gifts and management of the records of the</p>	The employees in the public sector should not receive gifts that are connected with their work, except protocolary and occasional gifts of non significant value.	The SAI supervises the implementation of the provisions related to the gifts.	Yes	Against the official who has received a gift contrary to the provided legislative, the institution where he works, should conduct a disciplinary procedure and impose a disciplinary sanction in

	<p>received gifts and other issues related to the received gifts.</p> <hr/> <p><u>Article 58</u> of the LPCCI;</p> <hr/> <p><u>Article 55, 56</u> of the Law On Use And Disposal Of State-Owned Property And Municipal Property⁴⁰</p>	<p>The LPSE defines the way the gifts should be reported to the institution and the value of the gifts that are allowed to be received.</p> <p>The SCPC is responsible for preparing and publishing a catalogue of gifts based on data obtained in accordance with the law.</p> <hr/> <p>The officials in the public sector should not receive gifts that are connected with their work, with certain exceptions determined by law.</p> <p>The institutions are obliged to submit an annual report on received gifts to the SCPC.</p> <hr/> <p>The officials should not receive gifts while</p>	<p>SCPC supervises the implementation of the provisions of the LPCCI related to the gifts.</p>	<p>Yes</p>	<p>accordance with the LAS.</p> <hr/> <p>The Misdemeanours Commission within the SCPC leads misdemeanours procedures and imposes misdemeanour sanctions towards the officials who have been offered a gift contrary to the law, and have not refused such an offer.</p>
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⁴⁰ Law On Use And Disposal Of State-Owned Property And Municipal Property, Official Gazette of RNM no. 78/15 and subsequent amendments

	The implementation of the above-mentioned article is further clarified in the DECREE on the criteria, the process of receiving and giving gifts and reporting of gifts.	exercising office, except in cases and under circumstances precisely determined by law. The law also determines which gifts would be considered to be a property of the state, and not of the individual who received them. The public institutions and the state authorities could give gifts under the rules determined with law.	/	Yes, under the LPCCI	The Misdemeanours Commission within the SCPC
6. Codes of professional ethics/conduct	The Code on Ethics for the members of the Government and for the public officials appointed by the Government (Government Code) ⁴¹ regulates the manner of their behaviour and work in order to ensure strengthening of their integrity and the citizens' trust in their work. <u>Articles 3-11</u> determine the basic work principles and standards;	The members of the Government and the public officials appointed by the Government are obliged: - to sign a statement confirming that they will adhere to the Government Code while performing their duties; - to avoid any conflict of interests; - to provide mechanisms for compliance with the legal regulations by all	The Government Code does not provide an external control over its implementation. Namely, the Government only appoints one member of the Government who is responsible for monitoring the implementation of the Government Code and submits reports for that	Yes	The member of the Government responsible for implementation of the Government Code verbally and in writing instructs the member of the Government or the public official who has violated the Government Code to correct his behaviour in line with the Government Code.

⁴¹ Code on Ethics for the members of the Government and for the public officials appointed by the Government, Official Gazette of RNM no. 232/20

	<p><u>Article 12</u> regulates the avoidance of the conflict of public and private interests;</p> <p><u>Article 13</u> regulates the separation of state and political party interests;</p> <p><u>Article 15</u> regulates the approach towards the employees related to their impartiality;</p> <p><u>Article 17</u> regulates the receiving gifts;</p> <p><u>Article 18</u> regulates the integrity regarding the use and costs of material resources;</p> <p><u>Article 22</u> regulates the reporting of conflict of interests.</p>	<p>employees in the institution they manage;</p> <p>- when participating in party activities, they should not jeopardize the professionalism and availability of the public function;</p> <p>- to respect the professionalism and impartiality of the public sector employees, and under no circumstances to instruct them to act contrary to the law; etc.</p>	<p>to the Prime Minister in a defined period of time.</p>		<p>Based on the opinion of the member of the Government responsible for implementation of the Government Code, the Prime Minister may decide to apply any of the following measures towards the person who did not comply with the Government Code:</p> <ul style="list-style-type: none"> - official criticism; - request for resignation or proposal for his dismissal; and / or - adopting an initiative for informing the competent institutions, especially when there is non-compliance with the LPCCI, the Law on Protection of Whistleblowers and the Law on Lobbying.
	<p>The Code of Administrative Servants (Administrative Code)⁴² regulates the ethical standards and rules of conduct of administrative servants.</p>	<p>The Administrative Code stipulates certain obligations for the administrative servants, such as:</p>	<p>The Administrative Code does not provide an external control over its implementation.</p>	<p>Yes</p>	<p>Failure to comply with the provisions of the Administrative Code is a basis for initiating and conducting a disciplinary procedure by the</p>

⁴² Code of Administrative Servants, Official Gazette of RNM no. 183/14

	<p><u>Articles 5-12</u> determine the basic work principles and standards;</p> <p><u>Article 13</u> stipulates a prohibition for the administrative servants on taking advantage of their work status.</p>	<ul style="list-style-type: none"> - to sign a statement for accepting the Declaration for joint mission of the employees in the public sector, at the time of employment; - not to allow a conflict on personal and public interest and always to represent the public interest; - not to take advantage of the status as an administrative servant; etc. 	<p>Considering the stipulated disciplinary liability for non-compliance, the institution where the administrative servant works is authorized to ensure execution of the Administrative Code.</p>		<p>institution where the administrative servant works, in accordance with the LAS.</p>
<p>7. Transparency and openness of public institutions</p>	<p><u>Article 10</u> of LPSE</p> <hr/> <p><u>Article 8-11</u> from the Law on Free Access to Public Information (LFAPI)⁴³</p>	<p>The LPSE provides that the duties for public sector employees to provide access to public information are determined by law.</p> <hr/> <p>The LFAPI as a special law for this matter, regulates the duties of the holders of information for providing transparency and openness.</p> <p>The LFAPI provides several ways of exercising</p>	<p>The SAI controls the effective enforcement of the legislation and the compliance of the stakeholders to the related legislation.</p> <hr/> <p>Agency for protection of the right to free access to public information.</p>	<p>No</p> <hr/> <p>Yes</p>	<p>/</p> <hr/> <p>The Misdemeanours Commission within the Agency for protection of the right to free access to public information leads the procedures and imposes the sanctions.</p>

⁴³ Law on Free Access to Public Information, Official Gazette of RNM no. 101/19

		<p>transparent and accountable public sector: disclosure of documents, information and data at the initiative of the institution and disclosure of documents, information and data at a request of a third party.</p> <p>The Agency for protection of the right to free access shall prepare a list and publish the holders of public information.</p>			
8. Access to information of public interest	<p><u>Article 4.6,12-28</u> of the LFAPI regulate the process for gaining access to public information and the cost for the access.</p>	<p>The LFAPI allows individuals and legal entities to exercise their right to access public information.</p> <p>The LFAPI provides detailed steps and timelines to be followed in this process. The individuals or legal entities could initiate the process through written, verbal or electronic requests .</p> <p>The public institution - holding of information should respond to the</p>	Agency for protection of the right to free access to public information	Yes	The Misdemeanours Commission within the Agency for protection of the right to free access to public information leads the procedures and imposes the sanctions.

		<p>received request within 20 days.</p> <p>The legal entity or the individual has the right to appeal in case their request has been denied.</p> <p>The access to information is free of charge, except when copies of documents have been provided, the charge should be equal to the real cost for providing the copies.</p>			
<p>9. Public procurement and efficient resource management</p>	<p>The Law on Public Procurement (LPP)⁴⁴ defines the legal framework for the public procurement procedures in order to be ensured the transparency and integrity of the process.</p> <p><u>Articles 33 - 38</u> regulate the general measures on preventing corruption and conflict of interests;</p> <p><u>Articles 41-42</u> regulate the public call for the procurement and</p>	<p>Yes, the LPP determines the duties of the employees at the public authority, as members of the public procurement commission, and the appointed members of the SCPPA. The main of them are as follows:</p> <ul style="list-style-type: none"> - all instructions regarding the procedure should be given to the employees in written or in electronic form; 	<p>The Public Procurement Bureau (PPB) performs outside control over the public procurement procedures.</p> <p>On the other hand, the State Audit Office (SAO) audits the use of the public procurement funds by the public authorities.</p>	Yes	<p>Depending on the violation, different institutions are authorised to investigate the potential violations and/or to impose sanctions, such as:</p> <ul style="list-style-type: none"> - the PPB; - the SCPPA; - the Administrative Court;

⁴⁴ Law on Public Procurement, Official Gazette of RNM no. 24/19

	<p>availability of the tender documentation to all interested economic operators;</p> <p><u>Article 136</u> prohibits influence on the decision-making by the State Commission for Public Procurement Appeals (SCPPA);</p> <p><u>Article 169</u> requires exemption of the members of SCPPA in case of conflict of interests.</p>	<ul style="list-style-type: none"> - any person engaged at the public authority who has information about corruption case is obliged to inform the SCPC or the Public Prosecutor's Office; - the members of the public procurement commission, as well as the responsible person of the public authority shall sign a statement for non-existence of conflict of interests, or in case of existence, they shall resign from the work in the commission; - the members of the SCPPA shall be exempted from work in cases when there is a conflict of interests; etc. 			<ul style="list-style-type: none"> - the Primary Court competent for misdemeanours; - the Public Prosecutor's Office; - the Primary Criminal Court.
	<p><u>Article 38 and 57</u> of the LPCCI also prohibits any type of privilege, discrimination or influence in public procurement procedures.</p>	<p>Yes, the officials are obliged to:</p> <ul style="list-style-type: none"> - enable the SCPC to inspect the public procurement documentation; and - not to exercise any unlawful influence on any other person in public procurement procedure. 	<p>The SCPC is authorized to inspect the public procurement documentation.</p>	<p>Yes</p>	<p>The SCPC is authorized to notify the competent authorities such as the PPB, the Primary Court competent for misdemeanours or the Public Prosecutor's Office in order to be undertaken measures within their competences.</p>

	<p><u>Articles 5, 6</u> of the Law on Introduction of a Quality Management System and a Common Framework for Assessing Operations and Providing Services in the Civil Service (LIQMS)⁴⁵ regulates the introduction and use of international or Macedonian standard systems by the official within the institutions in order to ensure better quality of the services.</p>	<p>The LIQMS imposes different duties on different categories of employees, such as:</p> <ul style="list-style-type: none"> - introduction of at least the basic standard ISO 9001; - introduction of a common framework for assessing through employee involvement and self-assessment; etc. 	<p>The SAI performs control over the compliance of the institutions with the stipulated provisions of the LIQMS.</p>	<p>Yes</p>	<p>The administrative inspector is obliged to issue a misdemeanour payment order to the person responsible for the misdemeanour in accordance with the Law on Misdemeanours.</p> <p>A competent court conducts a misdemeanour procedure and imposes a misdemeanour sanction for a performed misdemeanour under LIQMS.</p>
<p>10. Post-employment restrictions (or pantouflage)</p>	<p><u>Articles 47,48</u> of the LPCCI impose certain restrictions on the officials in relation to their further employment after termination of their mandate.</p>	<p>Yes, the persons whose capacity as an official has been ceased are further (within a set time lines) restricted from:</p> <ul style="list-style-type: none"> - employment in a trade company in which the person has conducted a supervision; - employment in a company with which the person has 	<p>The SCPC is authorized to monitor the compliance with the provisions related to the post-employment restrictions.</p>	<p>Yes</p>	<p>The Misdemeanours Commission within the SCPC leads the misdemeanours procedures and imposes misdemeanour sanctions towards persons who do not comply with the provisions provided.</p>

⁴⁵ Law on Introduction of a Quality Management System and a Common Framework for Assessing Operations and Providing Services in the Civil Service, Official Gazette of RNM no. 69/13 and subsequent amendments

		<p>established any contractual relationship in the exercise of public authorizations;</p> <ul style="list-style-type: none">- advocating for an organization with which as an official has established contractual or business relationship;- representing a legal or a natural person in front of the authority in which as official has participated in making decisions;- performing management or audit activities in a legal entity in which as official had performed supervisory or monitoring activities.			
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<p>11. Whistle-blowers' protection</p>	<p><u>Article 30, 35</u> from the LPSE</p> <p><u>Article 43</u> from the LPCCI</p> <p>The Law on Protection of Whistleblowers (LPW)⁴⁶.</p> <p>RULEBOOK on protected internal reporting in institutions from the public sector</p>	<p>Public sector employees are obliged to perform the work delegated by their superior or the authorised person of the institution. However, when performance of such work results in committing a crime, they are obliged to report it to their immediate superior and the SCPC.</p> <p>The LPSE provides protection for the public sector employees who would disclose administrative wrongdoing, criminal or corrupt activities against the official duties, public interest, security and defence.</p> <p>The LPCCI guarantees protection to the whistleblowers from criminal prosecution or any other liability for the disclosed information that indicate corruption activities.</p> <p>The process of protected disclosure of information, the rights of the whistleblowers and the duties of the institutions</p>	<p>The Ministry of Justice supervises the implementation of the LPW.</p>	<p>Yes</p>	<p>The misdemeanour procedure is conducted and a misdemeanour sanctions are imposed by a competent court.</p>
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		<p>involved are regulated by the LPW.</p> <p>The whistleblowers is statutory safeguarded against reprisals and is afforded anonymity and confidential handling of the information supplied.</p> <p>The protected reporting could be done as a:</p> <ul style="list-style-type: none"> - protected internal reporting (direct reporting at the institution of interest), - protected external reporting (reporting at the Ministry of internal affairs, SCPC, Ombudsman etc.) - protected public reporting (making the information publicly available). <p>The whistleblowers should be protected and be guaranteed the confidentiality of the reporting. The identity of the whistleblower should not be revealed without his consent. The right for confidentiality could be</p>			
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		<p>limited only by a court decision.</p> <p>The institution that has received the reporting should proceed further and to undertake the activities described by the LPW.</p>			
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<p>12. Sanctioning integrity-related violations (disciplinary, administrative and criminal)</p>	<p>As we have mentioned in the answers under point 1, the LPSE regulates only the employment issues, the rights and obligations of the employees in the public sector.</p> <p>This law on a principal level provides disciplinary and/or material liability for the violations of the integrity- related elements (<u>Article 40</u>).</p> <p>Namely, the LPSE does not regulate the procedure for determining the liability of the employees in the public sector or the system of sanctioning.</p> <p>This matter is further clarified in the separate laws.</p> <p><u>Article 64</u> from the LAS regulates the monitoring of the work of the administrative servants and the sanctions in case of a negative assessment.</p> <p><u>Articles 70-80</u> from the LAS regulate the administrative servants' disciplinary regime.</p>	<p>/</p> <p><u>Monitoring</u></p> <p>The superior administrative servants are obliged to monitor the efficiency of the administrative servants during the year through annual evaluations.</p> <p>If the outcome of two annual evaluations in a row or three in the last five</p>	<p>/</p> <p>- MISA; - SAJ; - The Government of the Republic of North Macedonia for the appointed officials.</p>	<p>/</p> <p>Yes</p>	<p>/</p> <p>- The public sector institutions for the disciplinary violations of their employees; - The court for the criminal offences; - The Government of the Republic of North Macedonia for the</p>
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	<p>The implementation of the above-mentioned articles is further clarified in the related bylaws:</p> <ul style="list-style-type: none"> - RULEBOOK on the process of performance of the disciplinary procedure for disciplinary offences and on the form of secret voting 	<p>years, indicate lowest (negative) performance of the administrative servant, meaning underperformance and breach of the public service principles, the managing person of the institution should terminate the employment. This could be considered to have an impact of a sanction.</p> <p><u>Disciplinary procedure</u></p> <p>A disciplinary procedure could be commenced against administrative servants (administrative servants of the class of secretaries are excluded) for the violation of their official duties.</p> <p>Every administrative servant or other person in accordance with the law, has the right to initiate (with written submission) a disciplinary procedure against an administrative servant.</p> <p>The secretary or the managing person of the institution should process</p>			<p>political sanction of the appointed officials.</p>
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		<p>the disciplinary proceeding in a manner specified with the LAS depending on the severity of violations (serious disciplinary offences or lesser disciplinary breaches).</p> <p>In case the disciplinary violation at the same time represents a criminal/misdemeanours offence in accordance with the law, the disciplinary proceeding does not preclude the person from being criminally /misdemeanour prosecuted.</p> <p>It is not specified whether the institution should report the administrative servant's criminal/misdemeanour offences to the authorized institutions (mainly the Public Prosecutor and the Ministry of Interior Affairs).</p> <p><u>Appointed officials</u></p> <p>Appointed officials who are the managing persons of the public sector institutions, do not fall under the LAS and they are</p>			
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		<p>not disciplinary liable. Their duties and liabilities are defined with the law under which they are appointed.</p> <p>However, they are exposed to political and criminal liability. The political liability means that they could be dismissed from the office by the authority (the Government) that appointed them. Also, they are criminally liable for any crime they commit connected to the exercise of the public office.</p> <hr/> <p>The LPCCI stipulates certain duties for the public institutions and the employees, such as:</p> <ul style="list-style-type: none"> - the institutions are obliged to provide all the information to the SCPC needed for a certain investigation within 15 days 			
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	<p>_____</p> <p><u>Article 4</u> of the LPCCI stipulates the principle of integrity as one of the main principles to which all officials, including the appointed or elected persons, should adhere while undertaking actions related to the violation of integrity;</p> <p><u>Articles 23, 24, 27, 94</u> regulate the mandatory cooperation between the institutions and the SCPC related to measures and actions in case of determined integrity-related violations;</p> <p><u>Article 61</u> requires reporting crimes related to corruption by any official;</p> <p><u>Articles 77, 78</u> regulate the measures and actions that should be undertaken by the institutions when determine a conflict of interests of some official.</p>	<p>as of receiving the request from the SCPC;</p> <ul style="list-style-type: none"> - the institutions should enable the SCPC to inspect their documentation; - upon a notification of the SCPC, the institutions should undertake respective measures against the official who has violated the law or is related to conflict of interest, and notify the SCPC about the undertaken measures within 60 days as of receiving the notification; - any official who is aware of a crime related to corruption by any other official is obliged to report it; etc. 	<p>_____</p> <p>The SCPC supervises the implementation of the provisions related to the violation of integrity.</p>		<p>_____</p> <p>For the misdemeanours determined with the LPCCI, the Misdemeanours Commission within the SCPC leads the procedures and imposes the sanctions.</p> <p>The SCPC is also authorized to initiate a procedure for determining liability of the managing persons in front of the authorities which have elected or appointed them and/or the competent Public Prosecutor's office.</p>
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Yes

Political Integrity element	Law, by-law, article regulating this integrity element	Are the duties of political parties clear with regard to this element?	Which institutions exercise outside monitoring/control	Is there a sanction for violation?	Which institutions are investigating violations/imposing a sanction?
1. Transparency of political parties funding and financing of electoral campaigns	<p>Law on Financing Political Parties (LFPP)⁴⁷ regulates the manner of providing funds for the operation of the political parties, as well as the control over financing by the competent authorities.</p> <p>Articles 4-5, 23 regulate the publicity and transparency of funding sources and expenditures;</p> <p>Article 17 regulates the Register of donations;</p>	<p>Yes, the political parties are obliged to:</p> <ul style="list-style-type: none"> - publish a register of donations and an annual balance sheet on their websites; - submit a report of the received donations and an annual financial statement to the SAO; - submit a report of the received donations to the PRO; 	<p>The SAO exercises outside control over the financial and material operation of the political parties.</p> <p>Also, the PRO and the Central Registry perform control within their authorizations and competences.</p> <p>In addition, the SCPC upon receiving notification by any person about an unlawful collecting funds, is entitled to notify the competent</p>	Yes	<p>Upon a proposal of the SAO, the Minister of Justice decides on the right for receiving funds from the Budget of RNM.</p> <p>The basic court is authorized to lead the misdemeanour procedure and decide on the misdemeanour sanctions.</p>

⁴⁷ Law on Financing Political Parties, Official Gazette of RNM no.76/2004 and subsequent amendments

	<p><u>Article 25</u> regulates the publication of the report of the received donations and the annual financial statement on the websites of the SAO and the Public Revenue Office (PRO).</p>	<p>- submit an annual balance sheet to the SAO, the PRO and the Central Registry; etc.</p> <p>For the all above mentioned duties, there are strictly stipulated terms and time frames that parties are required to meet.</p>	<p>authorities for further inspection of the case.</p>		
	<p>The Electoral Code (EC)⁴⁸ provides the legal framework for the financing of electoral campaigns.</p> <p><u>Article 71</u> regulates the mandatory legal requirements related to the bank account on which the funds can be collected;</p> <p><u>Articles 83, 84</u> regulate the allowed and prohibited sources of funds, set limits on permitted donations and</p>	<p>Yes, the political parties are obliged to:</p> <p>- obtain a unique tax number and open a bank account designated “for election campaign”, only for the purpose of collecting funds for elections;</p> <p>- transfer the difference in the permitted and donated amount to the Budget of RNM in case the donations exceed the permitted amount</p>	<p>The State Election Commission (SEC) safeguard the legality of the elections in accordance with the EC.</p> <p>On the other hand, the SCPC decides, on its own initiative or upon filed complaints, for violation of campaign financing provisions of the EC.</p> <p>The SAO performs an audit on all transactions as of the day of opening</p>	<p>Yes</p>	<p>The Administrative Court is competent for deciding the cases initiated upon a lawsuit against the decision of the SCPC.</p> <p>On the other hand, if the SAO detects irregularities in the financial report of the election campaign participant, the SAO shall initiate a misdemeanour procedure or shall report the irregularities</p>

⁴⁸ Electoral Code, Official Gazette of RNM no.40/2006 and subsequent amendments

	<p>determine the needed reports that shall be prepared by the political parties;</p> <p><u>Article 85</u> regulates the preparing and submitting a complete financial report on the election campaign and performing audit to the same by the SAO.</p>	<p>(from natural persons up to EUR 3,000 and from legal entities up to EUR 30,000);</p> <ul style="list-style-type: none"> - transfer the donated value to the Budget of RNM if the origin of the donation cannot be determined; - conduct a register of donations; - prepare and submit to the competent authorities a financial report, reports for the received donations, and publish the same on their websites. <p>The EC specifies the manner in which the political parties shall fulfil the above duties in a precisely defined period of time.</p>	<p>the election account until its closure.</p> <p>Even more, the three above mentioned authorities sign a Memorandum of Understanding in order to detect the irregularities in the financing of the campaign and take measures against the party which is subject to oversight.</p>	<p>to the respective public prosecutor.</p> <p>The misdemeanours procedure shall be conducted and misdemeanour sanction shall be imposed by the court.</p>
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<p>2. Conflict of interest, assets declarations for candidates in elections and political appointments</p>	<p>The LPCCI does not stipulate an obligation for the candidates in elections and political appointments to report a conflict of interests or to submit an assets declaration to the SCPC.</p>	<p>/</p>	<p>/</p>	<p>/</p>	<p>/</p>
<p>3. Observing of lobbying rules</p>	<p>There are not any provisions within the Law on Lobbying which refer to the political parties.</p>	<p>/</p>	<p>/</p>	<p>/</p>	<p>/</p>
<p>4. Ethical standards for political parties</p>	<p>According to the public data, a special act setting the ethical standards for the political parties has not been adopted yet.</p> <p><u>Article 8-c</u> of the EC stipulates only an obligation for the political parties, participants in the electoral process, to sign a Code on Fair and Democratic Elections.</p>	<p>With the EC the political parties are obliged to pledge that:</p> <ul style="list-style-type: none"> - will not exert any pressure on the employees in the public administration and institutions; - no employee or citizen shall be subject to any kind of threat to their employment and social security as a result of their support to any political party or candidate, or lack thereof. 	<p>We could not determine for sure which institution provides supervision because on the website of the SEC is not published the respected code.</p>	<p>We could not determine for sure which sanctions are stipulated because on the website of the SEC is not published the respected code.</p>	<p>We could not determine for sure which institution imposes sanctions because on the website of the SEC is not published the respected code.</p>

Private Integrity element	Law, by-law, article regulating this integrity element	Are the duties of companies clear with regard to this element?	Which institutions exercise outside monitoring/control	Is there a sanction for violation?	Which institutions are investigating violations/imposing a sanction?
1. Observing revolving door policies (refraining from hiring former public employees the set period of time)	The LPCCI does not set out restrictions for hiring former public employees that the private companies should adhere to and pay attention to. It is only up to the former official to adhere to the restrictions stipulated by the LPCCI.	/	/	/	/
2. Observing public procurement rules	<p>The LPP provides certain rights and obligations for the economic operator in relation to be assured a transparent public procurement procedure.</p> <p><u>Articles 34</u> regulates reporting corruption;</p>	<p>Yes, the economic operators are obliged to:</p> <ul style="list-style-type: none"> - inform the SCPC or the Public Prosecutor's Office as interested persons in case they have information on corruption; - not exercise any influence on the decision-making by the members of the SCPPA; etc. 	The PPB and the SCPC are authorized to perform control over the public procurement procedure.	No	/

	<p><u>Articles 88 and 120</u> regulate the grounds for exclusion from the procurement procedure or termination of the procurement contract;</p> <p><u>Article 136</u> prohibits influence on the decision-making of the members of SCPPA.</p>				
3. Observing lobbying rules	<p>The Law on Lobbying (LL)⁴⁹ regulates the lobbying for the legislative and executive authority at central and municipality level, by the registered lobbyist.</p> <p><u>Article 6</u> regulates the transparency of the lobbying;</p>	<p>Yes, the companies are obliged to:</p> <ul style="list-style-type: none"> - register in the Register of Lobbyists which is kept in the Assembly of the RNM; - give accurate data for the person who he is lobbying for and the purpose of the lobbying; - respect the rules for the conflict of interests and prevention of corruption; - submit a report on the lobbying to the General Secretary of the 	The SCPC is authorized to supervise the execution of the LL.	Yes	<p>The SCPC investigates violations performed by the lobbyists, imposes sanctions towards the same and notifies the General Secretary of the Assembly of RNM about it.</p> <p>Against the decision from the SCPC, the lobbyists are entitled to initiate an administrative dispute in front of the Administrative Court.</p>

⁴⁹ Law on Lobbying, Official Gazette of RNM no.106/2008 and subsequent amendments

	<p><u>Articles 8, 9</u> stipulate a prohibition for certain categories of people to perform lobbying.</p>	<p>Assembly of RNM and the SCPC; etc.</p>			
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ANNEX 2: Review of Integrity Concept elements in France, Slovenia and Lithuania

- INTRODUCTION

The international review is analysing the Lithuanian, French and Slovenian integrity concepts through countries' anti-corruption framework and implementation of integrity concept and elements in practice. Our focus is on Public integrity, in connection to which we also analysed Political and Private integrity elements.

The review is based on the experts' experience, state-of-art knowledge, desk research and interviews with respective experts and representatives of institutions. It is a tool to fine tune integrity elements in the beneficiary country. It includes presentation of practical solutions on integrity concept and integrity elements which were identified by the beneficiary and need to be further developed or improved.

A review of laws, policies and existing analysis constitutes the main data source for the assessment. To collect information on good and bad practices, a key informant interviews were also conducted with knowledgeable persons from the anti-corruption focal point, public sector, civil society and academia. A questionnaire was prepared for that purpose with leading questions to get the insight of integrity concept state of play. The researcher was responsible for collecting the data and preparing the general analysis to fit the beneficiary needs. Some information was not available as it was scattered and difficult to analyse in the short time devoted to the research. Some information provided in the analysis is therefore incomplete or short. The volume and the completeness of information might therefore vary across subjects and countries - depending on the time the interviewee could devote to the researcher and the availability of the online official information. The review is supported by references, which allow further examination of elements or topics of interest for improving integrity culture and institutional climate.

This document presents a general overview of good and bad practices of national efforts to promote integrity with a focus on pragmatic solutions based on legal regulations. Elements and characteristics that clearly stand out of others are highlighted. . The author identified best practices with positive and negative experience in implementation and sought practices that did not work well and tried to explain why.

This document is meant as source of inspiration for the authorities of North Macedonia in addressing the gaps in its integrity system and in designing its possible changes that may be envisaged in the future.

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1. INTEGRITY CONCEPT FRAMEWORK

1.1 Regulations and strategic framework

1. Where is an Integrity Concept defined, explained and introduced in legal framework and when was it formally approved?

LITHUANIA

The “integrity concept” is recognized as “anti-corruption environment” and is defined in the Law on Corruption Prevention, in National Anti-Corruption Programme 2015-2025 and Action plans. It defines the whole system dealing with corruption on all levels. Integrity elements are identified throughout legislation. The implementation of the concept is obligatory. It is implemented through the Guide of Development and Implementation of an Anti-Corruption Environment in the Public-sector (2018)¹. It explains the concept and proposes templates, solutions. The Programme also requests for training of representatives of the Public-sector to provide them with knowledge to develop the concept in the fields where the corruption is most likely to occur. The Public sector is widely defined². The concept is also presented in the Anti-corruption handbook for Business³ and in the handbook- Anti-Corruption Education at School - a Methodical material for general and higher education schools⁴.

FRANCE

The 2017 Official anti-corruption policy framework for private and public entities- French Anti-Corruption Agency *Guidelines to help private and public sector entities prevent and detect corruption, influence peddling, extortion by public officials, unlawful taking of interest, misappropriation of public funds and favouritism*⁵ is based *Guidelines to help private and public sector entities prevent and detect corruption, influence peddling, extortion by public officials, unlawful taking of interest, misappropriation of public funds and favouritism* on the Sapin II law and defines the integrity concept - anti-corruption programme through concrete activities.⁶ The new 2020⁷ Draft Guidelines⁸ presented by the A-C Agency (AFA)⁹ brings the first new point – the shared framework as a “unitary anticorruption policy framework” that can be applied by all private or public entities¹⁰. The Sapin II Act requires French companies and state-owned entities that exceed certain thresholds to implement effective anti-corruption programme to prevent and detect corruption¹¹.

SLOVENIA

Integrity concept is defined since 2010 throughout law, anti-corruption plans, and guidelines for public officials and public procurement. Slovenia has bi-annual Programme of the Government measures for integrity and transparency 2017-2019¹² for public sector. The plans are based on the old Resolution (2004) and Strategy which will be renewed shortly. Raising awareness on building the shift to the integrity concept started intensively in 2010. The Integrity and prevention of corruption Act since 2010 introduces the definition of Integrity and violation of integrity: »Integrity" means the conduct and responsibility expected of individuals and organisations in the prevention and elimination of risks related to the use of any authority, office, mandate or any other decision-making power contrary to the law, legally admissible objectives and codes of ethics"¹³. The concept of integrity only needs to be defined in the administrative sense in the new law. The court recently recognized Integrity as a concept. The Commission for the prevention of corruption (CPC) has authority to administratively sanction violations of integrity and ethics in public sector and violations of other integrity elements or to pose opinions in different levels. Interestingly, the integrity itself is, one of the integrity concept elements, equally addressed. The whole integrity concept is not presented in one document

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or guidelines. The cooperation with the private sector should be strengthened. The integrity is also defined in codes of ethics.

2. Please, describe the concept (generally- is it part of a policy paper, strategy, action plan, a law, by-law, a vision etc.) and explain their short characteristics, regulating various aspects of integrity.

LITHUANIA

Objectives of the **Guide of an Anti-Corruption Environment**¹⁴ as a basis to build the anti-corruption environment are:

- 1) help to identify and properly manage the risk of corruption in a Public sector;
- 2) strengthen citizenship and intolerance for corruption, promote not to commit corruption-related offences;
- 3) introduce transparent and fair standards of behaviour;
- 4) disseminate good practice in developing the Anti-Corruption environment;
- 5) to develop the environment resistant to corruption in state and municipal institutions with motivation;

The Guide of Anti-Corruption Environment enables the Public-sector to assess employees' vulnerability of potential corruption, identify corruption risk factors in legal norms and their implementation, i.e.:

- 1) to identify employees' (in)tolerance for corruption, and gradually achieve "zero" tolerance;
- 2) to educate employees on Anti-Corruption topics;
- 3) to organize activities of Anti-Corruption Commissions and persons responsible for the prevention of corruption more effectively;
- 4) to organize, coordinate, and implement Anti-Corruption programs and plans;
- 5) to properly identify probabilities of corruption manifestation
- 6) to conduct qualitative Anti-Corruption assessments of legal acts;
- 7) to properly organize information in persons seeking to hold or holding a position in a state or municipal institution or enterprise;
- 8) to prepare a code of conduct for civil servants and employees;
- 9) to effectively organize private interests, asset and income declaration;
- 10) to ensure protection of applicants to be able to safely report cases of corruption or any other offences committed or being committed in an institution or agency;

Lithuania has anti-corruption legal framework, strategic documents and relevant institutions in place¹⁵. It has introduced legislations changes in the last few years to comply with international standards and recommendations.

The amended Law on the Prevention of Corruption (2019)¹⁶ presents the basis for the integrity concept. It now obliges civil servants to report possible cases of corruption when they obtain credible information about the misdoing or witness possible crime¹⁷.

The **National Anti-Corruption Programme 2015-2025**¹⁸ and in the **Resolution Regarding the Approval of the Interinstitutional Action Plan for the Implementation in 2015-2019** are main documents guiding the implementation. Some of the measures foreseen are lagging, as the Rule of law assessment reports.

The Law on the Chief Official Ethics Commission¹⁹ introduces the conflict of interest and assets declarations and lobbying obligations on the supervising authority, based on the **Law on the Adjustment of Public and Private Interests**²⁰ and the new **Law on Lobbying Activities**²¹. The concepts and obligations are introduced in the National Anti-corruption Programme 2015-2025²² which draws up and implements anti-corruption programmes and plans implementing programme measures²³. Interinstitutional action plan defines implementation even more in detail.

The Code of Conduct for State Politicians introduces rules for politicians. **The Code for public officials** is in place and guides them in their work. **The code of ethics for judges** and the **Code of ethics for prosecutors** covers integrity in judiciary system.

Each public state, municipal and institutions under those should have its own plan and risks assessment.

Relevant legislation: National criminal legal acts made in compliance with the international legal acts²⁴ (UN Convention against Corruption)²⁵; Law on Corruption Prevention (2019); Law on the Adjustment of Private and Public Interests in the Public Service (2020)²⁶; Law on Lobbying Activities (2020)²⁷; Law on Declaration of Property and Income of Residents; Law on the Chief Official Ethics Commission²⁸ (2020)²⁹ National Anti-corruption Programme of the Republic of Lithuania for 2015-2025 (2015)³⁰; The Code of Conduct for State Politicians³¹ (2006); Law on Whistleblowing (2018)³²; Law on Public Administration; Law on Public Procurement; Law on Financing of Political Parties and Political Campaigns and Control of Financing of Political Parties and Political Campaigns; other legal acts³³, conventions (OECD, UNCAC; COE); Codes of Ethics.

FRANCE

France has strengthened the legislative framework and had intensive reform period since 2013³⁴ since major scandals arose in 2012³⁵. The Commission on the renovation and ethics of public life headed by the former Prime Minister Lionel Jospin has questioned the integrity in public life and changed the anti-corruption environment by reporting and analysing the integrity and transparency. They reported several intensive violations and legal flaws, suggested new legislation on conflict of interest and the new independent body, then the High Authority for Transparency in Public Life³⁶ (HATVP) was created in 2014. After the Sapin II law, establishment of two new independent anti-corruption institutions, ongoing public sector reform and investments in activities to strengthen the integrity concept and into strengthening the elements through training and raising awareness have resulted in better perception of integrity concept. Because of the international state of art approach, **the integrity concept is strong in the private sector and practices are shifted to the public sector in recent years**. The legislation is strict regarding integrity elements, monitoring and especially sanctioning.

Sapin II law (2016)³⁷ the new French Anti-corruption Law on Transparency, the Fight against Corruption and the Modernisation of the Economy addresses transparency, anti-corruption and integrity concept elements directly³⁸ extends the authority of the HATVP and introduces new provisions to achieve solid integrity concept. The High Authority for Transparency in Public Life³⁹ is:

- an independent institution authorized to ensure the integrity of public life through prevention and monitoring;
- responsible for checking around 14.000 public officials' (elected officials and senior civil servants) declarations of assets and their declarations of interests;
- checking how they respect rules so that personal interests do not interfere with their public responsibilities;
- verifying the tax situations of members of the government so that they respect their fiscal obligations;
- responsible for monitoring the "revolving doors" of certain public officials ;
- advising public institutions on ethical matters. It answers ethics-related questions and helps institutions implement in-house conflict of interest prevention measures;
- in charge of lobby regulation (mandatory register of lobbyist)
- contributing to the promotion of transparency as it publishes declarations of assets and interests and the lobbyist register in open data format;
- granted investigative powers (it can gain access to information of other administrations and, in the most serious cases, it may submit files to court for penal prosecution). It has powers of injunction.⁴⁰

The Sapin II law empowers the French anti-corruption agency (2016), the *Agence française anticorruption* (AFA). It is authorized to assess the robustness of obligatory private sector compliance programmes and it is imposing sanctions in the case of non-conformity. AFA introduced the official French Anti-Corruption Guidelines. Interestingly, it also involves public stakeholders and subjects them to Agency audits. It *obliges large economic stakeholders – outside of any situation involving prosecution and under penalty of administrative sanctions – to implement preventive measures, which require them to adopt anti-corruption compliance mechanisms* as stated in their annual report⁴¹.

The Act on transparency in public life (2013)⁴² abides the members of Government, persons who hold a local elective public office and persons entrusted with a public service and the members of independent administrative authorities and independent public authorities.

It covers the following topics in three chapters⁴³:

I. The prevention of conflicts of interest and transparency in public life:

1. **Section 1: Abstention obligations,**
2. Section 2: Reporting obligations,
3. Section 3: Financing of political life;
4. Section 3 bis: Transparency in relations between interest representatives and public authorities (government)
 - a. Subsection 1: Determining and implementing rules for parliamentary assemblies.
 - b. Subsection 2: Rules applicable to Government and Administrative Authorities and Local Governments.
 - c. Subsection 3: Criminal Sanctions (penalties).
5. The High Authority for Transparency in Public Life:
6. Position of civil (public) servants who hold a parliamentary mandate (term),
7. Whistle-blower protection)

II. Criminal provisions

III. Final provisions.

French official Guidelines to help private and public sector entities prevent and detect corruption, influence peddling, extortion by public officials, unlawful taking of interest, misappropriation of public funds and favouritism (2017) (A-C Guidelines) based on the Sapin law⁴⁴. They provide the basis for the development of an anti-corruption compliance for companies with risk assessment and management of reputation and business risks. **The guidelines are not legally binding.** *Organisations must still adjust and adapt these standards according to their own risks, business models and issues.*⁴⁵ The Guidelines have a special section on how to implement the anti-corruption programme in the public sector with clarifications. State administrations, local authorities and their public establishments and semi-public companies, as well as associations and foundations recognised as being of public utility are also required to implement measures to prevent and detect acts of corruption and other breaches of integrity.⁴⁶ The guidelines include proposals to implement the anti-corruption programme which is obligatory for the private and the public sector:

1. **Top management's Commitment to Preventing and Detecting corruption**⁴⁷
2. **Anti-Corruption Code of Conduct**⁴⁸
3. **Internal Whistleblowing System**⁴⁹
4. **Risk mapping**⁵⁰

5. **Third-Party Due Diligence Procedures**⁵¹
6. **Accounting Control Procedures To Prevent And Detect Corruption**⁵²
7. **Corruption Risk Training**
8. **Internal Monitoring and Assessment System**
9. **Clarifications for the Public Sector.**

The guidelines first presented in 2017 are being updated with a new draft in 2020⁵³ and structure anti-corruption programmes around three indivisible pillars: the commitment of senior management to engaging in the (company's) missions, skill areas, or business free of any integrity violations; awareness of the corruption risks the entity faces through the use of risk-mapping; managing risk by implementing the other measures and procedures of the anticorruption programme. AFA states that »the anticorruption programmes are inherently "systemic"«. ⁵⁴ AFA also published three draft documents, to be consulted in public in November 2020: **An anticorruption policy framework common to all stakeholders** (it can be applied by "all private or public entities organised under French or foreign law, whether they are active in France or abroad and irrespective of size, corporate form or legal status, business sector or area, budget or revenue, or staffing numbers); **An anticorruption policy framework specific to private sector entities** and **An anticorruption policy framework specific to public sector organisations.**

The law on the transformation of the civil service⁵⁵ is in force since August, 2019⁵⁶ and is a part of the reform of the ethical framework.⁵⁷ The law covers a wide range of ethical obligations and strengthens monitoring and controls.⁵⁸ The HATVP is a monitoring body. The Directorate General for Administration and the Civil Service (GDAFP) prepared an interesting overview of the obligations of public officials⁵⁹. **The Decree n° 2020-69 (2020) and Law on the transformation of the civil service (2019)** determines the terms and conditions of the ethical control exercised by the administration or the HATVP in regard to outside activities (part time job, business). ⁶⁰ The new procedures for checking assets and private interests in France is defined relating to ethical controls in the public service⁶¹ which establishes the list of jobs most exposed to ethical risks.

The Decree No. 2020-37⁶² **amending Decree No. 2016-1967** (obligation to transmit a declaration of interests provided for in Article 25 ter of Law No. 83-634 of July 13, 1983 on the rights and obligations of officials) introduces new methods of transmitting declarations of interests . The list of jobs subject to this obligation has been completed for the local civil service.

The decree of February 4, 2020 relating to ethical controls⁶³ specifies the elements that one must provide when making a request for the accumulation of activities for the creation or takeover of a business or departure to the private sector as well as the elements that must provide the administration when it refers to the HATVP in the context of the examination of these requests or the control prior to the appointment.

To achieve the public accountability the government has issued a **Public Action 2022**: for transformation of public services⁶⁴ which includes key principles of integrity concept. Ethics through trust, not control and transparency of expenditure, are two of named objectives. Ministers are directly accountable⁶⁵

The first ever national multi-year anti-corruption plan 2020 - 2022 was developed by the Anti-Corruption Agency (AFA) in consultation with all the administrations and local authorities concerned includes the goal to improve the data analysis which will help the AFA to evaluate and understand risks and developments. The national plan covers preventive and repressive

measures and foresees better prevention, and international cooperation⁶⁶. The plan also forwards regular systemic trainings for public employees. AFA offers support to ministries and local governments to implement A-C programmes in their work. Interestingly the AFA also decided to promote integrity through sports with support to large sport events. It envisages intensive international action.⁶⁷

The Articles LO. 135-1 to LO. 135-6 of the Electoral Code (2013)⁶⁸ regulates the declaration of interests and activities and declaration of assets of the National Assembly members to the HATVP (disclosure declaration forms: sample disclosure statement of assets and liabilities⁶⁹ and sample disclosure statement of interests and statement of interests and activities⁷⁰).

The Civil Service Code⁷¹ and the Labour Code define public entity top management's Commitment to Implement an Anti-Corruption System to disciplinary sanctioning and to implement zero tolerance towards corruption⁷².

The internal codes of conduct for both chambers of the parliament (Senate (*Sénat*) and the National Assembly⁷³ (*Assemblée nationale*)) are in place. Each house has its own regulations and rules of procedure. As well as Codes of ethics for judiciary. The judicial independence will be strengthened as the competences of the High Council for the Judiciary will be expanded⁷⁴.

The Charter for Local Elected Representatives⁷⁵ regulates ethical duties, rights and obligations of civil servants.

Two laws against holding multiple offices («non-cumul des mandats) were adopted⁷⁶ and the ethics for functionaries⁷⁷.

The Penal Code criminalizes active and passive bribery of national and foreign officials⁷⁸, facilitation payments, giving and receiving gifts to influence officials, influence peddling, money laundering, extortion and abuse of office⁷⁹. The penalties concerning corruption are assorted under the law with ancillary provisions, which contain the debarment of up to five years from public tenders. It contains extensive rules relating to the fight against corruption and bribery, including active and passive corruption and influence peddling, in both the public and private sectors, domestic or foreign. It also provides for a list of related offences, such as unlawful taking of interests, misappropriation of public funds, extortion by public officials (*concession*) and favouritism.⁸⁰

SLOVENIA

Slovenia has the legal and institutional framework in place. The OECD Working Group on Bribery⁸¹ and GRECO through its 4th and 5th evaluation and compliance reports⁸² **expressed its serious concerns regarding the independence, resources and effectiveness of the CPC due to political pressures.**

The new Act Amending the Integrity and Prevention of Corruption Act passed in October 2020 presents a significant step to address deficiencies of the anti-corruption framework⁸³ that were disabling the competency of the CPC⁸⁴ in the previous Act⁸⁵, but still some relevant issues are still not addressed properly⁸⁶. It regulates conflicts of interest, assets declaration for members of the public administration, ministries and the Parliament, lobbying and 'revolving doors' partially, strengthening the integrity in the public sector and ensuring transparency. Now it addresses safeguards under general administrative law procedures as it now includes informing the investigated person about the verification of documents and allegations, allowing him/her to submit clarifications and to be represented⁸⁷. Now the law

gives more power to the preventive role of the CPC and sanctioning of integrity concept than before as the Interviewee D from the CPC expressed his opinion. The problems of administrative procedures by the CPC which existed are now clearer.

Private business does not have any relevant national specific legislation against corruption. Companies Act (ZGD)- Law on companies has one small part on conflict of interest. and ZSDF.⁸⁸

The resolution on prevention of corruption is old, it was not updated since 2004. The national strategy on prevention of corruption is defined in the Resolution, but **integrity concept as a whole is not defined as such.** The new resolution was proposed by the CPC, to support new efforts in integrity risk management.

National strategy on the fight against corruption, derives from the resolution and is implemented through the Action plan on implementing Resolution on prevention of corruption⁸⁹. It was not updated since 2004. It did not even identify the concept of integrity nor the word. The CPC organized meetings in 2020 to forward the new proposal and initiated cooperation among institutions to update the strategy.

Action plan was adopted by the CPC in 2009 together with the activity's accountable institutions- ministries. It is old, but other actions and activities are still ongoing through the bi-annual plans. Also, institutions do not comply and report poorly in majority, as the plans and resolutions are not updated.

Public Administration Development Strategy 2015–2020⁹⁰ foresees organising a modern public administration, with respect to transparency, integrity and the prevention of corruption. In the two-year programme the Government provides specific measures to achieve the aforementioned principles and values, specifying the authorities responsible for the implementation of such measures, the manner of their implementation and indicators for monitoring progress in achieving the set objectives.

Programme of the Government measures for integrity and transparency 2017-2019⁹¹ set goals on trainings, raising awareness, implementing most recommendations of international institutions. The Ministry of public administration is coordination and gathering reports on the implementation of measures included in the Action plan that are aimed at realizing the Resolution on the Prevention of Corruption in the Republic of Slovenia, draw up an overview of the planned activities in cooperation with line ministries, and inform the Government thereof.⁹² It focuses on measures to strengthen the integrity of institutions, public employees, high officials and other employees in the public sector, as well as to increase the transparency of operations in the public sector. In the two-year programme the Government provides specific measures to achieve the Public Administration Development Strategy, specifying the authorities responsible for the implementation of such measures, the manner of their implementation and indicators for monitoring progress in achieving the set objectives.

Public Administration Act, Civil Servants Act (art.11, 100) and Public Employees Act, decrees⁹³ prohibits civil servants from performing activities that would entail a conflict of interest.

Public Employees Code of Conduct⁹⁴ regulates ethics and integrity for all public sector employees.

The Code of Ethics for Government and Ministerial Officials (2015) regulates ethics for ministers and officials.

The Code of ethics for MP's of National Assembly⁹⁵ (2020) declares ethical principles which deputies must adhere to and sets reprimands for violations.⁹⁶

The Code of Conduct of the National Council was passed but it does not address conflicts of interest, supervision and sanctions properly.⁹⁷

Code of Judicial Ethics and Integrity was adopted by the Judges Association. The Judicial council⁹⁸ educates judges in the field of ethics and integrity, gives opinions, encourages judges to follow judicial independence and impartiality as well as the general principles of ethics mentioned within the code.

Code of ethics of State Prosecutors⁹⁹ was adopted in 2017 by the Commission for ethics of the State Prosecutorial Council¹⁰⁰ and is a record of ethical and moral principles which shall be followed by all state prosecutors in the performance of state prosecutors' duties.

Code of ethics of the Slovenian police implemented by the Committee for integrity and ethics in police.

Other relevant legislation

The Criminal Code incriminates 8 criminal acts related to corruption: obstruction of freedom of choice (article 151), acceptance of bribe during the election or ballot (article 157), unauthorised acceptance of gifts unauthorised acceptance of gifts (article 241), unauthorised giving of gifts (article 242), acceptance of bribes (article 261), giving of gifts for illegal intervention (article 264) and others. It incriminates misuse of public funds and foresees the criminal prosecution of unlawful misuse of public funds (Article 257). It includes the punishment of an official, civil servant or other person authorised by the user of public funds, who in procuring, obtaining and managing such funds deliberately violates regulations, gives up the required control or causes unlawful or unintentional use of public funds in some other way, even though they expect or should expect that owing to this there can come (and does come) to a considerable pecuniary loss. The penalty for this criminal offence is imprisonment for the period from three months to five years plus financial penalty, or in the case of a considerable pecuniary loss, imprisonment for the period from one to eight years plus financial penalty¹⁰¹.

Public Information Access Act¹⁰² ensures transparency of public institutions and bodies and obliges all institution to transparency of procedures, documentation and on reuse of information.

-
- 3. Please share the definitions of the following in the Integrity Concept: personal integrity, institutional integrity, public integrity, political integrity, private sector integrity if applicable.**
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LITHUANIA

The definitions as such are not used in legal documents or laws. Integrity as such is not defined in law. The public sector integrity is only explained in guidelines and handbooks and covers wide range of institutions and public officials. It extends to receivers of direct state and municipal budget regarding declarations to prevent conflict of interest, including private sector or NGO'S. The private sector integrity is defined internationally throughout the Private Sector

Integrity Guidelines, that the Special Investigations Service (STT) developed together with corporations and companies.

FRANCE

The definitions as such are not used in legal documents or laws, just criminal acts. The deontology is though explained and ethics as well, as the Interviewee C pointed out. The public sector integrity is explained in guidelines and handbooks and covers wide range of institutions and public officials. Public sector entities are defined in the French Official Guidelines: Central government (constitutional public authorities, central administrations, devolved central government administrations, departments with national scope, independent administrative authorities, etc.); local governments and groups of local governments; 4 public establishments; and public interest groups (GIPs). Private sector integrity is defined based on the international obligatory legislation and is transferred in France through Sapin II law. The official French A-C Guidelines defines all public sector entities – whether governed by public law or private law – which are tasked with delivering public services, irrespective of their legal status and staff employment arrangements¹⁰³. The Agency's Guidelines – a unified, indivisible policy framework – should be applied by all public sector entities, in a manner consistent with each organisation's size and risk exposures.

SLOVENIA

As mentioned before, integrity is defined in law: *"Integrity" means the conduct and responsibility expected of individuals and organisations in the prevention and elimination of risks related to the use of any authority, office, mandate or any other decision-making power contrary to the law, legally admissible objectives and codes of ethics*¹⁰⁴. Private sector integrity is not specifically defined and included in the CPC mandate or law. Public sector integrity is defined in programmes, action plans and biannual plans, and public sector is widely defined and has the same meaning as the public sector under the law on public servants, including public undertakings and private companies in which a controlling interest or a dominant influence is held either by the State or a local community¹⁰⁵. The organisational integrity is used and recognized by the CPC.

4. Which part of the system does Integrity Concept not apply to?

LITHUANIA

It applies to all parts of the system. Both, the public and the private are included in the Law on Corruption Prevention. The public sector definition is broad and includes politicians, civil servants, judges, everybody who is paid from state budget or receives public funds directly from the central or municipal budget (see for example the topics on asset declaration and conflict of interest, that were broadened with new legislation), only State-owned Enterprises (SoE) are excluded. If the NGO receives even a small amount of money from the public funds, the Law on the Adjustment of Public and Private Interests¹⁰⁶ applies to them as well. In the case of asset disclosures, the wide definition of the public sector was questioned by NGO's.

FRANCE

It applies to all parts of the system. Both, the public and the private are included in the Sapin II Law and other legislation. The public sector defined is broad.

SLOVENIA

The obligations from the Act on Integrity and prevention of corruption does not apply to the private sector. State-owned enterprises are defined under this act as a Public sector institution. Under other, specialized Slovenian Sovereign Holding Act¹⁰⁷ SoE's are obliged to implement anti-corruption measures, including the Holding itself (obligatory compliance and integrity programme and all measures). Other legal acts apply for the private sector, including special act so it is in line with the international standards and the private entities act. Private sector

has only guidelines and recommendations. The ZGD- Companies Act does not cover corporate integrity. It is foreseen soon that the government will abort all legislation in regard to private sector integrity, and the integrity of the SoE and include the conflict of interest policy into the Demographic stock law, which is criticized by the CPC and other institutions, as the Interviewee pointed out. As a bad practice.¹⁰⁸

5. Which specialized professional integrity standards are in place and introduce the best practice and challenges of implementation?

LITHUANIA

The Code of Conduct for State Politicians¹⁰⁹, the Code of Ethics for Public officials, the Code of ethics for judges, Code of ethics for prosecutors are relevant. The law is focused on sanctioning mostly, not on prevention and promotion of good anti-corruption practices. Lithuania also has a mandatory Code of Ethics for Public officials (amended in 2019). It is a registered document, but in practice it is not alive.

The Codes of ethics / conduct are obligatory also for all wide public sector institutions, but are just officially signed, but not implemented. In practice, they are just “copy paste” and almost are never prepared by the institution itself in cooperation with employees. **We identified a common poor practice: lack of effective cooperation and lack of constant inclusiveness of employees into the preparation of the code of ethics/ code of contact. Also, coordination internally and externally was identified as a poor practice.** The government’s template is always used, copied. This does not work in practice at all. By opinion of interviewees, codes of ethics are “an empty thing, with no implementation” in Lithuania. There are discussions on how this tool is important, but in general they do not work in practice, the interviewee B answered. For example, the template of code of ethics was provided by the Ministry of Health as an institution accountable for integrity implementation and anti-corruption prevention to all public institutions under the ministry and it was in all of them just signed off. They did not build their own. Institutions are obliged to have a code, but lack efficient internal design with cooperation, proper implementation, promotion and sustainability in the long run-changing the culture.

Good practice is demonstrated by state owned enterprises as the interviewee B pointed out. For example, public company IGNIS (electricity SoE) has implemented code of ethics and people really live it in practice. The head of IGNIS introduced the effective way of implementing the code of ethics as it was needed in conducting business. Firstly, he just “copy -pasted” the template and sign it off, made it obligatory for all. After six months, he realized that people did not know it existed, and even after promotion of the code they did not use it, posed no questions, were not interested in it at all and did not want to follow it. Then, he decided, that the “tone from the top” approach might work, as he believed in the concept of integrity. **He initiated a discussion, invited people to contribute and share dilemmas. He included the feedback on what works and what does not, and they developed their own code of ethics together. It is not obligatory anymore, it is written and presented as guidelines. The feedback shows people now understand why integrity is important and why measures are needed.** The interviewee B, as an experienced trainer and senior expert on integrity and anti- corruption mechanisms, believes that **this approach is much needed on all levels of implementation of anti-corruption activities** in Lithuania - education function followed by direct implementation.

FRANCE

The internal codes of conduct for both houses/chambers of the parliament (Senate (Sénat) and the National Assembly¹¹⁰ (Assemblée nationale)) are in place. Each house has its own regulations and rules of procedure. National assembly exercise of their mandate by the deputies is framed by rules of ethics and reporting obligations controlled by the Ethics

Commissioner of the National Assembly¹¹¹. The Court of Auditors certifies the accounts of the Assembly. Interest representatives must register in a register and comply with rules of transparency and ethics under the control of the Ethics Commissioner. The creation of an open data site confirmed the consideration of this requirement for transparency.

We identified effective implementation of the Codes through the “force of implementation” and monitoring mechanisms imposed by the Ethics Commissioner and as a good practice. It is not just presentation of the documents – the Code of Ethics for members of both Chambers. We subjectively conclude that the integrity culture of the parliamentarians is still poor (based on the media reports, but the country has a solid justice system to provide proper sanctions for violation.

Each company defined in the Art17 of the Sapin II law needs to implement the Code of ethics. Chambers and other organisations also implement their own codes. As a good practice the AFA recognizes the French professional association - Association Française des Marchés Financiers as they have issued best practices for managing corruption risks in the banking and financial industry. According to the AFA, these recommendations “bring French legislation up to the highest standard in this area, and are part of France’s efforts to comply with its international commitments” and “are at least as stringent as the FCPA Resource Guide, the UKBA Guidance and the World Bank’s Anti-Corruption Guidelines”¹¹².

The Public Employees Code of Conduct is in place besides the obligations that public officials have based on the law on transformation of public function¹¹³. The Law on the ethics of civil servants provides rules.¹¹⁴

SLOVENIA

Only “passing the code and agreeing for it” is not enough, even the parliamentarians and the National Assembly focused on this. We subjectively conclude that code of ethics for MP’s in Slovenia passed, but is poorly implemented. The good practice would be not just passing the Code but implement it effectively. Besides that, the content of the code was neglected – the code does not include proper monitoring mechanism and provides for unethical behaviour of the MP’s. The good practice shul be:

- always check the content of the good Code,
- do not only copy paste provisions from other institution’s code,
- develop your own code,
- do not outsource the agency, or the company to do so if you do that than be involved 120%.

The Code of ethics for MP’s of National Assembly¹¹⁵ (2020)¹¹⁶ declares ethical principles which deputies must adhere to and sets reprimands for violations.¹¹⁷, but it is poor and not implemented¹¹⁸. The content of the Code was criticized significantly by the Transparency International Slovenia¹¹⁹. The prohibition of acceptance of gifts, services and goods that would influence the decision-making process and decisions of MP's is not properly defined. It does not cover conflict of interest management as widely as the IPCA. Sanctions are weak. The Code does not introduce provisions on recusal of members of the Council of the President of the NA, as it is the sanctioning body. People who can report a breach are limited to the president or vice-presidents of the NA. Violations are not available publicly. Currently the Council of the President of the NA can not enforce the Code in practice, as sanctioning is not defined in the Rules of procedure of the NA¹²⁰.

Code of Judicial Ethics and integrity was adopted by the Judges Association. The internal body Commission for Ethics and Integrity adopted guidelines on conflicts of interest for judges. The Commentary to the Code of Judicial Ethics includes guidelines on the conduct expected of judges and advice for them to deal with conflict of interest situations. A policy on the detection and management of corruption risks and exposure to courts has also been adopted and training sessions for judges on ethics and integrity have been organised. The Judicial council¹²¹ educates judges in the field of ethics and integrity, gives opinions, encourages judges to follow judicial independence and impartiality as well as the general principles of ethics mentioned within the code.

Public Employees Code of Conduct¹²² regulates ethics and integrity for all public sector employees.

The Code of Ethics for Government and Ministerial Officials (2015) regulates ethics for ministers and officials.

The Code of ethics for MP's of National Assembly¹²³ (2020) declares ethical principles which deputies must adhere to and sets reprimands for violations.¹²⁴

The Code of Conduct of the National Council was passed but it does not address conflicts of interest, supervision and sanctions properly.¹²⁵

Code of ethics of State Prosecutors¹²⁶ was adopted in 2017 by the Commission for ethics of the State Prosecutorial Council¹²⁷ and is a record of ethical and moral principles which shall be followed by all state prosecutors in the performance of state prosecutors' duties.

6. What is the most difficult part of the Integrity Concept to be implemented (people, awareness, accountability etc)?

LITHUANIA

Based on the interviewee's A opinion, the most difficult part is accountability. And to achieve a difference in perception of integrity and understanding why it is needed. The change of mind of individuals towards the integrity concept has just started with new initiatives, especially with the proactive and active transparency with the use of IT tools presented by external contributors to public ethics. A good practice identified and based on the interviews **is the proactive and active transparency as tool of mentality change.**

The legislation is solid, but national and international reports show that the implementation in practice does not work at all. For example, Lithuania had the perfect and first lobbying law in Europe- **outstanding example of worst practice**, as one of the interviewee's (A) emphasised. The implementation of rules is just formal. **Officials believe that ticking boxes is enough and it is all that is needed.**

Another evident challenge is possible extent of efficient monitoring and poor reviews of practical implementation by supervising authorities. **Even that everything is detailed and prescribed by law, strategies and documentation, the content of integrity or "anti-corruption environment" activities and programmes lacks implementation.** Besides that, it is not at all systematically reviewed or followed up. And even more, as the legislation has tightened up in the last few years, the interviewee B mentioned, the institutions responsible to report to the STT **are shrinking the obligatory self-assessment corruption risk assessment reports so the relevant oversight institutions cannot review the content**

and suggest improvements. All public institutions are obliged to prepare a risk assessment (see the chapter on risk assessment for details) and if the institution detects the area prone to corruption, the STT as a supervising body has to check the institution, their anti-corruption programme and implementation. So, it is not in the interest of the institution to report any poor practice or identified issues. That brings more work and future possible sanctions.

From the social and psychological point of view on corruption perceptions and integrity implementation, people's perceptions are based on the political corruption scandals. Therefore, they react in line with this. They think, as the interviewee B pointed out, "*if politicians are being corrupt (double accountancy, high level of bribery, misuse of public funding, big companies giving bribes to politicians etc), why should I act with integrity, why should I start acting right, as it does have no effect at all?*"

After 2018, a new challenge arose. Institutions do not allow Access to information and access to open meta data. They hide behind the GDPR- data protection regulation, the interviewee A pointed out. Institutions misuse this element, even though the declarations of interest and assets are online, one can does not get and access the information as open data. The election committee and other institutions are using GDPR excuse even more often now. **The law in Lithuania states that everything is public, except it is private.** Every request needs to be documented with exact provisions from the GDPR and this is disabling people, who do not have knowledge to send the proper request. So, access to information policy, which is the basis of the integrity concept, does not work. That does not mean, that systematically or fundamentally, but it does have major obstacle. In practice, as the interviewee A pointed out why open data and open government is important, and free access as well: *for instance, the office of the government has last year - after the request of a journalist, not only deleted files of a meeting from the government's computers which was requested by the journalist, but later on even from the servers, so no one could ever access it. There was a court case, the court ruled I favour of the journalist, who filed the complaint, but it was too late. Documents were not there.* Lithuania has a major issue with access to information, she pointed out.

FRANCE

The interviewee C pointed out that by his opinion the elected officials in France endanger the independency of institutions but at the same time they are open to regulate integrity in legislation. Political will is evident, but elected officials' integrity, tone from the top is questionable. The system is efficient for the public service, but elected officials misuse it often and ignore rules - the interviewee C pointed out.

The investigators need proper training to acquire corruption investigation skills (finance, ethics, tax, etc), as the interviewee C pointed out. Trainings for police, prosecutors and judges need to be improved. Even if the training exists, it is not a part of regular education and they need to be trained for one or two years in addition. There is not enough HR capacity at judiciary and investigative forces at PNF and at HTVP to verify declarations.

Based on information gathered, we can suggest a following good practice:

- **invest money and resources in proper education and training courses for the staff in analytical and investigative skills;**
- **secure sufficient human resources to tackle all obligations from the law;**
- **"follow the money"- carefully examine declarations and good interpretation is a key;**
- **secure the resources for development of IT apps to help you follow the discrepancies.**

SLOVENIA

The most challenging is accountability of individuals and institutions which is not implemented in practice, even if the legal framework is robust. Based on the interviewee's D opinion, the most difficult part is accountability and implementation of rules in practice. The ignorance of institutions is vast.

Accountability and responsibility of politicians to tackle corruption and build solid integrity system is based on strong personalities- ethical leaders. Ministry for public Administration and Ministry of Justice oversee promoting integrity and anti-corruption practices but could do more in line assuring more funding for activities and support and to assure proper training for public officials.

Integrity plans are useful tool, but the tone from the top needs to be stronger to provide the tool to be useful and effective in practice. **The good practice is to implement effective monitoring and systemic use of IT tools to provide for risk management and future management, coordination and proper communication around identified risks.** Where backlogs in the implementation of the integrity plans and anti-corruption measures are evident and poor systematic approach is implemented, we identified a space for improvement. The systematic coordination of implementation throughout the institution is identified as a good practice. Where activities are scattered the risk management plans are not useful. The good identified practice is the system which provided solid tone from the top on the importance of the Integrity plans and introduction of the ethics / compliance manager or person dedicated to implementation of the plans besides the team for the integrity plan execution. Public institutions, who have compliance and integrity programme manager (such as RTV Slovenia, Agency for environment- ARSO) have developed integrity concept and implemented Integrity plans recommendations, accompanying risk management ISO standard and have better monitoring in place. Where the tone from the top is recognizing the Integrity plan and Integrity programme as a needed and efficient tool, the anti-corruption measures are implemented faster and more efficiently.

The investigators and judges lack proper knowledge and need proper training to acquire corruption investigation skills. This is not only the dedicated resources problem but also the situational problem. More and more corruption cases and cases related to corruption criminal acts are being brought in front of courts and investigated in recent years. Legislation and resource management did not adjust to the situation, still. As well as the average age of a judge in Slovenia for example is high, and knowledge gained in education system is not enough to cope with serious and complicated current schemes which require more and more specific knowledge to understand to judge and before to investigate.

Public institutions and decision-making process should be more transparent. Even if the data is published and open data with meta data available it is scattered, disorganized and sometimes not available.

Slovenia lacks practical guidelines for public sector and proper education, well organized and regular trainings. Also, obligatory education in the Public administration faculty on ethics is needed.

The interviewer D from the CPC stated that one of the main problems up to 2020 was the perception of the work of the CPC and procedures in front of the CPC, as individuals argue, that the definition of the integrity is not clear and defined properly in the law. But the court decided differently. So, integrity violations are sanctioned by the administrative investigations procedures, and CPC decides not to persuade other corruption violations, as CPC does not have authorisation for that as really fast the case becomes a criminal act and other institutions are competent.

7. Introduce and elaborate a good practice in/for IC which was already implemented? Describe a solution that was/is a good practice in/for IC? Why did it work? Reason. Implementation?

LITHUANIA

Practical guidelines.

The STT invested a lot of money and developed the **Private Sector Integrity Guidelines / Anti-corruption handbook for Business**¹²⁸ together with big corporations and smaller companies. The guide is an extensive guidebook for business, not so attractive and not modern designed, but a significant a step forward to promote business integrity. It is an initiative well perceived by business and is an added value. It presents guidance on the importance of integrity concept, shows the ratio behind the idea of integrity promotion and offers a code of conduct template and conflict of interest policies and guidelines, and for other internal documents. The input by companies made significant impact on the notion of integrity in private sector. Advocacy activities were therefore easier. The anti-corruption environment is practically explained and identified in the guidelines the concept of corruption, obligations for business, measures for transparency and application, and annexes with examples of integrity policy for SME and gift policy, surveys, questionnaires, code of conduct examples, briber in foreign transactions, standard contracts, and useful references.

STT also developed a **Guide of Development and in Implementation of an Anti-Corruption Environment in the Public Sector**¹²⁹ in 2018. In Part I it explains the international legal framework and national legal context, the concept, offences, types and practical examples. In Part II the proposals how to develop and implement the anti-corruption environment concept, how to prepare education programs, recommendations for public sector on zero tolerance, public information, templates for probability of corruption manifestation, anticorruption plans, and programmes development and coordination, which is useful, as institutions need to build their own, guidelines for an anti-corruption assessment of draft laws, who should be appointed to be responsible and institutions accountable, provision of information on individuals, guidelines on the declaration of private interests, effective property and income declaration, WB protection, assessment of the implementation of anti-corruption requirements within the public sector. The Part III has examples of risk assessments, reviews, reports, questionnaires, surveys, tools, brochures, etc. It is a formal, but useful guide to develop own tools.

Use of information technology

Currently the Electronic information system of declarations of private interest IDIS¹³⁰ enables control of declarations and easier supervision, monitoring is in place. The IT solution is good, but regarding supervising and monitoring it is perceived, by interviewees A, as a tool for political impact of the Chief Official Ethics Commission (COEC). Which should be as a supervisory institution independent (before it was a “president institution”), but due to its members and appointees and investigations, some argue it is not.

Open data and transparency

Lithuania was poorly evaluated by OECD in 2020, before the transparency initiatives started. *“The trust and integrity come with openness”* the interviewee A believes, so open data, transparency and disclosures are basis for integrity. **We identified a very good example of proactive transparency in Lithuania. The Ministry of Finance proactively opened data. All public finances are online in open data format available free of charge to all.** The Minister of Finance led an initiative in 2020 and opened all Lithuanian finances for the first time ever. State and municipal budgets expenditure is public, as well as income. Also, final beneficiaries from public procurement on the national level are public. Everything is available in open data as massive data sets. Even for the supervising authorities and monitoring bodies this was revealing. They had so many discoveries after the analysis, as they just started working with this data sets and open data themselves. They can now measure the efficiency of institutions, what they never were able to do before. The interviewee A stipulated, based on recent discussions with the Ministry, that they now started looking exactly at how funds are distributed to agencies and other institutions. The monitoring and supervisory bodies can now

raise questions about the accountability and hold responsible people accountable. This was never done before in Lithuania. Data sets were published twice in 2020 and anyone can access data sets on the public web site. **However, the government should do more to publicize the tool to the public.**

The Open data portal was launched in June 2020¹³¹. An online platform enables a person to get open data from different institutions¹³². Their aim is to start creating the culture of openness by providing the open data¹³³. The state did not plan this initiative properly, so only few know about availability¹³⁴. Everybody can access and contribute to a repository of open datasets.¹³⁵

The sport integrity pacts- Leading government bodies in Lithuania have signed a new cooperation agreement to help fight match-fixing and move towards ratification of the Macolin Convention¹³⁶. The financial Crime Investigation Unit (FNIT) and the Special Investigation Service (STT) will help to protect gamblers from match-fixing and help licensed betting companies in Lithuania, ensuring fair competition in sports¹³⁷.

FRANCE

Compliance with law is perceived as the most important in the society. The integrity system in France works as the controlling and monitoring including sanctioning is in place and efficient for all levels, especially political level. Therefore, several political pressures are evident, but the robustness of the system and independency of institutions manage to restrain from influence. Most civil servants comply with the law, especially in the public administration. Politicians and elected officials had major challenges to act with integrity in recent years. Political order showed culture of impunity. This is a major difference between public and political sector. *“Politicians act like they are above the law and do not comply”* as the Interviewee C pointed out. The judiciary is efficient in prosecuting non-compliance of functionaries and politicians but are pressured. This is changing slowly, as politicians have realized that latest court decisions in recent years mean serious no to corruption and bring severe sanctions and the end of one’s political career not just if one gets caught and prosecuted, judged. But even when corruption and misuse is reported upon. **Independent institutions are changing the landscape. This is a good practice to follow- ensuring and keeping strong and independent institutions.** *“Well designed institutions and robust law”*, as the Interviewee C pointed out. Good practice is **independency of institutions**, which are well designed and efficient, even they struggle in recent years with allocated funding due to new assignments. Most people are complying with law, except for politicians. But as said, this is rapidly changing.

The traditional hierarchy of the civil service is strong vs. political structures, which are breaching the law.

Strong and efficient investigations. In public service it is not normal to breach the law, ethical codes, but politicians do that often. It is too risky for civil servants, and consequences are serious – one can be put in jail, prosecuted. The good practice by the interviewee C is prevention but effective prosecution and independent judiciary, final judgements. The civil servant and politicians’ misconduct are being criminalised, prosecuted. And this is the most effective and difficult part of the integrity system to be implemented. The major challenge is the impunity of politicians. But things are moving forward intensively in the last few years, prosecuting politicians on regular basis.

Online obligatory declaration reporting ensures transparency in public life through the publication of declarations on the website in a reusable way even before Sapin II law. But the HATVP had to scan and anonymize the declarations received in a paper format, before their publication on the website. After 2016 the online disclosure became mandatory and all

declarations are now filed online, which made it possible to publish their content in an open data format starting 2017¹³⁸.

Online register of lobbyist is perceived as a good practice. Open data system is in place for lobbying and the system of assets declarations contains detailed information about previous and current activities and interest. It is published online in open data format. It is effective. But verification of declarations and register are questionable.

Ethics Commissionaire for MP's is also a good practice. France has introduced the **network of ethics ambassadors/ officers** of the State civil service presented by the DGAFP. They are appointed within the various ministries and are responsible for advising public officials in terms of compliance with obligations and ethical principles. This role was enriched in 2019 with monitoring and controlling ethical obligation.

Verification system of declarations became more effective and provides high level of quality, with the use of IT.

Education system for public officials on all levels and high officials is really strong and a good practice of merit-based administration and promotions.

SLOVENIA

As a good practice in Slovenia, we identify independent oversight institutions and their strong tone from the top. As a good practice we also identified solid and strong open data legislation in the support of anti-corruption measures, such as the Access to information law (ZDIJZ-E) and strong tone from the top- the lead of the Information Commissionaire.

As a good practice we identified the court ruling on integrity. The judicial practice is evolving, by Interviewee D opinion, as the integrity is also recognized as a concept. Violation of integrity is recognized by the courts, as there was one ruling, stating that based on the law the integrity is defined really well and the violation of integrity as argued by the defendant was not even identified. The court decided that special definition is not necessary. That is the recent judicial ruling¹³⁹.

TI Slovenia Integrity Pact project is a good practice in raising awareness on public expenditure and monitoring of decision-making process including introducing possibilities for requesting access to information on decision making process to the wider public. The project enables stronger private sector in pursuing greater transparency in public procurement as well¹⁴⁰.

IT tools are effective in achieving greater transparency.

ERAR- the CPC's developed a tool (previously called Supervisor) which enables the search-reach to contracts of publicly owned companies¹⁴¹ and enables insight in transactions made by the public sector institutions.

Kdo vpliva (Who influences) developed by Transparency International Slovenia published information on lobbying contacts in an interactive visualisation and with the use of information technology.¹⁴²

Zakonodajni monitor (Legislative monitor)¹⁴³ developed by Transparency International Slovenia reviews decisions on legislation and voting. It was *born out of the monitoring of lobbyist relations and then expanded into a tool that helps to track bills as they work their way through the parliament. While it currently provides details on MPs, their votes and speeches, it is strongest in the two above-mentioned areas: lobbyist relations and tracking bills*¹⁴⁴.

Online E- procurement portal (E naročanje)¹⁴⁵ enables public to see decisions, contracts, concessions and public-private partnerships with details by contracting authorities¹⁴⁶;

STATIST¹⁴⁷ is the comprehensive application of the Ministry of public administration (2016) is open to public for re-use of data on public procurement contracting since 2013.

E-auctions platform¹⁴⁸ was implemented.

National Open Data Portal (OPSI- web open data of Slovenia) enables all data to be public and in meta, open version.

Integrity Watch (Varuh Integritete) presented by Transparency International Slovenia in 2020 is a new interactive platform. It contains tools which allow public to monitor lobbying contacts between the government and the National Assembly and business. Also, limitations of doing business due to the private interests of officials are included.¹⁴⁹ The web-page allows users to interactively select and filter lobbyists and lobbied persons, while the tool itself depicts the desired data in the form of diagrams. In this way, users can quickly spot outstanding data, which can be the basis for further research, verification and analysis.⁴⁶

Resolution violations counter¹⁵⁰ implemented by the CNVOS NGO shows how government still does not comply with the Resolution on the Legislative Regulation¹⁵¹ to enable public debate on the legislation that is being passed¹⁵².

The online declaration register at CPC enables more effective control of declarations, but the content remains not public.

State budget app and Municipality budget app: In a project of cooperation of the Ministry of Public Administration with a nongovernmental organisation Transparency International Slovenia (in June 2016) an application for the display and comparison of municipal budgets and an application for comparison of the state projects were developed¹⁵³

Parlamer was developed by non-governmental institute **Danes je nov dan**. It enables the public to easily monitor the work of Members of the National Assembly (their attendance of the sessions of the National Assembly; detailed voting etc.¹⁵⁴

The interviewee D points out **school integrity activities and the story for kids** that CPC has published in the previous mandate and the CPC chair was reading stories to kids in schools. So, the notion is learning from the start. He also points out the good practice of **the anti-corruption clauses in contracts and the system of prevention of conducting business in line of the limitation of doing business**.

8. Describe a solution that was/is A BAD PRACTICE in/for IC? Why it did not work? Reason. Implementation?

LITHUANIA

The interviewee A pointed out that the STT education and anti-corruption trainings are a good thing and with the use of IT could be even more useful. However, these trainings are not obligatory, so it is difficult to involve people. Also, the methodologies being “old fashioned” some investment in proper trainings with the modern methodologies is needed. Another weakness is that some of the institutions with little budget just invite experts to speak, ex cathedra, so rarely proper training is given. A proper solution to address these shortcomings would be good training curricula and implementation of solid training methodology and train of trainer’s education.

One of the good practices with the use of IT is also an online public Register of lobbyists. Shadow lobbying is evident. The system of register lobbyist works, but not all lobbyists register. There are around 60- 70 registered lobbyist. But business is done outside the official channels, in shadow. MP’s reporting contacts in increasing and that might work, if the monitoring institutions COEC and STT would in practice perform checks.

The integrity awards for business by TI Lithuania is a positive practice, but it is tricky one and presents reputational risk. One of the companies just right after it was awarded to be one of

the best rated companies, with high level of integrity, had a very big corruption scandal. So, the reputation of any institution giving away “integrity” awards could be endangered. TI Lithuania ratings on municipalities, biggest state-owned companies, and companies received complains also regards the methodology.

FRANCE

Even the public administration is somehow accessible, as the Interviewee C pointed out , the transparency of public administration should be more accessible. Open data system is in place, but it is identified as not so effective.

So, transparency of everything is the problem.

Access to information is poor.

Poor use of IT.

SLOVENIA

The GOV.SI website which was renovated and published in 2019 is poorly implemented. The Ministry of Public Administration, in cooperation with the Government Communication Office and all state administration bodies reviewed over a hundred websites and placed them on a single website.¹⁵⁵

One of the good practices with the use of IT is also an online public Register of lobbyists. But it does not work in practice, as public officials do not report contacts and lobbyist do not register.

Open data portal is not structured yet.

Not unified access to information of all public entities.

The CPC reports, based on the Interviewee D that they would benefit from good information technology support and access to data sets, which sometimes in not possible.

The CPC does not have a legal basis for public “naming and shaming” as Lithuania and public open data publications of declarations, as for example in Croatia (povjerenstvo za sukob interesa) , as asset declarations of public officials are publicly available. The CPC can only publish the change of the assets in the mandate. The CPC can not publish the initial declaration and it does not CPC does not monitor the asset declarations at all, only if the official report is made on the violation, and they perform only systematic reviews, focused on categories, but never 17.000 of all declaration filled in.

The judiciary does not conclude any of corruption cases.

9. What is the most effective IT solution or A-C project idea implemented to support the IC (in any sector or state institution or performed, implemented solution, including IT for better public sector integrity by a public entity, private or NGO)?

LITHUANIA

TI Lithuania has developed several initiatives.

“Hot feet” (Karštas pėdas) is a most comprehensive public database in Lithuania introduced in 2020– a tool for transparency which anyone can use. One can quickly and easily with a few clicks see how politicians, high-ranking civil servants and business are interconnected, as well as how budget funds and EU investments are used. The Linkurious platform, open to everyone, enables high-volume data analysis and communication visualization. It includes data from declarations of interest, public procurement and EU investments, and with use of those a person can visualize them in a simple way and use the generated visualizations in further activities. “Hot Feet” contributes to the transparency of public finances and the prevention of corruption, as well as help in addressing potential conflicts of interest or their

appearance. It currently includes: Over 1,500 declarations of interest made by politicians and senior civil servants. Over 200 000 procurement contracts, worth - more than 94 billion Euro. Around 22 800 EU-funded projects with a total value - more than 2.7 billion Euro. The Hot Feet transparency initiative is being implemented by Media4Change in collaboration with the Siena investigative journalism centre.¹⁵⁶ If you type name and surname you get everything from a person all information on one page, with no need to search in different registers.

FRANCE

Based on the interview we can identify several good practices by the NGO sector and the **declarations online portal**. Due to lack of time for intensive research, please refer to other chapters of this report of public anti-corruption reports.

SLOVENIA

ERAR- the CPC's developed a tool (before called Supervisor which won the UN Public Service Award in 2013,) - an application established on the basis of the reuse of public sector information with a goal of strengthening integrity and transparency of the public sector. It enables the search-reach to contracts of publicly owned companies¹⁵⁷ and enables insight in transactions made by the public sector institutions. It is an online application that enhances transparency of expenditure of public funds as it provides the general public with a user-friendly access to information on business transactions of public sector bodies. It allows for an oversight of an average of EUR 4.7 bn of annual public expenditure. In addition to data on expenditures, it matches financial transactions to company records from the Business Register including directors' lists and corporate leadership thus providing a further insight into links between the public and the private sphere.¹⁵⁸ It provides insight to the general public, media, business and state bodies into the operation of public institutions and state-owned enterprises and municipalities that refer to goods and services, wages, social benefits, pensions, subsidies, scholarships etc. The publicly known flow of money between the public and private sector makes holders of public office more responsible for using public funds efficiently and effectively, facilitates debate on adopted and planned investments, reduces the risk of mismanagement and the abuse of authority, and, in particular, limits systemic corruption, unfair competition and patronage. Because of its modular structure, the new application allows greater freedom with extensions and upgrades.¹⁵⁹

National Open Data Portal (OPSI- web open data of Slovenia) enables all data to be public and in meta, open version.

Beneficial ownership by TI Slovenia.

Register of lobbyists.

10. What is the most exciting, planned solution in any sector or state, public institution or performed, planned solution for better public sector integrity by an NGO for the future?

LITHUANIA

The Register of Private Interests (PIR) will unify state, municipal registers and data bases and will strengthen prevention of corruption and management of private interests significantly. The new register provides for fast electronic cross-examination of data from distinct registers and databases. The tool enables monitoring bodies to foresee potential conflict in advance and give respective recommendations aimed to prevent and avoid the conflict¹⁶⁰. The supervisory institutions will also have an insight in all meta data and data sets from all institutions soon, which they did not or were not able to use up to date. They will receive and cross examine all data sets (declarations including family members, tax register, land register, ownership register, agricultural activities etc...). The analysis of the public registers data sets in one place will enable them to see expenditure, assets, money flows, connections which they never recognized before or were not able to. So, with one click the authorities will be able to examine

a person. The intention is to have all available information from public registers in one place. Idea is that if the COEC identifies problems they can inform the head of the institution, where the individual works, and the head can take internal controlling measures and impose sanctions. After that the COEC controls the head and the institutions internal measures.

Another interesting new concept is defined in the law- introduction of "Institution rating according to their anti-corruption programmes and activities" seen as a method for building up institution's reputation, not implemented as a suppressive mechanism.

FRANCE

The public available data and the interviewee C could not devote so much time to answer this question. But the reader can assume from other information gathered under other questions what can be a good practice for the future as well.

SLOVENIA

Development of the new Resolution and Action plan based on the integrity concept, which will be newly developed. Introducing integrity into the education system. Training and promoting integrity as obligatory concept for all public officials. Developing proper training system.

CPC waits for a good IT solution. for a good investigation tool which would include all databases incoming data. Now they do it orally and by email with paper trail. They wait for an answer for too long. Efficiency of procedures and use of IT for investigation.

Grega: ime orodja pogledj online....



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Promoting Transparency and Accountability

in Public Administration in North Macedonia



1.2 Accountabilities and responsibilities (building integrity culture)

1. Which specialized institutions are in charge of ensuring various aspects of integrity and anticorruption and what are their competences?
2. Please define institutions with brief explanation of their role and competencies.
3. How and where are accountability and responsibility defined in the strategic and legal framework?
4. Who is accountable for building an integrity concept in your country?
5. Who is accountable for building sustainable integrity culture?
6. Who is responsible for implementing integrity culture?

LITHUANIA

Accountability and responsibility are defined in the law, National anti-corruption Programme and Action Plans and informal binding documents. The inter-agency coordination and cooperation in enforcing anti-corruption laws could be better.¹⁶¹

The amended laws were introduced in 2020: Law on Corruption Prevention, Law on the Chief Official Ethics Commission¹⁶² and Law on the Adjustment of Public and Private Interests¹⁶³ and between 2015 and 2017 the new Law on Lobbying Activities¹⁶⁴ and National Anti-corruption Programme of the Republic of Lithuania for 2015-2025¹⁶⁵. The Code of Conduct for State Politicians¹⁶⁶ from 2006 is still in force. Lithuania also has a mandatory Code of Ethics for Public officials, which was amended in 2019, it is a registered document but in practice it is not alive.

The competence is shared between several authorities.

The Governmental Commission for Coordination of the Fight against Corruption is composed by 19 members¹⁶⁷ under the Prime minister and is responsible for the preparation, coordination and implementation of the National Anti-Corruption Programme in co-operation with the STT, as well as of the coordination and control of the activities of state institutions in the fight against corruption¹⁶⁸ (on the recommendation of the Government approved by the parliament (Seimas)). The action plan is implemented and co-ordinated together with the STT. As noted in the European Semester report, the implementation of the measures of the anti-corruption programme needs to be stepped up¹⁶⁹.

Institutions responsible for its implementation are defined in the National anti-corruption programme for 2015-2025 which sets out a comprehensive action plan as well. The chairs of institutions are personally responsible for the implementation of the approved program as stipulated in the Art.7 of the Law on the Prevention of Corruption¹⁷⁰.

Sectoral, institutional and other anti-corruption programmes are developed by state and municipal authorities and non-governmental organizations which are required to develop such programmes in accordance with the National Anti-Corruption Programme and other legislation and approved by either the Government or the Parliament.

Other anti-corruption programmes require an approval by the head of a state or municipal or non-governmental institution which were subject to a corruption risk analysis and which were recommended to develop such a programme.

The responsibility for co-ordination and monitoring of implementation of such programs lies with managers of such entities or their structural units or persons charged with conducting

Project implemented by:



corruption prevention and control in the entity.¹⁷¹ The head of the institution bears personal responsibility for the implementation of the programme approved.

Bodies mandated¹⁷² are:

1. Parliamentary commissions:
 - STT
2. Interdepartmental commissions:
 - Interdepartmental Commission for Fighting Corruption represented by the Minister of the Interior, Government Chancellor, Director of the Special Investigation Service, Prosecutor General's Office, State Security Department, Ministry of Justice, Ministry of Finance, Ministry of Economy, Chief Official Ethics Commission.
3. Ministries and departments, law enforcement agencies:
 - Structural units responsible for internal investigations (immunities), internal audit and personnel;
 - Chief Administrative Disputes Commission;
 - Chief Institutional Ethics Commission;
 - Public Procurement Office;
 - other institutions.

The Special Investigations Service (STT) established in 1997 is a main anti-corruption law enforcement agency accountable to the President of the Republic and the Parliament (Seimas). It is a key preventive authority and investigative authority. It is responsible for criminal investigations and criminal intelligence due to corruption-related crimes, corruption prevention, anti-corruption education and analytical anti-corruption intelligence.¹⁷³ It is a law enforcement institution and performs policing functions. It is overall responsible for building the integrity concept, through raising awareness, risk assessment, controlling and monitoring prevention activities implementation and performing investigations. The STT monitors the implementation of the corruption risk assessments, the National Anti-Corruption Program and other national, branch, institutional and other programmes and activities (Art. 7 of the Law). They perform the anti-corruption assessment of existing legal acts and their drafts on its own initiative or on the proposal of the President, Seimas, Prime Minister, Seimas Committee, Commission, Faction. The conclusion of the anti-corruption assessment) shall be submitted to the state or municipal institution that adopted the legal act, initiated its adoption or to the draftsman of the draft legal act, who decides whether it is expedient to improve them (Art.8). It has competences to review and submit information about a person seeking to hold or holding a position in a state or municipal institution or company. Analytical anti-corruption intelligence means analytical activity carried out by the STT that includes collection, processing and collation of information on corruption and the related phenomena with other public or classified information available to the STT, as well as receiving, using and providing of qualitatively new data that is the result of processing this information to the Government and municipal agencies and officers authorised to make decisions significant in terms of reduction of the spread of corruption¹⁷⁴.

The Chief Official Ethics Commission (COEC)

The Parliament (Seimas) set the independent body for ethics in public service. It ensures that the public institutions and persons working in them serve people in an ethical manner. The public office is by new law defined broadly than before. It is responsible to the parliament. It is charged with supervising adherence to institutional ethics standards, regulating public and private interests in civil service, and controlling lobbying activities¹⁷⁵. While performing its duties and taking decisions, the Commission is independent and acts within the powers set forth in the law. State politicians, state officials, political parties, civil servants, associations, other legal or natural persons are prohibited from interfering in the activities of the COEC. The chairperson of the COEC, members of the Commission, employees of the Secretariat are

independent in fulfilment of their duties.¹⁷⁶ The interviewees A and B question the independence in its decision making, as the Commission's decisions could be compromised or biased, as the members are appointed by the Parliament of the Republic of Lithuania.¹⁷⁷ Nevertheless the COEC bases its operations on the principles of respect for the individual and the State, legality, impartiality, political neutrality, independence, collegiality, transparency, openness and accountability. The meetings of the COEC are public. It aims to transparency of civil service activities and decisions, prevention of breaches of institutional ethics, and building public trust in national and municipal institutions.¹⁷⁸ It deals with monitoring conflict of interest declarations, assets declarations of public office, but monitoring is questionable due to not enough allocated funding, as it is recognized throughout their Activity reports. Especially they hardly can supervise compliance with conflicts of interest and lobbying laws and investigate violations without greater involvement of other national and municipal institution¹⁷⁹.

The Parliamentary Commission on Ethics and Procedures analyses the declarations submitted by MPs and advises them on how to avoid conflicts of interest. Parliamentarians can be warned if they do not follow the recommendations made by the Commission. No effective mechanism is in place to monitor potential violations¹⁸⁰.

The Prosecution Service conducts and coordinates pre-trial investigations carried out by the organised crime investigation division of the criminal police and the Special Investigations Service¹⁸¹. Each prosecutor has autonomy in deciding whether to initiate or undertake criminal investigation. The Corruption Prevention Commission of the Prosecution Service has competences on corruption prevention within the Prosecution Service and is responsible for putting in place an efficient system of corruption prevention measures and control.¹⁸²

The Immunity Service, reporting to the Commissioner General of the Police, is responsible for the prevention and investigation of corruption within the Police¹⁸³.

The Judicial Ethics and Discipline Commission decides on disciplinary action against judges.

The Commission of Ethics of Prosecutors is also charged with providing advice on ethical issues upon request. The Commission examines requests for advice at its meetings, provides a written response to the prosecutor in question and ensures publication of anonymised cases on the website of the prosecutor's office (except for cases which are examined by the Commission in camera, of which only the operative part of the Commission's conclusions is made public), as Greco report shows¹⁸⁴.

Civil servants are by new Law on Corruption Prevention obliged to report possible cases of corruption when they obtain credible information about the misdoing or witness possible crime¹⁸⁵.

State Tax Inspectorate based on the Law on Declaration of Property and Income of Residents inspects declarations which are submitted via EDS system.

Institutions in the wide public sector are accountable and responsible based on The Law on Corruption Prevention and National Anti-Corruption Programme of 2015–2025 of the Republic of Lithuania¹⁸⁶:

- for corruption prevention;
- for development and implementation of the anti-corruption programmes and plans implementing programme measures;
- for implementing The Corruption Prevention Policy in the institution and in other subordinated institutions;
- responsible for the development, implementation and control, monitoring of corruption prevention policy in the institution and where necessary, in other agencies subordinate to the institution (for example each Ministry has a Commission on Corruption Prevention, which meets regularly and prepare minutes of meetings

- available to public, ¹⁸⁷) as well as for the development of an efficient corruption prevention system and the control of the corruption prevention system;
- carries out anti-corruption evaluation of draft legal acts;
 - obliged to assess the areas with high probability of manifestation of corruption and carries out the determination of the probability of corruption, prepares motivated conclusions on the probability of corruption (“Probability of Corruption Manifestation«;
 - responsible to develop a grounded opinion on the detection of areas most prone to corruption and submit it to the Special Investigation Service (SIS) which may perform a corruption risk analysis in the institution;
 - to report on the Implementation of Corruption Prevention Measures;
 - prepare Corruption risk analysis;
 - develop procedure for examining reports of possible cases of corruption and fraud;
 - has a reporting system in place (corruption reports, for example Ministry of Culture has separated system to report a corruption case related to European Union investments, Report spotted corruption¹⁸⁸ or Report suspected fraud/ OLAF¹⁸⁹)

FRANCE

The High Authority for Transparency in Public Life¹⁹⁰ (HATVP) is responsible for ensuring the integrity of public institutions. It is an independent administrative authority¹⁹¹ which promotes the integrity of public life in France since 2013¹⁹². Its independence¹⁹³ is guaranteed by the functioning of its executive board¹⁹⁴ and its financial and administrative autonomy¹⁹⁵. It oversees:

- enforcing the control of declarations of assets and interests (*controlling the completeness, accuracy and fairness of the declarations of assets and interests of mandate holders or public employees, reporting suspicious cases to the National Financial Prosecutor's Office and providing ethical advice to public officials*¹⁹⁶. The system of assets declarations contains detailed information about previous and current activities and interest. It is published online in open data format¹⁹⁷, members of Parliament which are not publicly available.¹⁹⁸ Assets declarations are transmitted either to their appointing authority or to the HATVP.)
- preventing conflicts of interests – a notion defined for the first time in French law¹⁹⁹;
- counselling and advising public officials or administrations, and
- promoting transparency in public life²⁰⁰.

Its mandate covers as well:

- the management of the online public lobby register to inform citizens about the relations between lobbyists and public authorities (2016) (Sapin II law)
- regulation of administrative ethics (taken responsibilities of the Ethical Committee of the Public Service);
- declaration of interest from the presidential election candidates to its authorities (Law on “trust in political life”). When a member of the Government or a major local elected official hiring a member of his extended family (hiring a member of his immediate family is now forbidden) the HATVP needs to be informed.
- in 2019 the HATVP has an extended mandate to the regulation of ‘revolving doors’²⁰¹.

The Sapin II introduced extensive whistle-blowers provisions and framework²⁰².

HATVP has much more powers than The Agency for the Fight against Corruption (FAA) as the FAA powers are narrower than CPC’s worldwide. Its tasked mainly to curb corruption in the corporate sector in general and less in the public sector.

The Directorate General for Administration and the Civil Service (GDAFP), the HR directorate for all government employees, and works closely with the Budget Directorate and the Secretariat-General for Government Modernisation prepared an interesting overview of

the obligations of public officials²⁰³. It has an advisory role, *providing expertise, it is a leader, a regulator and the “keeper of the regulations”*²⁰⁴. It provides for the Civil Service Joint Council (CCFP) for all three French civil service branches²⁰⁵.

The Agency for the Fight against Corruption (2016) is a national agency headed by a magistrate under the joint supervision of the Ministry of Finance and the Ministry of Justice, with broad administrative powers²⁰⁶. The AFA also includes an Enforcement Committee, which may impose various sanctions in case of non-compliance with the Sapin II Act.²⁰⁷ It coordinates and verify major efforts to implement the anti-corruption concept²⁰⁸:

- is in charge of drawing up recommendations on prevention;
- is in charge developing a plan for the prevention of corruption;
- it supports and provides assistance to public and private sector in detecting corruption;
- is in charge of assisting administrations and local and regional authorities in the prevention of corruption;
- it is given real control and monitoring power through the power to investigate within private companies, public companies and administrations (investigations may be initiated following the receipt of information provided by a whistleblower; the agency can investigate on site, request documents and interview any person in the company; failure to cooperate with the agency results in a €30,000 fine per obstruction²⁰⁹;
- issue warnings²¹⁰
- Notify the public prosecutor: If the AFA becomes aware of facts that are likely to qualify as criminal offences, it may report them to the relevant public prosecutor²¹¹
- Impose sanctions: If the AFA determines that an entity has failed to implement an adequate anti-corruption compliance programme, its director may notify the AFA Enforcement Committee²¹²
- has a sanctions commission with various powers²¹³;

Based on the AFA guidelines and draft documents for integrity the responsibility for integrity implementation choosing what options and methods from the proposed guidelines and drafts are best suited to achieving the statutory objectives of the Sapin II belongs to the **senior managers referred to in article 17(I) of the Sapin II Law** as they exercise their management powers.²¹⁴ The French Official A-C guidelines obliges the private and public sector²¹⁵.

Private entities covered under article 17 of the Sapin II Law are responsible for integrity in private sector to “correctly implement the methods recommended in the AFA guidelines” or they must demonstrate that the measures and procedures used are “relevant, of sound quality, and effective”, with “supporting evidence that the method freely chosen and followed” by the entity is valid.²¹⁶

Each public sector entities need to implement anti-corruption programme and internal Monitoring and Assessment Systems that apply explicitly to them: French decree 2011-775 of 28 June 2011 on internal audit in the administration, accounting rules etc.²¹⁷ In 2016 the network of ethics ambassadors/ officers of the State civil service was implemented by the DGAFP. They are appointed within the various ministries and are responsible for advising public officials in terms of compliance with obligations and ethical principles. This role was enriched in 2019 with monitoring and controlling ethical obligation. Administrations must be more responsible, and *the ethics ambassadors/ officers is one of the pillars of the system for controlling ethical obligations. In order to support these administrations, the DGAFP wishes, in conjunction with the High Authority for the Transparency of Public Life, to strengthen the dissemination of the ethical culture to all employees and each administration*²¹⁸.

SLOVENIA

According to IPCA_ integrity act the institutions and individuals are responsible, including heads of institutions (Public servants Act art.100) and powers. Sanctions are imposed by the inspectorate. CPC has a mandate to monitor this accountability and responsibility.

The Commission for the prevention of Corruption is an autonomous and independent state authority and is not subordinate to and does not receive work instructions or directions from the Government or the National Assembly. The Commission is not a law enforcement authority in pre-trial or criminal proceedings; however, it does have certain executive, supervisory and investigatory powers. It is constituted by the Senate of the Commission, secretariat The Investigation and Oversight Bureau and Centre For Prevention And Integrity Of Public Office.²¹⁹

It is responsible to implement programmes, guidelines and provide expertise. It has a preventive role, raising awareness of the role and importance of ethics as well as of personal and organisational integrity. It has a supervisory role on suspicions of corruption, conflicts of interest, lobbying, undue influence, and other violations within our competence as well as the identification of risk for such violations to occur. It has a mandate to raise awareness at all levels of the society – at all levels of the society, from the highest-ranking public-sector officials to the children in schools and kindergartens. It cooperates with competent institutions and public sector organisations, non-governmental organisations, the media, and all other stakeholders who play a role in the strengthening of integrity, ethics, and the rule of law, thus preventing corruption in the society and develops and carries out various forms of education and training, organise expert panels. It strives to shift the emphasis from the struggle against corruption to the of strengthening of integrity and the rule of law. It strives to develop a systemic approach for strengthening of integrity and ethics, risk management, and compliance. It develops software tools to simplify the reporting of persons with obligations under the Integrity and Prevention of Corruption Act, and by implementing IT-support for its own work processes, as it is stated in their new Mission statement of 2020²²⁰.

The CPC as the main body for integrity and anti-corruption has a really wide range of competences, from the prevention of corruption and the strengthening of integrity of public office to the supervision and inspection of suspicions of alleged corrupt conduct and other irregularities. CPC's competences are primarily defined in the IPCA, and additionally laid out in the Rules of Procedure of the Commission for the Prevention of Corruption²²¹: prevention of corruption, integrity of public office, lobbying, the conflict of interest; incompatibility of office and prohibition of membership and activities; supervision of assets of officials; restrictions on business activities; gifts; oversight and investigation of alleged corruption cases; collaboration on international projects; analyses and research into the phenomenon of corruption; education, training, awareness-raising and other prevention measures and projects; offence proceedings; assessment of law proposals and other legal documents in terms of corruption risks and risks of the breach of integrity. The CPC does not oversee the codes of ethics implementation. But is the only institution to be authorized for integrity breaches, but does not work on integrity breaches of public officials.

Based on the Public Administration Development Strategy 2015–2020²²² and Programme of the Government measures for integrity and transparency 2017-2019²²³ the programme **specifies the authorities responsible** for the implementation of anti-corruption measures, the manner of their implementation and indicators for monitoring progress in achieving the set objectives. The Ministry of Administration is a coordinating body for the preparation of the report. Each Ministry needs to report regularly.

Based on IPCA each **public sector entities** need to develop and implement an Integrity Plan and name internal responsible person. But the system does not work in practice at all. The commission inside each public authority needs to develop and impellent the plan and actions,

and introduce regular annual reporting to the CPC, and of course execute regular monitoring and assessment annually. In practice the CPC does not control these due to lack of resources.

Ministry for justice.

Ministry for Public Administration- Transparency, Integrity and Political System Office²²⁴ at the Ministry is responsible for electoral and referendum legislation and legislation relating to access to public information and for strengthening the transparency of the work and integrity of public employees and high officials. The Service prepares government measures to enhance integrity and transparency. The purpose of such measures is to increase the integrity of institutions, public employees and high officials. The Service prepares various guidelines and provides training to promote and strengthen integrity. To ensure the open and transparent operation of all public sector bodies, the Service performs promotional and development tasks especially on the proactive publication of public information in open formats (open data) on the Open Data Portal Slovenia.

The SDH²²⁵ has based on the Slovenian Sovereign Holding Act prescribed anti-corruption checks and guarantees for holdings of state-owned companies and privatisation procedures. This includes provisions on transparent management, conflict of interests, integrity and accountability provisions, corruption risks measurements, and misuse of internal information²²⁶.

The Judicial Council has mandate to manage judicial ethics.

The State Prosecutorial Council is an independent state body that performs the tasks of state prosecution self-governance and administrative tasks as determined by the State Prosecutor's Office Act and participates in ensuring the uniformity of prosecution and safeguarding the independence of state prosecutors.²²⁷

Ministries and all public bodies are responsible for developing and implementing Integrity plan and actions against corruption.

The Public Administration Academy through trainings and education.

Inspectorate for public sector for violations of Civil servants' act (integrity, gifts, conflict of interest).

Companies themselves.

1.3 Strengthening institutional integrity culture - internal and external

1. Which institution is accountable and which function exactly is responsible for raising awareness and where is this defined in the legal framework?

LITHUANIA

The Law on Prevention of Corruption of the Republic of in Art. 6 defines which institutions and which positions are responsible and accountable for the prevention of corruption or its control²²⁸. But in regard to education, it does not specify who should implement the integrity and anti-corruption education programme²²⁹, but it is foreseen as *an integral part of public education in order to foster personal morality, develop citizenship, the concept of individual rights and obligations to society, the Lithuanian state and ensure the implementation of corruption prevention goals*. The law gives the basis, but lacks implementation obligations: *Anti-corruption public education is carried out in educational institutions of all types and levels according to the prepared educational programs, through the mass media and in other ways*. The obligation to inform the public lies only in State and municipal institutions.

The Special Investigation Service of the Republic of Lithuania (STT)²³⁰ is responsible for public awareness raising and strengthening of corruption prevention. Through the mass media

and other channels, the STT shall inform the public about the enforcement of corruption control and prevention programmes and measures, and the anti-corruption activities carried out by central and local government institutions and agencies. STT encourages (international) cooperation, shares its best practices and takes over the best practices. It exchanges experience and information in the field of corruption investigation, corruption prevention and anticorruption education and strengthen institutional capacity.²³¹ STT also prepared educational materials on preventing corruption and worked with schools²³² to incorporate them into the curriculum²³³.

Every Ministry and municipality and public institution themselves.

Lithuania has Methodological recommendations on how to implement the Anti-Corruption education²³⁴ in public sector provided by the Ministry of Education and Science of the Republic of Lithuania, with comments for development and implementation of integrated program since 2005²³⁵. The methodological tool for anti-corruption education “Possibilities for Anti-corruption Education in the School of General Education” was put forward together with recommendations in respect of its implementation²³⁶.

STT initiates and organises the marking of the UN Anti-Corruption Day in Lithuanian schools of general education to stimulate anti-corruption initiatives of pupils. For four years already it runs on that day a campaign “Education against Corruption” during which pupils take part in discussions as to the harm of corruption and holds creative competitions. It included classes in curriculum since 2005²³⁷.

FRANCE

The High Authority for Transparency in Public Life²³⁸ for public officials.

The Anti-Corruption Agency (AFA) is responsible for implementing anticorruption information, education and training, especially in the private sector based on international legislation and Sapin II Law. It has developed a Massive Open Online Course (MOOC) on corruption prevention at the local level. It recently prepared public procurement manual and other guides²³⁹. It has established cooperation partnerships with several public administrations and agencies, such as the HATVP, the agency in charge of competition, the financial markets authority, the police department in charge of economic and financial crimes, and Tracfin (the Anti-Money Laundering agency). In addition to the publication of guidance materials, the AFA provides advice and guidance to entities subject to the Sapin II Act requirements, including training and awareness-raising activities, and responds to specific technical queries.²⁴⁰

The Directorate General for Administration and the Civil Service (GDAFP).

The French National Financial Prosecutor’s Office (Parquet National Financier) (PNF)²⁴¹ is fighting financial crime, but also crime within the public sphere.

SLOVENIA

The Commission for the Prevention of Corruption Slovenia is responsible for raising awareness based on the IPCA. The CPC’s promotion of rules and imposed obligations on public officials is evident through its website, but the review of its activities shows the content is more of the reactive nature. Their new web page brings fresh and more usable platform to access imposed obligations and rules that apply for public officials.

Ministry for Public Administration- Transparency, Integrity and Political System Office at the Ministry and the government should do more in this regard, especially in the management of conflicts of interest. Efficient internal mechanisms are not in place for promoting and raising awareness of integrity matters, including confidential counselling and training at regular intervals of persons entrusted with top executive functions, as GRECO recommends. In practice even the PTEFs are informed of their duties regarding asset declarations, lobbying and gifts on taking up office, many do not comply (ministers take an oath and sign the integrity statement before the NA). GRECO recommends Slovenia to ensure

compliance monitoring and impose consequences and sanctions. When PTEF's are subject to unethical behaviour the government does not impose "sanctions" by the rules of procedure.

Ministry of Justice.

Academy for public officials.

Every Ministry and municipality and public institution themselves- the legal representative and employees themselves.

Inspectorate for public officials.

2. Which institution and which function exactly is responsible for implementing training?

LITHUANIA

The Special Investigation Service of the Republic of Lithuania (STT) is responsible for implementing anticorruption education and training (methodological assistance to the development of a specialised training).

There is a **Central Anti-Corruption Bureau's training platform**²⁴².

The National Courts Administration is independent from the executive, is competent for providing the training of judges.²⁴³

Police professional training institution is partly responsible for integrity training in police.

The Prosecutor General's Office and regional prosecutors' offices perform training on ethics, integrity and conflicts of interest on a regular basis on prosecutors' ethics, relevant issues of prosecutors' ethics, professional ethics in the civil service and identification, management and prevention of conflicts of interest. Constantly updated schedule of trainings is published on the intranet of the prosecutor's office, as well as materials. material of these trainings is also published on the intranet, providing also prosecutors who cannot attend a training an opportunity to familiarise themselves with the training material.²⁴⁴

FRANCE

Public sector entities need to provide anti-corruption training. It is obligatory by Sapin act for private sector.

The Anti-Corruption Agency (AFA) developed a Massive Open Online Course (MOOC) on corruption prevention at the local level. It recently prepared public procurement manual and other guides²⁴⁵. AFA tries to prevent corruption within corporations so it is partnering with permanent French public service education system to propose MOOC on prevention of corruption. It regularly trains business, recently public sector.

The National School of Magistrates (ENM) is the only establishment in France which trains all future magistrates on all levels. Especially the only one to train on the highest level including consular judges, magistrates working on a temporary basis, labour advisers, court conciliators and prosecutors' delegates. It is independent and it recruits and provides professional training of representatives of the Judicial Authority (judges and prosecutors). It recruits around 500 individuals per year, half of whom are retraining professionals (former lawyers, civil service executives, jurists, etc.). Their initial training allows them to access the functions of judge, magistrate, juvenile judge, investigating judge, sentence enforcement judge and deputy prosecutor after leaving the ENM. The ENM organizes compulsory continuing training for some 8,000 serving French magistrates. Nearly 500 sessions are offered each year: they regularly offer places to professionals in the legal and judicial sectors. Public officials are supposed to learn ethics. If one wants to join the public administration or public service, it needs to undergo competitive exams for every level for public service on his or her carrier path.

Network of Public Service Schools (RESP) provide anti-corruption targeted modules training for:

- *people who are considered most exposed to corruption risk because of their position and duties, as identified in the entity's risk mapping (highest-priority targets);*
- *people with less exposed positions and duties;*
- *people in supervisory, audit or control roles;*
- *new recruits (inadequate initial training is a common complaint across the public sector, as many younger employees are apparently unaware of the basic ethical principles that apply to public office and lack the common sense to handle inappropriate requests in the right manner);*
- *new elected representatives (who often find themselves elected to office without suitable training); - all people dealing with third parties (in the long run)²⁴⁶.*

Ideally, all public entities should have an anti-corruption training plan with different delivery types and formats (continuing professional development, special annual sessions, in-person training, eLearning and self-study materials).

The Directorate General for Administration and the Civil Service (GDAFP), the HR directorate for all government employees, introduces the obligations of public officials²⁴⁷. It provides for recruitment and training²⁴⁸ (the DGAFP ensures that recruitment and training is more position-specific and encourages diversity and equal opportunities) and presents professionalisation's of policies. It has interministerial HR jurisdiction and is an administrative authority for the ENA and the IRA (to recruit and train the Government's future senior managers).

The **School of management and Human Resources (EMRH)²⁴⁹** (before École de la GRH²⁵⁰), aimed to train public officials to share knowledge and best practices to foster access to operational HRM and training resources.²⁵¹ It is an interministerial network of human resources and training professionals, with the purpose to pool their knowledge and practices with a view to facilitating access to operational resources in HRM or training. It is a transversal approach aimed at boosting the contributions of the various management offices. the DGAFP with the experiences and initiatives of ministerial departments, at central or territorial level, in HRM and management. The trainings are obligatory and without exams the public official cannot change hi position. The system has the legal framework for vocational training in the public service in place²⁵².

SLOVENIA

The Commission for the Prevention of Corruption Slovenia is responsible for training o public officials and elected officials based on the IPCA (see above). It cooperates with Public Administration Academy for public official and Ministry for Public Administration. The CPC failed to organize trainings for high level officials, as well as PTEFs in the last few years.

Regular and extensive trainings of officials on anti-corruption, leadership and other professional topics is coordinated by the **Transparency, Integrity and Political System Office, executed by the Public Sector Directorate** within the Ministry for Public Administration and the CPC and TI Slovenia. It is based on the Strategy for the Public Administration and in Programme of the Government measures for integrity and transparency 2017-2019²⁵³ and other Action plans implement integrity on focused topics, like public procurement and ethic in boards of public institutions.

The Administrative Academy at the Ministry of Public Administration organised several systemic training seminars for state administration employees on prevention of corruption and integrity. They developed a special training programme on corruption for top managers, such as ministers and state secretaries in 2018. In 2018 and 2019 the academy issued a Guidelines for integrity in public procurement and sent it to all ministries and institutions.

Relevant law enforcement authorities (e.g. investigators, police, prosecutors and judges) are lacking sufficient training and awareness to enforce legislation effectively, including whistleblower legislation.

Police has obligatory Ethics and human rights module in their Academy to develop personal and organisational integrity and they have regular trainings for high officials in police. They have The Committee for integrity and ethics in the Police. They prepared implementation of GRECO recommendations.

Centre for education in judiciary under the Ministry of justice trains judge candidates and preps for national bar exam and they have to pass the module on Ethics of legal professions. It executed AIAKOS EJTN workshops on ethical dilemmas in judiciary. This topic was foreseen for other officials as well, as well as ethics and integrity of a judge, ethics and integrity of a state prosecutor, and others. Ethic is included in special training for presidents and managers of courts and leaders and directors of state prosecutors: Integrity and risks in courts and in prosecution service and personal ethical and legal dispositions of the state prosecutor.²⁵⁴

The Judicial Council regularly informs judges on the work of the ethics committee and the code.

3. Which institution is accountable for preparation of guidelines, rules, methodologies, software solutions etc in the country?

LITHUANIA

The Special Investigation Service of the Republic of Lithuania (STT)²⁵⁵ (handbook on Integrity in public and private sector, materials, for schools and to other beneficiaries, codes of ethics, questionnaires, templates risk assessments etc)

Ministry of Foreign Affairs disseminates information on foreign bribery to foreign diplomatic representations.

Ministries and municipalities and every public institution themselves.

Ministry of finance for financial registers and other ministries.

FRANCE

The Anti-Corruption Agency (AFA) for all sectors.

The HATVP for public sector.

SLOVENIA

The Ministry for public administration/ Transparency, Integrity and Political System Office, executed by the Public Sector Directorate is competent for regulating the status, rights and obligations of officials and has a role in promoting integrity.

Academy for public administration.

Institute Jozef Stefan.

Commission for the prevention of corruption.

For example, RTV Slovenia has a ethics and compliance manager and the Ministry of environment had one but terminated the mandate in 2020. SO they voluntarily implement the system.

4. Which external stakeholders (NGO's, Agencies, Private sector) are included in the strengthening of institutional integrity culture?

LITHUANIA

Transparency International Lithuania²⁵⁶ established in 2000 co-operates and coordinates its activities with governmental and non-governmental institutions. It is strengthening the cooperation with public sector, with leaders in public, private and non-governmental organizations. They encourage public institutions to be open to the public and provide information and data in a more convenient way, including integrity pledges for politicians²⁵⁷ and private sector companies ranking.²⁵⁸ They also introduced an integrity pledge- cheating in schools project²⁵⁹ and hold internationally awarded Integrity summer school²⁶⁰ to provide the long term goal for building integrity through other systems of education as well.²⁶¹

The Lithuanian Investors' Forum has a business ethics group and supports a business integrity initiative entitled Clear Wave. **Clear Wave**, launched in 2007²⁶², now has around 60 initiative members, encourages companies to ensure transparent business (use of label in business), but with the insight view is more about shadow economy. They encourage the private sector to raise their voice encouraging private sector to pay all taxes in be reliable partner in the society. Clear Wave contributed to the STT's Anti-Corruption Handbook for Business and companies. Now they tr to evaluate each companies' transparency. This is their own will to start doing this integrity and responsibility in the private sector. The Investors' Forum worked with TI Lithuania on the level of transparency of all member companies of the Clear Wave initiative and made recommendations on transparency of information on their websites²⁶³.

The Innovative Pharmaceutical Industry Association (IFPA) member companies **Pharmaceutical Manufacturers' Association (VGA)** members have adopted a Code of Ethics supervised by the **Pharmaceutical Marketing Ethics Commission**.²⁶⁴

FRANCE

Transparency International France.

The Association for direct democracy.

Anticor.

SLOVENIA

Civil society is pushing for changes of the legal framework and raising awareness on corruption (www.transparency.si and www.cnvos.si).

Transparency International Slovenia is a national chapter of international Transparency International.²⁶⁵ It advocates to improvements of the law, develops innovative practices to implement integrity and transparency in the decision-making process. It co-operates and coordinates its activities with governmental and non-governmental institutions nationally and internationally. It is strengthening the cooperation with public sector, with leaders in public, private and non-governmental organizations. They encourage public institutions to be open to the public and provide information and data in a more convenient way, including integrity pledges for politicians and transparency of public funding. The implemented integrity pacts with government for energy sanitation of hospitals and provide solutions for the public to access data faster. They introduced the Business Integrity Forum in 2017 and provided regular trainings for public officials for the Public Administration Academy. They promote system for WB improvements and run ALAC- advocacy legal advice centre to support whistleblowers.

CNVOS- umbrella network, which serves as the national NGO information centre, the national NGO advocacy centre, the national NGO training centre, the national advisory centre, the

national project centre and a persistent promoter of transparent and high-quality NGO operation.²⁶⁶

The non-profit media outlet Pod črto project - 'The Bottom Line' covers stories with in-depth analysis of misuse of public funds, conflict of interest, good governance issues etc.²⁶⁷ Some individual journalist reveal big stories as well, but the situation in Slovenian journalism is worrying as there are not many professional investigative journalists. Also, political groups' ownership and control of outlets and concentration in the media market hindered the development of autonomous and responsible journalism²⁶⁸.

1.4 Oversight/control/monitoring

5. Which specialized internal institutions are in charge of oversight/ control/ monitoring of proper fulfilment of integrity requirements towards achieving an institutional integrity culture? Please explain for each their competencies.

LITHUANIA

Each internal body of the state, municipality or public sector institution. Each institution has a body for oversight of fulfilment of integrity requirements – Commission. For example, the Ministry for Culture has a “Commission on Corruption Prevention” and other oversight body. In practice it does not work.

STT²⁶⁹, The Chief Official Ethics Commission Lithuania (VTEK), The Judicial council for judiciary.

FRANCE

Every public sector organisation needs to have an internal Monitoring and Assessment System that apply explicitly to them (French decree 2011-775 of 28 June 2011 on internal audit in the administration, accounting rules etc) including the integrity- anti- corruption measures and implementation of the programme as it is stipulated in the A-C official Guidelines (2017).²⁷⁰

AFA monitors the quality of preventive systems in public bodies, both at the central state and the local levels, in public-interest non-profit organisations and foundations, and in public and private companies under its jurisdiction, as well as the adoption of compliance programmes under judicial decisions.²⁷¹

The ethics compliance officer of the national Assembly is obliged to monitor the codes of conduct of the NA and declarations, assets, traveling, gifts etc.

Private companies which fall under the Art. 17 of the Sapin II are obliged to have a compliance officer / function in place with the whole a- programme, which is evaluated internally and by the AFA and it has to be effective in practice (in line with international legislation). Also, the developed efficient internal monitoring system is one of the a-c programme obligations by the Sapin II law for companies.

SLOVENIA

Every public sector organisation needs to have internal monitoring and risk assessment commission and responsible person. There are no sanctions internally, but the CPC can issue an administrative fine. But institutions have Internal disciplinary procedures.

The CPC.

TI Slovenia.

SOI just finance, not integrity.

Ministry of public administration and its inspectorate.

The Court of Audit is the highest body for supervising state accounts, budget and public spending. It exercises its powers of audit entirely independently and these cannot be challenged before the courts or other state bodies.²⁷²

The National Review Commission for public procurement award procedures is an independent specialised tribunal that provides legal protection to tenderers.

The President of the national Assembly is obliged to monitor the codes of conduct of the NA.

Judiciary council

1.5 Sanctioning violation of integrity requirements.

6. Which institutions are in charge of enforcing sanctions? Please explain for each their competencies for sanctioning.

LITHUANIA

The Special Investigations Service (STT) has a mandate²⁷³ to detect and investigate the most serious corruption-related criminal offenses. It carries out operational activities, detects and discloses corruption-related offences such as corruption, bribery, abuse of office, trading in influence, graft and other offences committed in the public administration sector or while providing public services for the purpose of obtaining benefits for oneself or other persons: abuse of authority or misuse of powers, abuse of official authority, tampering with documents and measuring devices, fraud, misappropriation or embezzlement of property, disclosure of an official secret, disclosure of a commercial secret, misrepresentation of information about income, profit or property, legitimisation of the proceeds of crime, interference with the activities of a civil servant or a person discharging public administration functions, or other criminal acts, if those are committed with the aim of seeking or demanding a bribe, offering a bribe and concealing or covering up the act of taking or offering a bribe²⁷⁴ (also under the Criminal Code and the Criminal Procedure Code). They carry out pre-trial investigations, numerous of which are based on filled corruption reports (including anonymous)²⁷⁵. Mainly for private sector they play a minor role (pre-trial and investigations). Preventive a small share of their portfolio.

The Prosecution Service holds a mandate to conduct and coordinate pre-trial investigations carried out by the organised crime investigation division of the criminal police and the Special Investigations Service.

The Financial Crime Investigation Service (FCIS) is a law enforcement institution accountable to the Ministry of the Interior with the purpose to detect and investigate crimes against the national financial system and takes an active part in the National programme of combating corruption. Activities of the FCIS are regulated by the Law on the Financial Crime Investigation Service.

FRANCE

France has a strong sanctioning system, but political pressure to investigation bodies especially prosecution services presents a serious threat to independence of prosecution.

Legal entities may be held criminally liable for any offence committed on their behalf, by their management or by their legal representatives. Such liability does not exclude the criminal liability of individuals who are perpetrators of or accomplices to the same offence²⁷⁶. Failure to implement an adequate anti-corruption programme based on the in the private sector constitutes an administrative violation based on the Sapin II Act and may lead to administrative sanctions imposed by the AFA Enforcement Committee. At the same time it does not constitute a criminal violation *per se*, but AFA can forward *facts that are likely to qualify as a*

criminal offence when carrying out its duties and report them to the public prosecutor, resulting in a criminal prosecution²⁷⁷. Violations of the anti-corruption legislation may lead to the imposition of criminal sanctions by criminal courts and/or administrative sanctions by the AFA Enforcement Committee for entities subject to the Sapin II Act requirements²⁷⁸.

The Agency for the Fight against Corruption (2016) has broad administrative powers. It includes an Enforcement Committee, which may impose various sanctions in case of non-compliance with the Sapin II Act.²⁷⁹ It is given real control and monitoring power through the power to investigate within private companies, public companies and administrations (investigations may be initiated following the receipt of information provided by a whistleblower; the agency can investigate on site, request documents and interview any person in the company; failure to cooperate with the agency results in a €30,000 fine per obstruction²⁸⁰. If the AFA becomes aware of facts that are likely to qualify as criminal offences, it may report them to the relevant public prosecutor²⁸¹. If the AFA determines that an entity has failed to implement an adequate anti-corruption compliance programme, its director may notify the AFA Enforcement Committee²⁸². AFA has a Sanctions Committee with various powers²⁸³ and can refer cases to the Sanctions Committee²⁸⁴.

The French National Financial Prosecutor's Office increased its human resources in 2020 as corruption- cases increased and it has 50% of all cases in 2019 as

breaches of integrity (*Parquet National Financier*) (PNF)²⁸⁵ is competent for the investigation of high level corruption cases²⁸⁶ and is fighting financial crime, but also crime within the public sphere and has broader authorities than the AFA to prosecute and investigate corruption. It has established a good record on securing convictions in high-level cases including politicians and representatives of international companies of corruption and embezzlement of public funds.²⁸⁷ **a Central Office for Combating Corruption and Tax Offences (OCLCIFI) is dedicated specifically to investigating corruption and bribery of foreign public officials (OCLCIFI)**. It works under the direction of the PNF. **All police branches can investigate corruption crimes as well**²⁸⁸. The National Financial Prosecutor has established a good record on securing convictions in high-level cases of corruption and embezzlement of public funds.²⁸⁹ It has a jurisdiction to prosecute three types of offenses:

- integrity offenses (corruption, trafficking in influence, embezzlement of public funds, etc.);
- serious financial fraud, money laundering, and tax evasion;
- offenses involving financial markets (insider trading, price/rate manipulation, sharing false/misleading information, etc.).²⁹⁰

During an investigation, **public prosecutors** are accompanied by the judicial police and the Central Office for the Fight against Corruption and Financial and Tax Offences (OCFLCIFI). Prosecutors may also approach investigating magistrates to conduct full investigations. The public prosecutor²⁹¹ can make on-site searches, confiscate items, conduct witness interviews and hear suspects and may also authorise police officers to use special investigative procedures used in the fight against organised crime (infiltration, pseudonymous investigations, interception of telephone conversations and the use of International Mobile Subscriber Identity catchers). Corruption offences must be prosecuted before the **criminal courts**.²⁹² The criminal courts may impose various sanctions, including fines and prison sentences, as well as ancillary penalties²⁹³. Public interest judicial agreements (CJIP) provide an alternative to prosecution in France by the Sapin II Act. It empowers public prosecutors to propose that a company which is subject to an investigation for corruption or related offences enter into a settlement agreement.²⁹⁴

The **HATVP** annual report proposes that the institution should have more sanctioning powers for omissions in declarations and under-evaluation of wealth by officials, as this is the problem in recent years. To be effective the HATVP also proposes better regulation on conflict of interest and lobbying.

SLOVENIA

The Commission for the prevention of Corruption is sanctioning violations of integrity, conflict of interest, lobbying register etc. with administrative fines. CPC does name and shame, as the interviewee D pointed out KPK- name and shame. In legal sense- integrity is divided from Integrity requirements. They fine the individual, the institution and the head of the institution, depends on a case.

On violations on the Civil Servants Act (art.11, 100)²⁹⁶ which prohibits civil servants from performing activities that would entail a conflict of interest the Public Sector Inspectorate is a sanctioning body.

The Ministry of Justice is responsible for most of legal framework for prevention and prosecution of corruption, including the Integrity and Prevention of Corruption Act and the Penal Code.²⁹⁷ The Inspectorate supervises the implementation of regulations governing administrative procedure and operations and regulations governing public sector-implementation of regulations falling within the remit of the Ministry of Public Administration, but the mandate for supervision may also be granted by other regulations.²⁹⁸

The Specialised State Prosecutor's Office (SSPO) prosecutes corruption, which has been considered a policy priority since 2017.²⁹⁹ Several high-level cases are enduring or reached statutes of limitation, and the finalisation of cases is reportedly affected by police inefficiency in prioritising cases and transmitting of case-related information. Slovenia introduced civil assets forfeiture into its national law in 2011, when the Confiscation of Proceeds of Crime Act was adopted³⁰⁰

Police.

The Corruption section, located within the Economic Crime Division of the General Police Directorate (GPD), is responsible for handling corruption crime. It monitors, manages and directs the work of all police directorates, and investigates suspected acts of corruption reported through e-notifications.

Established in November 2009, the **National Bureau of Investigation (NBI)** is a unit within the Criminal Police Directorate of the General Police Directorate. It is specialised in serious and complex criminal offences, including financial crime, organised crime and corruption.

State prosecution – Criminal Code.

On violations of SoE- **the Slovenian Sovereign Holding** based on the Companies Act.

Individual heads for violation inside the institution.

7. What kind of system is in place for reporting corruption in general?

LITHUANIA

The legal protection of whistle-blowers is in place in a special law adopted in 2017³⁰¹. Persons who report criminal offenses of a corrupt nature may be subject to assistance, protection and

promotion measures in accordance with the procedure established by the Law on the Protection of Whistleblowers and other legal acts.

Everyone can report cases of corruption (also anonymously)³⁰² to the STT³⁰³ which has a special online form and other different ways to report corruption (directly at STT headquarters in Vilnius or a field office, by e-mail, fax or telephone on a twenty-four hour basis ³⁰⁴).

Under the Art.10-1 of the Law on Prevention of Corruption the civil servant (or a person equated to him) while performing his duty is obliged to submit a report of a criminal offense if it is known to him³⁰⁵, if he has received data testifying to the commission of this act or has observed or otherwise recorded the commission of this act and if there are no restrictions on disclosure.

Reports can be made on possibly a criminal offense being prepared, committed or committed to, administrative offense, misconduct, serious breach of mandatory rules of professional ethics, or any other violation of the law that threatens or violates the public interest, which a person learns from its current or future service, employment relationship or contractual relationship. The report can be done to the prosecutor's office. People can report violations and any criminal offenses that are being prepared, committed or committed to.

FRANCE

The legal protection of whistle-blowers is in place. Reporting can be done to HATVP, AFA, police or prosecutors through different channels.

SLOVENIA

The legal protection of whistle-blowers is in place in IACA, and in 2020 the specialized law will be implemented.

Persons who report criminal offenses of a corrupt nature may be subject to assistance, protection and promotion measures in accordance with the procedure established by the IACA, the CPC provides assistance. Everyone can report cases of corruption (also anonymously) to the Police or to the CPC which has a special online form and other different ways to report corruption (directly at its headquarters, by e-mail, fax or telephone).³⁰⁶

The reports can be made to the police and CPC; TI Slovenia ALAC etc.



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Promoting Transparency and Accountability

in Public Administration in North Macedonia



2. RISK ASSESEMENT

LITHUANIA

The Law on Prevention of Corruption of the Republic of Lithuania in Art. 6 defines which institutions and which positions are responsible and accountable for the prevention of corruption or its control. Including managing corruption risks and identification of corruption prone areas in activities carried out by the beforementioned institutions³⁰⁷.

The Heads, structural units of state or municipal institutions (including public institutions under those bodies³⁰⁸) - ministers, management of entities accountable to the President, Parliament and Government and mayors or persons authorized by the head of a state or municipal institution (including public institutions under those bodies) are responsible and accountable for the "Probability of Corruption Manifestation«. They are obliged to assess the areas with high probability of manifestation of corruption, develop a grounded opinion on the detection of areas most prone to corruption and submit it to the STT which may perform a corruption risk analysis in the institution.

An area of the activities of mentioned institutions shall be held particularly prone to corruption if it meets at least one topic:

- *a corruption-related offence has been committed;*
- *its principal functions are control and oversight;*
- *there is no detailed regulation of the functions and tasks, operational and decision making procedures or responsibility of individual public servants;*
- *the activities are related to granting or restriction of authorisations, exemptions, privileges or any other additional rights;*
- *most of the decisions made do not require approval by any other state or municipal institution;*
- *handling of information constituting a state or official secret;*
- *during previous risk analysis checks instances of improper conduct were identified.*

According to the STT corruption risk analysis includes state or municipal agencies, as well as in public institutions:

- an anti-corruption analysis of the activities of a state or a municipal institution following the Procedure for the analysis of corruption risk prescribed by the Government³⁰⁹;
- the presentation of the development of an anti-corruption programme and proposals about the content of the programme;
- recommendations on prevention measures to all institutions which are responsible for their implementation³¹⁰.

The risk analysis based on the Law on Prevention of Corruption³¹¹ consists of

- *grounded opinion on the probability of corruption and related information;*
- *findings of social surveys;*
- *opportunity for one employee to make a decision with regard to public funds and other assets;*
- *remoteness of employees and structural units from the headquarters;*
- *independence and discretion of employees in making decisions;*

Project implemented by:



- *level of monitoring over employees and structural units; requirements to comply with the normal operational procedure;*
- *level of staff rotation (cyclical change); documentation requirements applied to operations and concluded transactions;*
- *external and internal auditing of state or municipal entities; framework for adoption and assessment of legislation³¹²;*
other information necessary to perform a corruption risk analysis³¹³.

The STT is responsible to conduct the risk assessment. It is carried out in the areas of the activities of the beforementioned institutions prone to corruption, as well as in the supervisory systems of those areas. Based on that the grounded report (form is defined by the STT) on the drafting of an anti-corruption programme for a corresponding institution shall be prepared and (or) proposals concerning the contents thereof shall be put forward, as set in the Government's Procedure for the analysis of corruption risk. The grounded report also covers recommendations related to other corruption prevention measures. Within 3 months from the date of the receipt of the report and proposals the institution shall inform the Special Investigation Service about the realization of the corruption prevention measures set forth in the report as the Procedure for the analysis of corruption risk foresees.

The risk assessment includes the identification of areas prone to corruption (carried out in the third quarter of each year), authorized bodies to identify the areas of activities prone to corruption: heads of state or municipal agencies and structural subdivisions of state or municipal agencies, or persons therein who are authorized by the head of the corresponding state or municipal agency to carry out corruption prevention and control. These bodies need to report to the head of a ministry that exercises supervision over the agency in question, or to the mayor of a respective municipality. Ministers and the mayors of municipalities shall consider the information, identify the areas of the activities and shall prepare and sign the grounded report prepared by the authorized bodies before the end of the period. The reports with documentation justifying the likelihood of corruption are then sent voluntarily to the STT which makes a decision on the corruption risk analysis or carrying the risk assessment based on one or several criteria³¹⁴:

- *there have been attempts made to influence the officials of the state or municipal agency or the decisions made thereby, in the manner violating the procedures prescribed by law;*
- *there have been corruption-related crimes detected in the other state or municipal agencies whose functions are similar to those of the agency in question;*
- *the supervision system of the activities of the state or municipal agency in question has been improved;*
- *decision-making is related to material or other benefit of the person served by the agency in question.*
- *there have been violations of the prescribed procedure detected (for example, when allocating the budget funds, placing orders and making other decisions);*
- *the state or municipal agency is an independent administrator of the budgetary allocations;*
- *violations have been found in the activities of the state or municipal agency in question by the State Control, Ombudsman or another control or supervisory institution;*
- *there is other information pointing to the signs of corruption in the activities of the state or municipal agency in question (intelligence, complaints and reports by the public, information provided by the media or available otherwise).*

Persons who have violated the provisions provided for in the Procedure for the analysis of corruption shall be held liable following the legislation.

The STT on its own initiative, or proposed by the President, Speaker of the Seimas, Prime Minister, a Seimas committee or a parliamentary group, conducts anticorruption assessment

of legislation and their drafts. This is then presented to a state or local authority which was drafted, adopted or initiated a draft law or to a developer of a draft law who decides whether or not the relevant piece of legislation should be improved.³¹⁵ The Anti-corruption assessment procedure of existing or draft legislation in STT³¹⁶ is available as well as Examples of Anti-Corruption assessments³¹⁷.

FRANCE

Corruption risk mapping identifies risks that will determine the contents and level of detail of organisations' anti-corruption compliance programmes, the French official Guidelines notes. This means that organisations' compliance efforts should prioritise risk mapping.

The implementation of an anti-corruption framework introduced by AFA in 2020, including the risk mapping can be applied as a *"unitary anticorruption policy framework"* by *"all private or public entities organised under French or foreign law, whether they are active in France or abroad and irrespective of size, corporate form or legal status, business sector or area, budget or revenue, or staffing numbers"*, even if they are not subject to article 17 of the Sapin II Law. The new draft documents foreseen the anticorruption policy framework common to all stakeholders, one specific to private sector entities and an anticorruption policy framework specific to public sector organisations.

The obligatory risk assessment is foreseen and defined in the Sapin II for private sector and following the 2017 AFA A-C Guidelines. The public sector entities are advised to engage in risk mapping.

Private entities (Article 17) of the Sapin II Law must correctly implement the guidelines, including the risk assessment. The risk assessment - risk map must, according to the Draft Guidelines, be validated "by the non-executive body if it exercises oversight over senior management of the private entity."³¹⁸ The AFA defines corruption risk-mapping as the "cornerstone" and the "systemic approach", as defined in the Guidelines, as the centralised approach to risk-mapping on which *"the other risk management measures are defined"*. The AFA reports that where a breach of risk mapping obligations is found, the other pillars under Article 17(II) of the Sapin II Law usually also "fall". Risk mapping must cover the corruption risks including the risk of influence peddling³¹⁹. The AFA recommends looking beyond this interpretation to "grasp through corruption risk mapping the other risks to integrity (such as concealed favouritism)"³²⁰. A corruption risk map "is the result of an examination of all company processes that bring it to interact with third parties" as the AFA puts it in the Guidelines. The AFA suggests that in practice, a "bottom-up" approach should be used when risk mapping including staff members at all hierarchical levels and from all functions of the company. The AFA has drawn up a list of risk factors. AFA notes that "the establishment, formalisation, and monitoring [of an] action plan [designed based on mapping] is a condition for [corruption] risk mapping to be effective"³²¹ Mapping must be "auditable" and allow the salience of the anticorruption programme as a whole to be evaluated³²².

SLOVENIA

Slovenia has a good obligatory risk assessment tool- Integrity plan for public institutions³²³ but lacks implementation. It is a tool for establishing and verifying the integrity of the organization. The main goal of integrity plan is to strengthen integrity and anti-corruption culture in a public sector by identifying risks, planning and implementing adequate measures. It is a documented process for assessing the level of vulnerability of an organisation and its exposure to unethical and corruption practices. It helps individual institution to assess corruption risks and manage them efficiently. Corruption risks are identified through general assessment of institution's exposure to corruption and description of institution's areas and manners of decision-making with the assessment of exposure to corruption risks. In order to achieve best assessment all persons involved in different operational procedures within the institution should participate. This enables better insight and more qualitative identification of corruption risks, following by

better measures for minimizing or elimination. General assessment and placement of an institution into a certain group based on exposure to corruption risks (the least, medium and most exposed) enables to better address factors of corruption risks³²⁴.

The IPCA obliges all state bodies, self-governing local communities, public agencies, public institutes, public utility institutes and public funds to draw up and adopt integrity plan and inform the Commission for the Prevention of Corruption of the Republic of Slovenia by sending it a copy of their integrity plan. The implementation is monitored by the CPC through the National Electronic Corruption Risk Register, but the content is rarely monitored. Annual reports of the CPC show³²⁵, that the quality of reports is poor, and some plans poorly identify relevant risks or not at all³²⁶.

The most problematic issue defined by the CPC assessment were “giving gifts” and “public procurement”, rather than conflict of interest. The most problematic detected issues by officials in Integrity plans were public procurement and management of public funds, conflict of interest, limitations, and lobbying contacts. Interestingly, the municipalities themselves did not at all detect risks of emerging cronyism and nepotism³²⁷. The government itself still did not adopt integrity plan as an overarching structure jet, GRECO points out.

The challenge of this tool is neglecting the Integrity plans by institutions after they are adopted. Integrity plan is perceived as an administrative burden rather than an opportunity for better management of risks. Data contained in the integrity plans and in the named register is not public. The Information Commissionaire issued several final decisions and ordered the CPC to allow proactive access to documentation based on Access to information act. Based on the integrity plan all institutions are obliged to implement the a-c activities but this is not monitored.



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Promoting Transparency and Accountability

in Public Administration in North Macedonia



3. PUBLIC INTEGRITY ELEMENTS

Regulations and strategic framework

4) *What are the obligations of managers and of employees in the public institutions to secure this element?*

1.1.1.1 *Where are they defined and explained?*

1.1.1.2 *Which professional integrity standards are in place?*

Accountabilities and responsibilities

- *How is the responsibility for building and implementing public integrity culture defined for this element and to which function is it allocated to? Which specialized institutions are in charge of ensuring integrity standards? Please define institutions with brief explanation of their role and competencies.*

Strengthening institutional integrity culture - internal and external

1.1.1.3 *What entities (internal and external) are in charge of strengthening this element (awareness raising, training, guidelines, rules, methodologies, software solutions etc. in public institutions?? Please elaborate for each of the above mentioned.*

Oversight/control/monitoring

1.1.1.4 *What institutions are in charge of oversight/control/monitoring of proper fulfilment of this element by public institutions? How are these functions fulfilled?*

Sanctioning

12) *Which institutions are in charge of enforcing sanctions for this element? Please explain for each their competencies for sanctioning.*

1.1.1.5 *Which sanctions are imposed for this element?*

1.1.1.6 *What kind of system is in place for reporting corruption for this element?*

1.1. Merit-based employment, promotion, leadership and rewards

LITHUANIA

The STT performs so-called “Integrity Checks” for candidates for positions in State or municipal institutions and enterprises and EU positions³²⁸. Integrity Checks are mandatory for all candidates appointed by the President, the Seimas and its Chair, the Government or the Prime Minister, as well as for high ranking positions.³²⁹ The criteria for screening depend on the nature of the official position. The Law on Prevention of Corruption provides for examination of the candidate’s criminal record, information about dismissal from office or disciplinary penalties due to misconduct, tax inspections and other classified information that

Project implemented by:



STT has collected or obtained from law enforcement authorities and other public bodies (Art.9). The STT also conducts “integrity checks” on candidates at the request of the President³³⁰.

The changes to the Law on Courts in 2020 have strengthened the role of the Judicial Council in the Selection Commission of Candidates to Judicial Offices³³¹ and the criteria for the selection of candidates to judicial office³³² are now approved by the Judicial Council (JC)³³³. The opinion of the Selection Commission remains nonbinding. In the case of a substantial procedural violation, where such violation could affect the objective assessment of candidates the new law introduces the possibility for candidates to challenge the opinion of the Selection Commission before the Supreme Court (it can suspend the appointment of a judge to a court and may instruct the selection panel to re-evaluate the applicant, or to revoke the findings)³³⁴.

The JC as an executive body of judicial self-governance ensures the independence of courts and judges³³⁵. The research³³⁶ showed that companies perceive that bribes and irregular payments are frequently exchanged to obtain favourable judgments. The Parliament is competent to dismiss judges of the Supreme Court, on the motion of the President of the Republic. The JC and have in 2019 based on the Presidents opinion request issued a positive opinion to the dismissal of five of eight judges involved in corruption cases as a violation of the reputation of the profession. Transparency of judicial appointments and independence of the judiciary were under question as the Judicial Council argues regarding the dismissal from the positions.³³⁷

FRANCE

The system (since Napoleon) is strict of employments, promotion, leadership and rewards is strict and merit based. One cannot exceed a certain the level without the selective exams. If one wants to be promoted, one needs to take the new exam every time. There is no appreciation. Selective exams for the civil service, including the entrance into the system are obligatory including for magistrates. Education is also obligatory for public servants, administrative staff and high-level officials, magistrates. French civil service has different levels of exams: state level, sub-national and regional exams for local administration.

SLOVENIA

Merit-based public administration is based on the public administration strategy³³⁸ and action plans³³⁹. The Strategy³⁴⁰ foresees innovative practices for management of employees and improvement of effectiveness of public administration³⁴¹. Slovenia has an ambitious agenda for professional merit-based administration and stronger public administration³⁴² which includes training of civil servants, performance, monitoring, and merit-based reward system. Organisation is more efficient than before, resource management remains poor in practice, but some improvement is evident in the legislative environment, and significant step forward in open and transparent public sector. Zero-tolerance for breaching integrity is still not achieved. But the interoperability of IT solutions brings success in better monitoring and inside view on challenges.³⁴³ The objective merit principles, introduction of performance appraisal systems and a review of actual staff needs is still pending.³⁴⁴ In 2018 the Ministry of public administration issued an in-depth review of the implementation of the Strategy and Action plans reviews are available which include short reviews of adopted measures.³⁴⁵

The judicial service act has given a more prominent role to the Judicial Council in the selection process, guaranteeing greater uniformity and predictability of selection criteria. The Judicial Council is independent body. It is in charge for the selection of candidate for judicial offices. Candidate judges are selected by the Judicial Council and then proposed for appointment by the National Assembly -the first chamber of Parliament). A candidate judge, who is not appointed, cannot request judicial review

against the decision of the Parliament. If the Judicial Council selects a candidate who has already been elected to judicial office, the candidate is promoted to the new judicial position by the Council itself³⁴⁶.

- 1.2. Respecting incompatibilities/hierarchy restrictions in the exercise of position**
- 1.3. Refraining from misuse of the position for private gain;**
- 1.4. Declaration of assets and private interests**

LITHUANIA

All public officials need to disclose private interests, even private entities when they receive public funding directly from the budget.

The changed legislation brought the ease of procedures to declare interests. And more responsibility is now put to those in power to assess them and let them assess that if the affiliations that might have might pose a conflict in what they do. The interviewee A questions this move, as declarations are now poorer with less information than before the novel. The public officials do not put old affiliations, reported before in their reports as they would maybe be in the conflict of interest. So, they do not declare what was declared before.

The enforcement mechanism for the Law on the Adjustment of Interests is shared between the COEC and the head of the relevant state or municipal bodies. But also the STT, the Seimas Commission on Ethics and Procedure, permanent ethics commissions of municipal councils and the Ethics Commissions within institutions³⁴⁷.

Lithuania's has two disclosure regimes³⁴⁸ which seek to deter conflict of interest and illicit enrichment in the civil service³⁴⁹:

1. the disclosure of private interests in accordance to the Law on the Adjustment of Interests (LAPPI) (under control of the COEC)³⁵⁰:

The Law on the Adjustment of Interests is applicable to a very broad list of public servants and other persons working in civil service to disclose their private interests and with new provisions it even broadened the obliged individuals (Art.2)³⁵¹.

Each person obliged to submit the Declaration of private interest must disclose information about himself (herself) and his (her) spouse (or cohabitant, partner). The content of the Declaration is stated in the Article 6³⁵². The person concerned shall also give other data or specify other circumstances which, in his opinion, may give rise to a conflict of interest. The Declaration of private interest's form was therefore updated³⁵³.

The Declaration of private interest takes a place in electronic form only³⁵⁴ and needs to be submitted within 30 calendar days from the date of being elected, employed or appointed to an office in the civil service. If the data given in the declaration have changed or new circumstances have appeared, the person must revise the declaration within 30 calendar days from the day of change in the data. But if new circumstances that may rise to a conflict of interest appear, the person must modify the declaration immediately, but not later than within 7 calendar days after this circumstance came to light. Thus, data on person's private interest should be real almost up to date.

Data on private interest of persons employed in the highest positions, such as state politicians, judges, heads and deputy heads of state and municipal institutions, managers of structural divisions, civil servants of political confidence, is public to society and is published on the web site of COEC. Partial data on assets could be published by State Tax Inspectorate in the manner prescribed by the laws.

2. the disclosure of assets and income of individuals in accordance to the Law on Declaration of Property and Income of Residents (under control of the State Tax Inspectorate)³⁵⁵.

In addition, public servants are required to submit conflict of interest declarations annually to the Chief Official Ethics Commission, and violations can lead to dismissal. However, these declarations require closer supervision. Some declarations are published on the COEC website. The COEC lacks enough capacity to fulfil its mission in terms of monitoring, analysis and follow-up on findings.

Such publicity, as well as other tools for accountability and promotion of integrity standards (i.e. trainings for civil servants, widespread educational anti-corruption projects, which are becoming more and more popular, respective media campaigns) empowers the engaging of civic society into the safeguarding of public interest. Besides that, it raises awareness of both the society and the public servants, strengthens their consciousness, intolerance to misusing of official powers and helps to rebuild public trust.

The Electronic information system of declarations of private interest IDIS³⁵⁶ enables the heads of institutions to review all declarations of persons holding office and guide the person on how to manage interests to comply with legislation. There is still an open discussion whether the COEC can supervise the declarations and check them efficiently as IDIS still requests extensive manual input. The system does not automatically identify that information is missing from the disclosure, so it does not perform red flagging.

The very good practice is the Register of Private Interests (PIR) which will unify state, municipal registers and data bases data and will strengthen prevention of corruption and management of private interests significantly. The system provides for a user-friendly tool for disclosing interests with a pre-generated declaration. On the other hand, the monitoring body-COEC and internal control – heads of respective institutions will get more effective and faster IT tool for verifying of disclosed and detecting of not disclosed interests. The new register provides for fast electronic cross-examination of data from distinct registers and databases. The tool enables monitoring bodies to foresee potential conflict in advance and give respective recommendations aimed to prevent and avoid the conflict³⁵⁷.

The rules are based in law and codes (codes of ethics for public service, code of ethics of state politicians, code of ethics for judges, codes of every institution- as they are obliged to have them).

There are several institutions which investigate misconduct and unethical activity in the public service and they operate on their own legal basis:

- the COEC,
- the Seimas Commission on Ethics and Procedure (overseeing compliance by MPs with the rules on conflicts of interest and institutional ethics)
- permanent ethics commissions of municipal councils and
- Ethics Commissions within institutions³⁵⁸;

There are different procedures and different consequences for violators of respective laws. Procedures of investigations to be conducted by the COEC are prescribed by the Chapter four, The Law on the COEC; investigations to be conducted by ethics commission of municipal councils are prescribed by the Code of Conduct for State Politicians and the Law on Local Self-Government; procedural rules for investigations conducted in other institutions are prescribed by respective legal acts, e.g. Resolution Nr. 977, June 25, 2002, of the Government of Republic of Lithuania on Procedure For Imposing Disciplinary Sanctions On Civil Servants, etc.

Even though the heads of state/municipal institutions are obliged to inform the COEC on their investigations and decisions, not all of them fulfil this obligation, so the COEC doesn't have full data on violations. Moreover, the COEC doesn't collect information on sanctions which

were imposed on respective violators. This means that the COEC is able to submit fragmental information only. In accordance to the Strategic plan of activity for the 2017-2019, the COEC intends to develop permanent monitoring on enforcement of its decisions and on sanctions imposed on respective violators.³⁵⁹

There are different procedures and different consequences for violators of respective laws:

- conducted by the COEC are prescribed by The Law on the COEC.
- conducted by ethics commission of municipal councils are prescribed by the Code of Conduct for State Politicians and the Law on Local Self-Government.
- conducted in other institutions are prescribed by respective legal acts, e.g. Resolution Nr. 977, June 25, 2002, of the Government of Republic of Lithuania on Procedure for Imposing Disciplinary Sanctions On Civil Servants, etc.

There is general and internal reporting of violation of integrity element to the head.

FRANCE

The authority to receive, regulate and monitor declarations, jobs before and after and interests is HATVP, which is striving to get more sanctioning powers for omissions in declarations and under-evaluation of wealth by officials. It receives declarations of all appointed and elected public officials. They have strict system for controlling and if one fails to declare honestly the notion is sent to the justice system for prosecution.

The Articles LO. 135-1 to LO. 135-6 of the Electoral Code (2013)³⁶⁰ regulates the declaration of interests and activities and declaration of assets of National Assembly to the HATVP (disclosure declaration forms: sample disclosure statement of assets and liabilities³⁶¹ and sample disclosure statement of interests and statement of interests and activities³⁶²).

The new procedures for checking assets and private interests in France are defined in Decree No. 2020-69 of January 30, 2020 relating to ethical controls in the public service³⁶³ which establishes the list of jobs most exposed to ethical risks.

The Decree No. 2020-37 of January 22, 2020³⁶⁴ amending Decree No. 2016-1967 of December 28, 2016 (obligation to transmit a declaration of interests provided for in Article 25 ter of Law No. 83-634 of July 13, 1983 on the rights and obligations of officials) introduces new methods of transmitting declarations of interests. The list of jobs subject to this obligation has been completed for the local civil service.

The decree of February 4, 2020 relating to ethical controls³⁶⁵ specifies the elements that one must provide when making a request for the accumulation of activities for the creation or takeover of a business or departure to the private sector as well as the elements that must provide the administration when it refers to the HATVP in the context of the examination of these requests or the control prior to the appointment.

The powers of the Civil Service Ethics Commission (CDFP) in terms of examining requests for the combination of activities for the creation or takeover of a business and for departure to the private sector have been transferred to the High Authority for Transparency of public life (HATVP) in 2020. However, referral to the HATVP by the administration will only be compulsory for the most exposed jobs. For all other jobs, the administration will carry out this control on its own, relying on its ethics referent, whose role is reinforced, and by being able to resort to the HATVP if a serious doubt cannot be resolved. The new system also includes a check prior to appointment in the most exposed jobs when the person to be appointed has worked in the private sector for the past three years.³⁶⁶

Government officials are required to declare their assets upon taking and leaving office.³⁶⁷

SLOVENIA

The IPCA defines and determines which officials are obligated to file declarations with the CPC (high-level, local, elected and appointed officials such as: professional high-level officials, non-professional mayors and deputy mayors, high-ranking civil servants, managers, persons responsible for public procurement, civil servants of the National Review Commission for Reviewing Public Procurement Procedures).

Declarations are to be submitted to the CPC upon taking office, a year after ceasing functions and upon every change in office, activities, ownership or assets that exceeds EUR 10.000. The CPC uses ad hoc checks and keeps records on persons subject to asset declaration duties. The asset declarations are open to the public during each official's tenure and up to one year after. However, top executive functions' asset declarations are neither published, nor subject to substantial scrutiny.³⁶⁸ The scope of asset declarations to family members of ministers and state secretaries, is to be addressed in the new IPCA.³⁶⁹

Declarations are not public

1.5. Management of conflicts of interest

LITHUANIA

When a person working in public service is suspected in possible conflict of interest the investigation must be conducted by:

- *the head (or body) of respective state or municipal institution on their own initiative; or*
- *the COEC; or*
- *the COEC has the right to instruct the head (or body) of a state or municipal institution to conduct internal investigation, make a decision, submit it to the COEC, and, when the COEC disagreeing with the conclusion of the conducted investigation, the COEC may instruct to conduct investigation repeatedly or conduct investigation itself and take its own decision³⁷⁰.*

In case of violations (e.g. breaches of Code of Ethics) the applicable disciplinary sanctions vary according to the gravity of the infraction:

- very serious infractions may be sanctioned with removal from service,
- while minor infractions will result merely in a warning.

After the Civil Service Law³⁷¹ a *dismissal from office as a disciplinary sanction may be imposed for official misconduct in office - an outrage of laws, determined the duties of civil servants also the rules of ethics, for example, abuse of office and violation of the requirements of the Law on the Adjustment and Civil Service Law, such conduct related to the responsibilities of the public servants which insults human dignity or discredits the authority of a state or municipal institution or agency, etc.*³⁷²

By Law on the Adjustment of Interests the consequences are:

- *public servants and other persons in public service who were recognized as violators (based on the disclosure of their private interests), may **not be provided with incentives** for 1 year from the day when the breach was identified. If such person had breached other obligations or restrictions related with adjustment of interests, a person may not be provided with incentives, can't be promoted, appointed or elected to higher position for 1 year (in case of harsh violation – 3 years) from the day when the breach came to light. In case of expiration of official duties on any grounds this person may*

- not be accepted to the public service for three years following the day the violation came to light. It should be stressed that rules of Article 15 have to be applied in all cases, i.e. to every single person who was recognized as violator of respective Law³⁷³
- person recognized as violator can be **sanctioned disciplinarily**³⁷⁴ (by an admonition; a reprimand; a severe reprimand; dismissal from office) – disciplinary investigation and imposing of disciplinary sanctions depend not on COEC, but on executive officers (the heads of respective institutions). Even though the COEC doesn't have the competence to impose disciplinary sanction, it has the right to propose to the head of the state or municipal body, or the state or municipal institution or body of a higher subordination level to impose disciplinary penalties on the person who has committed the violation of the Law on the Adjustment of Interests or the Law on lobbying activities;
 - **Administrative responsibility.** According to the Article 533, Code on administrative offences (which came into force only in January 1, 2017), violation of the Law on the Adjustment of Interests leads to the fine from 140 up to 300 euros (if the offence committed for the first time), from 300 up to 580 euros (if the offence is committed repeatedly). In that case the COEC makes a respective report and imposes sanction by itself.³⁷⁵

Decisions on disciplinary measures and notices of dismissal may be challenged in administrative courts.

According to the Article 505, Code on administrative offences, obstruction the activity of COEC (e.g. refusal to submit information necessary for performance of the duties of the COEC, etc.) can lead to a fine from 60 up to 600 euros for natural persons, and from 300 up to 1500 for heads of legal persons. In such case COEC has the right to make report of administrative violation and appeal to the administrative court regarding imposition of administrative penalties on the person who has committed the violation.

- The COEC has the right to propose to a collegial state or municipal institution, the head of a state or municipal body or a state or municipal institution or body of a higher subordination level to repeal, suspend or amend the legal acts or decisions and transactions which do not meet the requirements of the Law on the adjustment of public and private interests in the public service or the Law on lobbying activities, or propose to take the measures which would prevent violations of other legal acts in the future;
- There are no civil and no criminal sanctions for violating the conflict of interest regulations. As well as not reporting known conflict of interest of co-worker or any other person. But the COEC has the right to refer collected material to a pre-trial investigation body or a prosecutor, when the elements of a criminal act have been determined, or propose to the prosecutor to appeal in accordance with the procedure laid down by law to the court regarding defence of the public interest;
- Political responsibility deals with politicians and public servants of political confidence mostly. Usually such responsibility related with the loss of impeccable reputation and in that case respective servant has to resign or be removed from the office. There were some situations when ministers resigned because of violation of conflict of interest regulations; or the President of Republic of Lithuania removed the head of state institution from his office because of loss of political trust on respective reason.

Furthermore, responsibility for politicians' is stated in the Code of Ethics for State Politicians. In accordance with Article 6, the supervising body for members of Parliament is Commission for Ethics and Procedures of the Seimas; for members of municipal councils – municipal ethics commissions. These commissions shall take one of decisions, stated in Article 9, Code of Conduct for State Politicians:

- certify that a person has violated (or not violated) the provisions of ethical policies (including conflict of interest regulations);

- *give recommendation to adjust person's conduct with ethical principles and requirements (including conflict of interest regulations);*
- *give recommendation to apologize publicly because of non-ethical conduct;*
- *in case of suspicions in criminal conduct – transfer the information to pre-trial institutions or to prosecutor's office.*

FRANCE

The conflict of interest concept was just introduced as such. The HATVP controls conflicts of interest, existence and verification of declarations of interests and assets of politicians. The President of France can before the decision on nominating new Ministers ask several authorities to clarify and verify any potential conflict of interest, delays or violation of fiscal obligations and any past offense (the HATVP, the fiscal administration and the judiciary).

As ethics in sports is problematic, some MP's proposed that the authority of the HATVP is extended to control members of the national boards of management and independent bodies in charge of controlling sport finances.³⁷⁶

SLOVENIA

Integrity and Prevention of Corruption Act (IPCA) is the basic legal act governing conflicts of interest asset declarations and their supervision, restrictions on the performance of other activities and prohibitions relating to gifts for public sector officials.³⁷⁷ It applies to the Prime Minister, ministers, state secretaries, cabinet members and the secretary general of the government and provisions on asset declaration and post-employment restrictions, also apply to former officials. Management of conflict of interest and mechanisms are not in place in practice.

Each public official must avoid conflicts of interest and immediately inform in writing his or her superiors or the Commission for the Prevention of Corruption (CPC) if a conflict arises. IPCA applies to officials responsible for public procurement separately.

Rules of conduct are contained also in the Public Administration Act, the Civil Servants Act and the IPCA. At the same time ministers and state secretaries are subject to the Code of Ethics for Government and Ministerial Officials, but there is no mechanism for its implementation and no control of compliance at government level.

Provisions from Public Employees Act, decrees³⁷⁸ and Code of Conduct for Civil Servants³⁷⁹ apply also to other public officials and institutions including ministers and high-ranking officials. Public Employees Act prohibits civil servants from performing activities that would entail a conflict of interest. It also provides for certain restrictions and duties of civil servants (and members of their family) related to accepting gifts³⁸⁰. Disciplinary measures apply to cabinet members who violate the provisions of this act, including the rules of conduct.

Additional rules on incompatibility of functions and restricting business activities also aim to prevent conflicts of interest in the public sector.

The proposal of the new IPCA (just passed in October 2020) improves the procedure on asset disclosures. The procedure set out for dealing with suspected corruption and other offences involving fact-finding, sending the person a draft of the findings, followed by adoption of the findings and their presentation to the public, together with the response of the concerned person, was subject to courts invalidation. The Supreme Court found that the rights of the concerned persons were not sufficiently guaranteed during the procedure before the CPC, as the procedure is not carried out with same safeguards as under general administrative law procedures³⁸¹.

The PTEFs enjoy no immunity or procedural privileges in criminal or administrative proceedings. In the last years the CPC's action as an independent body, supervising the implementation of these rules by PTEFs is severely hampered by clearly insufficient resources

for the supervision of PTEFs' asset declarations, conflicts of interest, lobbying and integrity plans, as GRECO reports. The CPC also faces procedural shortcomings which are not remedied yet. PTEFs' asset declarations are neither published nor subject to substantial scrutiny. Proposed provisions of the new IPCA will, if passed in the NA, reportedly remedy some of the shortcomings³⁸².

The assets of family members are not to be declared. But under a suspicion of transfers of income or property to family members the CPC may request the individual in question (PTEFs) to provide further information. GRECO in its 5th round report recommends Slovenia to include information on the spouses and dependent family members of PTEFs.

In practice public does not have access to asset declaration, even though they should be public according to the IPCA and the Public Information Access Act.

There is no verification of declaration statements sent to the Commission and there is no system for checking the accuracy of declared assets. Most of the incoming declarations documents are inaccurate or include too much personal data³⁸³. The CPC forwards requests to the officials concerned, who then decide whether they will publish their own declarations or not, as the Commission does not grant requests for access to asset declarations under the Public Information Access Act³⁸⁴. The monitoring of accuracy of data included in asset declarations is not in place. Sanctions are in place for individuals, functionaries and public bodies³⁸⁵ which are imposed by the CPC and the Ministry of Public Administration Inspectorate³⁸⁶. The CPC executes administrative investigations and imposing fines.

1.6. Codes of ethics in the public sector / codes of professional conduct (i.e. Code of ethics for public officials, of judges etc.)

LITHUANIA

The Code of ethics of judges of the Republic of Lithuania is a practical guide³⁸⁷ prepared in 2015, as well as materials prepared for drafting codes of conduct³⁸⁸ in 2002 and other useful information³⁸⁹ may serve as such examples and useful tools for drafters of a code of conduct³⁹⁰. The judicial council is the supervision body.³⁹¹

The Judicial Council as an executive body of judicial self-governance ensures the independence of courts and judges³⁹².

The Code of Ethics of Prosecutors is accompanied by practical guidelines, which is a good practice, as prosecutors need targeted training with examples and explanation of conflict of interest and ethics dilemmas. As GRECO reports (2019), authorities designed more targeted training, based on feedback received from prosecutors, and have made a significant step forward with awareness-raising activities on conflicts of interest and ethical issues. In the justice system³⁹³ the Judicial Council is entirely composed of judges appointed by their peers and is the executive body of judicial self-governance. It ensures the independence of courts and judges. The National Courts Administration is independent from the executive and is competent for providing training of judges.³⁹⁴

The Commission of Ethics of Prosecutors is also charged with providing advice on ethical issues upon request³⁹⁵

SLOVENIA

Public Administration Act, Civil Servants Act and Public Employees Act, decrees³⁹⁶ prohibits civil servants from performing activities that would entail a conflict of interest.

Public Employees Code of Conduct³⁹⁷ regulates ethics and integrity for all public sector employees.³⁹⁸

The Code of Ethics for Government and Ministerial Officials (2015) regulates ethics for ministers and officials.

The Code of ethics for MP's of National Assembly³⁹⁹ (2020) declares ethical principles which deputies must adhere to and sets reprimands for violations.⁴⁰⁰ The NA has implemented code of conduct in 2020. In respect of MPs and members of the National Council the NA should appoint an ethics officer, with the mandate to provide MP's with guidance and advice on the practical implications of their legal duties in specific situations. The provisions of specific and periodic information and training on ethics and integrity is not implemented as well. The NC adopted the code of ethics. However, the Code is not considered sufficiently detailed in respect of conflicts of interest and lacks a supervision mechanism and sanctions, GRECO points out. TI Slovenia advocates for these documents⁴⁰¹ to be implemented for few years now⁴⁰².

The Code of Conduct of the National Council was passed but it does not address conflicts of interest, supervision and sanctions properly.⁴⁰³

Code of Judicial Ethics and Integrity was adopted by the Judges Association. The Judicial council⁴⁰⁴ educates judges in the field of ethics and integrity, gives opinions, encourages judges to follow judicial independence and impartiality as well as the general principles of ethics mentioned within the code.

Code of ethics of State Prosecutors⁴⁰⁵ was adopted in 2017 by the Commission for ethics of the State Prosecutorial Council⁴⁰⁶ and is a record of ethical and moral principles which shall be followed by all state prosecutors in the performance of state prosecutors' duties.

Code of ethics of the Slovenian police implemented by the Committee for integrity and ethics in police.

1.7. Transparency and impartiality of the decision-making process

LITHUANIA

The transparency of the legislative process is obliged in Law and the involvement of stakeholders is obligatory. The timeliness of the public consultations and the publication of their results are mandatory and requires the assessment of the comments and proposals received from the entities to whom the draft legal act was submitted⁴⁰⁷.

It is mandatory to assess the effect of envisaged legal regulation⁴⁰⁸. The STT performs: the anticorruption-focused review of legislation. A good practice is MP's reporting their contacts. Even though the Judicial Council and the Prosecution services are not vested with legislative initiative, they participate in the legislative process through consultation during the drafting phase, or as experts in the relevant parliamentary commissions⁴⁰⁹. The Bar Association may draft and submit legal acts and must also be consulted when relevant⁴¹⁰.

The participation of civil society organisations in the decision-making process is regular and the new Law on Development of NGOs was adopted in 2019⁴¹¹. The Parliament Group for development of civil society, allows civil society organisations to discuss legislative matters with members of Parliament. The National NGO Council, comprised of 10 representatives of national umbrella NGOs, ministries and the Association of Local Authorities in Lithuania, exercises functions as an advisory body, and municipalities also have a municipal NGO Councils and municipal Communities Councils which serve as advisory bodies to the local administrations.

Institutions do not allow Access to information and access to open meta data and this undermines the transparency of the decision making. They hide behind the GDPR- data protection regulation, and institutions misuse this element, even though the declarations of interest and assets are online, one can does not get and access the information as open data: *the office of the government has last year after the request of the journalist, for instance, not even deleted files from the government computer on the meeting the journalist requested, but even from the servers s ono one could ever, and ever never access it. There was a court case, the court ruled I favour of the journalist, who filed the complaint, but it was too late. Documents were not there.* Lithuania has a major issue with access to information, she pointed out.

FRANCE

Legislation is consulted by stakeholders frequently and the process for enacting laws includes impact assessment. But public consultation depends on the law. The Council of State contributes to ensuring the quality of legislation, as the Rule of law report shows⁴¹². It has an advisory branch that provides opinions on draft legislation and is tasked with the management of the administrative tribunals and courts of appeal. The recent initiative on a Citizens Convention explores an innovative way of involving citizens in the legislative process. The Constitutional Council, the Council of State and other independent authorities play a key role in the system of checks and balances, report emphasised.

Open data by default, which is obligatory in France based on 2016 adopted Law on digital Republic is not implemented as it should be. The main challenge is that all public documents need to go through the understaffed Commission on Access to Administrative Documents (CADA). The French authorities often do not publish all data, the data is scattered and not structured. The law defined that meta data needs to be public especially data which has impact on the society, but it is not standardized. But by the opinion of the Interviewee C, the transparency is not a tradition in France. There is poor practice of publishing everything. Even available and regulated, the transparency is poor, the access. Decisions which have legal impact are published but other not. There is no formal process to do this as the interviewee C points out

New regulation on lobbying brings forward more transparent decision making, as well las the NA Ethics Commissionaire role in MP's transparency.

SLOVENIA

Impartiality and transparency in decision-making are problematic as CPC points out⁴¹³. There is no legislation proofreading the Interviewee pointed out. Also legislative footprint is not clear.

Slovenia has a solid normative framework on transparency⁴¹⁴. The Act provides sanctions for disabling re-use and rejecting use of information⁴¹⁵. Institutions do not comply and try to avoid proactive transparency. They often practice silence and avoid providing public information upon request.

Slovenia has a proactive open data⁴¹⁶ access through a single point for use and reuse of information⁴¹⁷. Steps forward were made in increasing the public procurement transparency including the accessibility of full documentation on awarded public procurement and statistical data on awarded contracts⁴¹⁸.

Documents justifying the decision taken and transparency of minutes⁴¹⁹ of meetings of the executive branch of power and other decisions are not available on all levels of decision making⁴²⁰. The unbalanced composition of advisory and working groups is the weakest point in the decision-making process. It is often impossible to ensure a wide participation of

shareholders in adopting public decisions because of a wide use or abuse of extraordinary legislative procedures.

Relevant state institutions⁴²¹ are excluded from the obligatory procedure of drafting Slovenian legislation. CPC is obliged to perform corruption proofing or so-called anti-corruption screening of each proposed, drafted act (review and adjust to anti-corruption and conflict of interest provisions) before the government decision. It issues an obligatory opinion on corruption risks related to the documents.

Consultation with the public on draft laws is organised through a dedicated online tool called E-demokracija portal. But in practice public consultation is not implemented properly and regulation has systemic shortcomings, including poor drafts and amendments⁴²². Based on the Resolution, consultations should last between 30 to 60 days and the process should be summarised in a report. But during special or emergency legislative procedures, public consultations are not done at all⁴²³ or the consultation period is too short⁴²⁴. In addition, the CPC also draws attention to the length of the public debate, which should be long enough to enable the participation of stakeholders⁴²⁵. Even more, comments are not even taken into consideration.⁴²⁶ The CNVOS NGO implemented the Resolution violations counter⁴²⁷ as the government still does not comply with the Resolution on the Legislative Regulation⁴²⁸ to enable public debate on the legislation that is being passed⁴²⁹. The CPC has informed the Ministry of public administration and the Government to immediately address these issues. As well as to open laws and enable legislative blueprint immediately.

The Government legislative body has introduced the MOPED⁴³⁰, a new tool for IT support in drafting regulations, but in practice it does not provide for all documents and databases yet. Also, the SME test (MSP)– a tool for assessing the impacts of regulations on the economy, available to the public through e-Democracy is in place as well as the legislative footprint in drafting municipal regulations, enabling the public to monitor the running of procedures by state authorities⁴³¹.

The legislative footprint is regulated, but not implemented. A significant step forward was made with the creation of a publicly available list (but not exhaustive) of experts consulted on draft legislation and regulations.

The influence of shadow lobbying on administrative decision-making is still a major issue⁴³² even the online public register of lobbyists exists. Third parties influencing government decision making are not included in the existing Integrity and Prevention of Corruption Act (IPCA). Non-transparent and unethical lobbying has a negative impact on decision-making⁴³³.

1.8. Post-employment limitations (revolving doors) + private sector limitations

LITHUANIA

The Law on the Adjustment of Public and Private Interests (LAPPI) was updated and foresees limitations after expiration of the term of civil service. The employment in legal entity, irrespective of the form of the legal entity, is forbidden for individuals after leaving the civil service. This provision applies if an individual has during the period of one year immediately prior to leaving the civil service directly drafted, considered and made decisions concerning the supervision or control of the legal entity in question. It also applies if an individual made decisions that granted funding from the state or municipal budgets to this legal entity and other decisions concerning the assets of named entity⁴³⁴.

FRANCE

In 2019 the HATVP has an extended mandate to the regulation of 'revolving doors'⁴³⁵. Since 2020 the new Decree n° 2020-69⁴³⁶ and the Law on the transformation of the civil service⁴³⁷ determines the terms and conditions of the ethical control exercised by the administration or the HATVP. IT merges the Ethics Commission of the civil service⁴³⁸ and HATVP.

The legislation determines conditions when a person is applying for authorization to perform a part-time job, to set up or take over a business or when a person is applying for a termination of functions (permanent or temporary), to carry out a lucrative private activity. The Decree introduces the list of jobs for which referral to the HATVP is mandatory. The decree defines procedures for the prior control of the appointment to certain jobs of the one who carried out a private activity in the previous three years⁴³⁹.

The HATVP provides an opinion prior to the recruitment for a high-level public position of a person formerly employed in the private sector on which the recruitment will depend. Before the appointment of any member of the Government and in relation to the person whose appointment is envisaged, the President of the Republic may request from the President of the HATVP information indicating, on the date of the request and taking into account the information available to the HATVP, whether this person is in a situation that may constitute a conflict of interest, as well as the measures necessary to prevent or take action immediately to end this conflict of interest.⁴⁴⁰

SLOVENIA

Post-employment restrictions apply to current and former officials.⁴⁴¹ IT should be systematically handled but it is not.

IPCA provides a "cooling – off" period of two years for high-level officials. They are prohibited from lobbying or acting as a representative of a business entity that had business contacts with the institution in which they held office for two years after departure. A public body may also not do business with an entity in which a former official has an interest, for a period one year from his departure from office.⁴⁴²

The body in which the holder of public office held office may not do business with an entity in which the former official has a 5% share in the founders' rights, management or capital, either by direct participation or through the participation of other legal persons, until one year has elapsed from the termination of the office. The body in which the holder of public office held office shall without delay, and within 30 days at the latest, inform the Commission of the situation referred to in paragraph one.⁴⁴³

At the Commission's request, official persons and the heads of or responsible persons in organisations vested with public authority shall attend a session of the Commission and on this occasion respond to the Commission's questions in person. This obligation shall apply to the aforementioned persons for a further two years after the termination of the status they held during the event or the conduct being considered by the Commission.⁴⁴⁴



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Promoting Transparency and Accountability

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4. PRIVATE INTEGRITY ELEMENTS

LITHUANIA

The STT developed the Private Sector Integrity Guidelines together with big corporations and smaller companies. The guide is an extensive guidebook for business, not so attractive and not modern designed, but a significant step forward to promote business integrity. It is an initiative well perceived by business and is an added value. It presents guidance on the importance of integrity concept, shows the ratio behind the idea of integrity promotion and offers a code of conduct template and conflict of interest guidelines, other internal documents. The input by companies made significant impact on the notion of integrity in private sector. Advocacy activities were therefore easier.

Due to international business companies have implemented ne ISO31001 standard and international obligations including the compliance function, compliance and integrity programme, including code of ethics and so forth.

FRANCE

In France the AFA just released (October 2020) the expected Draft update of its Guidelines (2017) "aimed at helping all public and private entities to implement anticorruption prevention and detection processes" (the "Draft Guidelines")⁴⁴⁵ and published three draft documents:

- 1) An anticorruption policy framework common to all stakeholders;
- 2) An anticorruption policy framework specific to private sector entities; and
- 3) An anticorruption policy framework specific to public sector organisations.

*French professional associations such as the Association Française des Marchés Financiers have also issued best practices for the banking and financial industry to consider and manage corruption risks within their activities. According to the AFA, these recommendations "bring French legislation up to the highest standard in this area, and are part of France's efforts to comply with its international commitments" and "are at least as stringent as the FCPA Resource Guide, the UKBA Guidance and the World Bank's Anti-Corruption Guidelines"*⁴⁴⁶.

SLOVENIA

Slovenian CPC does not have authority over the private sector, namely only when state owned enterprises are involved. Other legislation regulates private sector.

Regulations and strategic framework

- *What are the obligations of managers and of employees in the private institutions to secure this element?*
5. *Where are they defined and explained?*
 6. *Which professional integrity standards are in place?*

Accountabilities and responsibilities

Project implemented by:



- 5) *How is the responsibility for building and implementing private sector culture defined for this element and to which function is it allocated to?*
- 6) *Which specialized institutions are in charge of ensuring private sector integrity standards? Please define institutions with brief explanation of their role and competencies.*

Strengthening institutional integrity culture - internal and external

7. *What entities (internal and external) are in charge of strengthening this element (awareness raising, training, guidelines, rules, methodologies, software solutions etc. in private institutions?? Please elaborate for each of the above mentioned.*

Oversight/control/monitoring

8. *What institutions (private and public) are in charge of oversight/control/monitoring of proper fulfilment of this element by private institutions or public institutions? How are these functions fulfilled?*

Sanctioning

9. *Which institutions are in charge of enforcing sanctions for this element? Please explain for each their competencies for sanctioning.*
10. *Which sanctions are imposed for this element?*
11. *What kind of system is in place for reporting corruption for this element?*

6.1. Observing revolving door policies (refraining from hiring former public employees the set period of time)

LITHUANIA

The Law on the Adjustment of Public and Private Interests (LAPPI) was updated and foresees limitations after expiration of the term of civil service⁴⁴⁷. There is by my knowledge no limitations or there are no control mechanisms to refraining from hiring former public employees the set period of time. It depends on internal business rules and integrity of former official.

6.2. Observing public procurement rules

LITHUANIA

The public procurement is identified by STT as a problematic area both on national and local level. According to STT, businesses in Lithuania continue to identify corruption as a major problem in public procurement. Additional areas of concern identified by the National Audit Office include inadequate monitoring and impunity for procedural violations.⁴⁴⁸ The public procurement rules follow the EC Directive and the system follows the transparency requirements to assure effectiveness and proper competition.⁴⁴⁹ There is a significant decrease in the relative value of direct awards without tender.⁴⁵⁰ The Public Procurement Office⁴⁵¹ had increased focus to preventing irregularities, based on risk analysis and concentrating on high value contracts and those financed by EU Structural Funds.⁴⁵²

Kickbacks in procurement contracts given to senior municipal officials were sentenced with prison.

E-procurement is seen as a good practice, as Lithuania publishes more than it is obliged to. Obligatory percentage of electronically purchases of public goods increased the share of e-procurement. It provides online access to combined data on public procurement, with institutions required to publish procurement plans and reports on the internet. Suppliers are required to indicate subcontractors in their bids ⁴⁵³.

As the EU anti-corruption report suggests, there is no common guidance on red-flagging mechanisms in procurement. Good practices identified are that the members of tender boards are obliged to sign an impartiality declaration. Interestingly, there are no consequences for failing to declare a potential conflict of interest. One year after the given administrative penalty, violators may participate in decisions on other procurement contracts at the same organisation.⁴⁵⁴

A broad definition of confidentiality in public procurement documentation may limit transparency and facilitate abuse. Public procurement regulations allow contracting authorities to change tender requirements after the contract is signed if its value falls below a national threshold.

FRANCE

The Anti-Corruption Agency (AFA) and the State's procurement office⁴⁵⁵ developed a public procurement guide on corruption risks management and prevention for all stakeholders, bidders and buyers⁴⁵⁶.

SLOVENIA

Cartel agreements, collusive bidding, bid rigging and misuse of PP procedures including contract amendments are a problem in Slovenia regarding public procurement. The pre-phase expert dialogue and market analysis are poor and is not used to prevent corruption in other phases. Tailor-made specifications are evident, and bidders are involved in designing the specifications. The number of single bidding is rising. Authorities and monitoring institutions identify conflict of interest in the evaluation of bids, collusive bidding, non-open tenders and single bids as the most evident issues.⁴⁵⁷ Amendments to the contract terms after concluding the contract are frequent. Usually negotiated procedures are abused and urgent procedure are misused⁴⁵⁸. There is excessive use of direct award procedures as the Directorate for public procurement analysis⁴⁵⁹ and statistical analysis shows.⁴⁶⁰ The Ministry of public administration requested the CoA, the National Review Commission for Reviewing Public Procurement Award Procedures and Budget Supervision Office (BSO) to evaluate open issues in procedures carefully⁴⁶¹.

The CPC in its annual reports identifies:

- procurement documentation is not in line with the contracting authority needs, but is written for the concrete bidder's abilities,
- the tender dossier contains the technical requirements adjusted to only one of the market players (i.e. a privileged bidder);
- the provider is aware of the content in advance, before the publication of the tender documents;
- the contracting authority and the tenderer agree on the selection procedure in advance;
- the tender documentation contains similar (or equivalent) requirements, as were stated in the previous public procedures of the PP orders;

- partially or wholly the tender documentation (technical requirements, criteria ...) is prepared by the provider / bidder or consultant (consulting firm) and are tailor-made;
- the tender documentation or criteria are loose (no requirement of bank guarantee, penalties regarding quality ...) so that they correspond to the bonuses of the tenderer;
- the shortest possible deadline for making a bid is set;
- the supply of goods / services are not in accordance with the tender documentation;
- the bidder does not comply with agreed contractual deadlines, the contracting authority does not take appropriate actions;
- the contracting authority makes the payment of the goods / services before the actual delivery /performance of the company;
- the date of publication of the PP is during the annual leave.

The CPC further notes that tenderers influence the contracting authorities, namely:

- tenderers propose related transactions;
- the provider offers material / non-material benefits to the contracting authority (responsible person);
- if the privileged bidder is not selected as the most favourable, one often seeks (tries to seek) the cause of the complaint after reviewing the competitive offer;
- a privileged bidder notifies the contracting authority which tender conditions a competitive bidder does not meet or cannot meet;
- the provider emphasizes its advantages and disadvantages to the competitor provider.

The CPC found misuses of public procurement legislation in the local government and issues a special opinion⁴⁶². The responsible persons in municipalities had in the negotiation process and after requested the bidder to provide the exact material of the exact supplier.

The anti-corruption programme of the Government for 2017-2019 does not address public procurement through the proposed specialized inspection, which could sanction violators on local and national level and was advocated for by the CPC⁴⁶³.

The guidelines on public procurement for officials was presented to all officials in 2018. The programme also predicts steps forward in the field of information technology and construction, and the wider use of electronic auctions⁴⁶⁴.

6.3. Lobbying

LITHUANIA

The law on lobbying requires all lobbyists to register in a publicly available list. The law does not cover foundations and associations, and parliamentarians are not required to disclose contacts with lobbyists⁴⁶⁵.

Register of lobbyists is available online, but in practice it does not work. As the nature of lobbying is hidden under shadow lobbying the system of register lobbyist works, but not all lobbyist register. There are around 60- 70 registered lobbyist. But business is done outside the official channels, in shadow, as stipulated by the interviewee A.

As a solid and good practice regarding political integrity the interviewee A has identified the reporting of MP's meetings with different interest groups (registered and non-registered lobbyists, NGOS', companies etc)⁴⁶⁶. This is rapidly changing in the last five years. The political will to promote integrity is changing with the push of civil society, TI Lithuania. They started declaring their meetings, some extensively then others, and now more and more political parties' members are declaring their contacts, especially MP's but also on municipal level.

This has changed quite rapidly in comparison to 5-10 years ago, as they would have only official agendas but no content. Now they publish also meetings with experts, companies, official agendas, information on contacts and activities from outside the parliament. Last spring session showed that 2/3 of all parliament members published at least some meetings they had. As the interviewee A said, there are some champions from different political parties who do this regularly, often and their meeting lists are very extensive and informative. The initiative is becoming stronger, and more and more political members are doing this. The interviewee A express concern, that the process is still slow, and the revealed documentation could be more precise and informative, with the aim of the meeting and if that led to any legal act, draft etc. the influence is unknown, and this is by her opinion a major issue.

The beneficial ownership is not disclosed yet, as the interviewee A pointed out.

FRANCE

The Sapin II Act has reinforced the regulation of lobbying in France by providing a definition of lobbyist, disclosure and ethic requirements and sanctions in case of non-compliance. Lobbyists should refrain from proposing or offering to their contacts any gifts or other benefits of significant value and refrain from inciting their contacts to breach their good conduct rules.

French have Register of lobbyists since 2017. The list of published statements is available on the HATVP website but also on the platform <https://www.data.gouv.fr/fr/>, under open license to assure reuse of information, the commercial adaption and exploitation of data and to promote the quality of sources. The HATVP reports on the constraint of mention of sources⁴⁶⁷. In 2020 the HATVP published the source code of the application AGORA. The application was developed to improve interest and lobby groups to register in the system⁴⁶⁸.

France has an open register of lobbyists, while some organisations, such as religious ones, are excluded from the obligation to register⁴⁶⁹. GRECO has noted however the need to ensure a full accuracy of the registry, as only those lobbying organisations initiating the contact with senior officials are required to be registered⁴⁷⁰

SLOVENIA

Lobbying is regulated in the IPCA⁴⁷¹. The registration of lobbyists is mandatory and a monitoring mechanism for lobbying activities is in place. Provisions include:

- definitions of lobbying, lobbied person, lobbyist and defines exceptions, lobbyist associations
- obligatory entry into register (also entry documents and the procedure, CPC decision making on the entry, removal from the register),
- reporting obligations for lobbyists (content, verification on completing, the accuracy of data and statements),
- providing the information (right of lobbyists to information, informing persons lobbied and lobbying record, the lobbyist's duty of identification),
- prohibition (prohibited actions of lobbyists, reporting prohibited lobbyist actions, right to a make statement with regard to the report) and
- sanctions (for failure to comply with the provisions of the Act, for violations of the duty of identification and the prohibition regarding lobbyist actions).

It is prohibited to lobby on issues subject to judicial and administrative proceedings, and lobbying activities may only be performed by a natural person entered in the registry of lobbyists, set up by the CPC.⁴⁷²

Public officials may agree to lobbying only if the lobbyist is entered in the register and must decline contact if there are conflicts of interest.⁴⁷³ Public officials rarely report lobbying contacts and agree to meetings with non-registered lobbyists⁴⁷⁴. The control and monitoring of lobbying is poor. GRECO suggests that Slovenia should assess the rules on contacts with lobbyists by members of the National Assembly (NA) and of the National Council (NC).⁴⁷⁵

The CPC started with electronic reporting of lobbying contacts in February 2018⁴⁷⁶. The CPC annually publishes the list of lobbying records received with description of contacts and content, but the quality of those reports is questionable⁴⁷⁷. All lobbying records are included ERAR app⁴⁷⁸. In practice not all contacts with third parties who seek to influence government decision-making are duly reported, including those from legal and authorised representatives of companies and interest groups.⁴⁷⁹

IPCA provides a “cooling – off” period of two years for high-level officials. They are prohibited from lobbying or acting as a representative of a business entity that had business contacts with the institution in which they held office for two years after departure. A public body may also not do business with an entity in which a former official has an interest, for a period one year from his departure from office.⁴⁸⁰

The beneficial ownership register enables public to have structural insight into real natural persons owners of companies and other legal entities was set up in January 2018. It is available on AJPES⁴⁸¹. TI Slovenia Focus and Ekvilib Inštitut organized workshops to enable public the most effective use of the register free of charge.⁴⁸²



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Promoting Transparency and Accountability

in Public Administration in North Macedonia



5. POLITICAL INTEGRITY ELEMENTS:

7.1 Management of conflict of interest, declarations of interest and assets

7.2 Political ethics standards (code of ethics/ code of conduct of political party members, of members of the Parliament)

Regulations and strategic framework

- *What are the obligations and responsibilities for conflict of interest management, declarations of interest and assets and political ethics standards?*
- *Where are they defined and explained?*
- *Which professional integrity standards are in place (political ethics standards (code of ethics/ code of conduct of political party members, code of ethics/ code of conduct of members of the Parliament)?*

LITHUANIA

Elected officials are obliged to report and manage conflict of interest, declarations of interest and assets. Members of the Parliament have Code of ethics, but political parties in general do not, expect for some.

The Law on the Adjustment of Interest abides members of political parties, state politicians. Responsibility for politicians' is stated in the Code of Ethics for State Politicians. Other regulation: Law on Financing of Political Parties and Political Campaigns and Control of Financing of Political Parties and Political Campaigns.

The Law on the Chief Official Ethics Commission^{cdlxxxiii} introduces the conflict of interest and assets declarations and lobbying obligations on the supervising authority, based on the Law on the Adjustment of Public and Private Interests^{cdlxxxiv} and the new Law on Lobbying Activities^{cdlxxxv}.

The Elections commission covers all integrity issues in elections, declarations of candidates' infringements during of elections etc.

Code of Ethics for State Politicians.

FRANCE

Project implemented by:



The Act on transparency in public life (2013)^{cdlxxxvi} abides the members of Government, persons who hold a local elective public office and persons entrusted with a public service and the members of independent administrative authorities and independent public authorities.^{cdlxxxvii} Monitoring is done by the High Authority for Transparency in Public Life.

The Articles LO. 135-1 to LO. 135-6 of the Electoral Code (2013)^{cdlxxxviii} regulates the declaration of interests and activities and declaration of assets of National Assembly to the HATVP (disclosure declaration forms: sample disclosure statement of assets and liabilities^{cdlxxxix} and sample disclosure statement of interests and statement of interests and activities^{cdxc}).

The decree of February 4, 2020 relating to ethical controls^{cdxci} specifies the elements that one must provide when making a request for the accumulation of activities for the creation or takeover of a business or departure to the private sector as well as the elements that must provide the administration when it refers to the HATVP in the context of the examination of these requests or the control prior to the appointment

The Charter for Local Elected Representatives^{cdxcii} regulates ethical duties, rights and obligations of civil servants.

Two laws against holding multiple offices (»non-cumul des mandats) were adopted^{cdxciii} and the ethics for functionaries^{cdxciv}.

France's National Assembly has a Code of conduct^{cdxcv} and since 2019 envisages the registration of parliamentarians' decisions to recuse themselves from debates and votes. The register is published on the National Assembly's website.

Rules of ethics and reporting obligations for the members of the French National Assembly are controlled by the Ethics Commissioner of the National Assembly. The Court of Auditors certifies the accounts of the Assembly. Interest representatives must register in a register and comply with rules of transparency and ethics under the control of the Ethics Commissioner. The creation of an open data site confirmed the consideration of this requirement for transparency. The annual reports^{cdxcvi} show the compliance with ethics standards. The NA has a complete system of compliance with the ethical rules and prevention of conflict of interest under the control of the Ethics Commissioner, an independent person appointed by the Bureau for the duration of the legislature. The Ethics Commissioner controls donations and benefits received from deputies, travel at the invitation of third parties in connection with their mandate, the use made of the allocation of the mandate expenses etc^{cdxcvii}.

The French Senate Parliamentary Ethics Committee (2009)^{cdxcviii} is responsible for parliamentary ethics relating to the functioning of parliamentary assemblies^{cdxcix}. Placed with the President and the Bureau of the Senate, the Committee has an advisory role in the prevention and treatment of conflicts of interest of senators, as well as on any ethical question concerning the exercise of the mandate of senators and the functioning of the Senate^d. For the sake of independence, the functions of member of the Parliamentary Ethics Committee are incompatible with those of member of the Bureau of the Senate. Likewise, a member of the Committee cannot serve more than two terms within it. Finally, the members of the Committee do not derive any benefit or compensation whatsoever from their functions within it. The Committee has an advisory role within the Senate. It must therefore be consulted on changes to regulatory texts - motion for a resolution and draft executive order - relating to parliamentary ethics, in particular relating to prevention and cessation of conflicts of interest of senators; the system of payment and control of mandate costs and the list of eligible costs. In the exercise of its ethical mission, the Bureau of the Senate - like the President of the Senate - may request an opinion from the Parliamentary Ethics Committee with a view to enlightening it in matters of ethics and the prevention of conflicts of interest or on a general question, or on

the personal situation of a senator. At the same time, a senator may seek the advice of the Parliamentary Ethics Committee on his personal situation if he considers that it is likely to reveal a conflict of interest or on any ethical question related to the exercise of his mandate. The answer is provided by the Chairman or the Vice-Chairman of the Committee as soon as the question does not pose any difficulty or does not raise a question of principle. The Committee has also been given powers of implementation or control of the ethical rules defined by the Bureau. It is therefore responsible - to ensure compliance with the rules relating to interest representatives by contacting, if necessary, the President of the Senate to give formal notice to the interest representative who has violated the rules and by sending non-public observations to the person contacted by this representative of interest and to control that the expenses of the senators supported by the Senate correspond to the expenses of mandate.

The HATVP and judiciary and investigative forces do not have enough resources to verify declarations for elected officials.

SLOVENIA

The new Act Amending the Integrity and Prevention of Corruption Act regulates declarations, assets and conflict of interest^{di} of elected officials including MP's.^{dii} The provisions of this chapter do not apply to procedures in which the exclusion of an official person is regulated by another Act. The Commission for the prevention of Corruption monitors the reporting, but not efficiently. The ERAR tool helps them to see the connections and expenditure as well.

The Code of ethics for MP's of National Assembly^{diii} (2020) declares ethical principles which deputies must adhere to and sets reprimands for violations.^{div} But it is poor and not implemented^{dv}. The content of the Code was criticized significantly by the Transparency International Slovenia^{dvi}. The prohibition of acceptance of gifts, services and goods that would influence the decision-making process and decisions of MP's is not properly defined. It does not cover conflict of interest management as widely as the IPCA. Sanctions are weak. The Code does not introduce provisions on recusal of members of the Council of the President of the NA, as it is the sanctioning body. People who can report a breach are limited to the president or vice-presidents of the NA. Violations are not available publicly. Currently the Council of the President of the NA can't enforce the Code in practice, as sanctioning is not defined in the Rules of procedure of the NA^{dvi}.

CPC's has limited resources for supervising the implementation of asset declarations, conflicts of interest, lobbying and integrity plans, as GRECO reports. PTEFs' asset declarations are neither published nor subject to substantial scrutiny^{dviii}.

The National Council introduced in 2015^{dix} the Code of ethics of the State council deputies but it is not implemented properly with control mechanisms and sanctions. And no measures regarding their members and lobbying contacts and on ethics and integrity were introduced.^{dx}

Strengthening institutional integrity culture - internal and external

7. *What entities (internal and external) are in charge of strengthening conflict of interest management, declarations of interest and assets, political ethics standards through awareness raising, training, guidelines, rules, methodologies, software solutions etc.? Please elaborate for each of the above mentioned.*

LITHUANIA

For declarations COEC, The Commission for Ethics and Procedures of the Seimas; for members of municipal councils – municipal ethics commissions.

FRANCE

HATVP, AFA, each public institution itself. The Parliamentary Ethics Committee, Ethics Commissioner of the National Assembly.

SLOVENIA

CPC, each public institution itself. The Council of the President of the NA and separate for the NC.

Accountabilities and responsibilities

8. *How is the responsibility for building and implementing political party's integrity culture defined and to which function is it allocated to?*
9. *Which specialized institutions are in charge of ensuring various aspects of integrity and anticorruption and what are their competences? Please define institutions with brief explanation of their role and competencies.*

LITHUANIA

The Parliamentary Commission on Ethics and Procedures and the COEC (for explanation see above) for the NA and Senate.^{dx} The mentioned institutions. But not for political parties. Only few have some measures they follow.

FRANCE

The NA and NC. There is none for political parties.

SLOVENIA

The Council of the President of the NA and separate body for the NC. There is none for political parties.

Oversight/control/monitoring

10. *What institutions are in charge of oversight/control/monitoring of proper fulfilment of obligations? How are these functions fulfilled?*

LITHUANIA

The Parliamentary Commission on Ethics and Procedures analyses the declarations submitted by MPs and advises them on how to avoid conflicts of interest. Parliamentarians can be warned if they do not follow the recommendations made by the Commission^{dxii}.

FRANCE

HATVP (See above)

SLOVENIA

The Commission for the prevention of corruption for declarations. (See above) based on IPCA. The superior or the Commission shall decide on the conflict of interest within 15 days and shall communicate the decision to the official person.

The NA Commission and the President for ethics code. (See above)

The NC President for ethics code. (See above)

Sanctioning

11. Which institutions are in charge of enforcing sanctions? Please explain for each their competencies for sanctioning.

LITHUANIA

The Parliamentary Commission on Ethics and Procedures and the COEC. ^{dxiii}

There are different procedures and different consequences for violators of respective laws. Procedures of investigations to be conducted by the COEC are prescribed by the Chapter four, The Law on the COEC; investigations to be conducted by ethics commission of municipal councils are prescribed by the Code of Conduct for State Politicians and the Law on Local Self-Government; procedural rules for investigations conducted in other institutions are prescribed by respective legal acts, e.g. Resolution Nr. 977, June 25, 2002, of the Government of Republic of Lithuania on Procedure For Imposing Disciplinary Sanctions On Civil Servants, etc.

In accordance with Article 6, the supervising body for members of Parliament is Commission for Ethics and Procedures of the Seimas; for members of municipal councils – municipal ethics commissions.

FRANCE

HATVP, AFA, each public institution itself. The Parliamentary Ethics Committee, Ethics Commissioner of the National Assembly.

SLOVENIA

The Commission for the prevention of corruption for declarations. (See above)

The NA Commission and the President for ethics code. (See above)

The NC President for ethics code. (See above)

12. Which sanctions are imposed?

LITHUANIA

No effective mechanism is in place to monitor potential violations^{dxiv}.

The Commission for Ethics and Procedures of the Seimas; for members of municipal councils – municipal ethics commissions shall take one of decisions, stated in Article 9, Code of Conduct for State Politicians:

- certify that a person has violated (or not violated) the provisions of ethical policies (including conflict of interest regulations);
- give recommendation to adjust person's conduct with ethical principles and requirements (including conflict of interest regulations);
- give recommendation to apologize publicly because of non-ethical conduct.
- in case of suspicions in criminal conduct – transfer the information to pre-trial institutions or to prosecutor's office^{dxv}.

FRANCE

Disciplinary by the internal body. Prosecution -criminal act of influencing by enforcement bodies.

SLOVENIA

Disciplinary by the internal body. Prosecution -criminal act of influencing by enforcement bodies.

13. What kind of system is in place for reporting corruption in political parties?

LITHUANIA

Regular official reporting channels.

FRANCE

Regular official reporting channels and to the Commission and the COEC.^{dxvi}

SLOVENIA

Regular official reporting channels and to the CPC, police, and prosecution.

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- ¹⁸² European Commission (2020) 2020 Rule of Law Report. Country chapter on the rule of law situation in Lithuania <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1602579986149&uri=CELEX%3A52020SC0314> 23.10.2020
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- ¹⁸⁴ Council of Europe (2019) 4th Evaluation Round : <https://rm.coe.int/grecorc4-2019-18-fourth-evaluation-round-corruption-prevention-in-resp/168096d994> 23.10.2020
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- ¹⁸⁶ <https://www.e-tar.lt/portal/lt/legalAct/25c529d0cbcd11e4aaa0e90fce879681> 23.10.2020
- ¹⁸⁷ For example Ministry of culture: <https://lrkm.lrv.lt/lt/administracine-informacija/korupcijos-prevencija/lietuvos-respublikos-kulturos-ministerijos-korupcijos-prevencijos-komisija> 23.10.2020
- ¹⁸⁸ :STT Lithuania <https://www.stt.lt/pateikti-pranesima-apie-korupcija/7425>
- ¹⁸⁹ OLAF Fraud reporting form https://ec.europa.eu/anti-fraud/contacts/fraud-reporting-form_lt
- ¹⁹⁰ High Authority for Transparency in Public Life France: <https://www.hatvp.fr/en> 10.10.2020. It was created on the proposal of the committee of reflection for the prevention of conflicts of interest in public life (Sauvé Committee) and

the committee for the renovation and ethic of public life (Jospin Committee). They recommended to introduce in French legislation a specific definition of conflicts of interests and to develop mechanisms to prevent them in public life. They also proposed the creation of an independent authority entrusted with this mission. These reports highlighted the flaws of the existing schemes / Houchard, Béatrice (2012) The Jospin commission on the rails ", Le Figaro ,July 25, 2012 : <https://www.lefigaro.fr/politique/2012/07/25/01002-20120725ARTFIG00572-la-commission-jospin-sur-les-rails.php> 10.10.2020. The commission was created as a reaction to poor ethics of public officials and PEP's. Its aim was to make proposals to renovate the political field of French public and political life. They formulated proposals on reducing the accumulation of mandates and conflicts of interest; as well as the methods of electing the President of the Republic and members of Parliament.. : <https://www.hatvp.fr/en/high-authority/institution/list/#the-creation-of-the-high-authority> 10.10.2020.

¹⁹¹ High Authority for Transparency in Public Life France (2019) An independent administrative authority : <https://www.hatvp.fr/en/high-authority/institution/list/#an-independent-administrative-authority> 2.10.2020

¹⁹² Ibid.: it is a permanent body in the administrative structure responsible for guaranteeing integrity amongst French public officials, but it cannot be instructed nor ordered to take specific actions by the Government. The High Authority is affiliated to the Government for budget matters but has financial autonomy. The institution is thus not answerable to the executive power and is solely subject to audit by the Supreme Court of auditors and the Parliament (e.g. auditions, parliamentary investigation committees) and control of administrative and judicial courts. To guarantee its independence, the High Authority is composed of a collegial body of nine members responsible for taking the main decisions of the institution. In addition to its President, appointed by the President of the French Republic following a procedure entrenched in the Constitution, six members of France's highest judicial bodies (Supreme Court of auditors, Court of cassation, Council of State) sit, along with two members appointed by the speakers of each House of Parliament. The High Authority's members are appointed through collegial votes to avoid individual considerations, and according to the principle of gender parity. They serve a non-renewable and non-revocable mandate and can neither receive nor seek orders or instructions from the Government.

The collegial body of the High Authority is submitted to strict rules of deontology and to professional secrecy, provided by the institution rules of procedure. As all members of boards of independent administrative authorities, they have to submit declarations to the High Authority with strict rules of deport as they are checked within the institution and to avoid any bias in the control and decision. Yet, unlike other members of boards of independent administrative authorities, their declarations are made public and available online. The rules of procedure of the High Authority, published in the Official Gazette, detail every working process. The common point of those processes lies in the will to create the conditions, whenever it is deemed necessary, of a contradictory discussion with the public officials, by offering them the possibility to explain their point of view to the person in charge their file and by guaranteeing the possibility to provide observations at all stages of the process.

¹⁹³ High Authority for Transparency in Public Life France (2019) An independent administrative authority : <https://www.hatvp.fr/en/high-authority/institution/list/#an-independent-administrative-authority> 2.10.2020

¹⁹⁴ It is composed of a collegial body of nine members responsible for taking the main decisions of the institution. In addition to its President, appointed by the President of the French Republic following a procedure entrenched in the Constitution, six members of France's highest judicial bodies (Supreme Court of auditors, Court of cassation, Council of State) sit, along with two members appointed by the speakers of each House of Parliament. The High Authority's members are appointed through collegial votes to avoid individual considerations, and according to the principle of gender parity. They serve a non-renewable and non-revocable mandate and can neither receive nor seek orders or instructions from the Government. The collegial body of the High Authority is submitted to strict rules of deontology and to professional secrecy, provided by the institution rules of procedure. As all members of boards of independent administrative authorities, they have to submit declarations to the High Authority with strict rules of deport as they are checked within the institution and to avoid any bias in the control and decision. Yet, unlike other members of boards of independent administrative authorities, their declarations are made public and available online. The rules of procedure of the High Authority, published in the Official Gazette, detail every working process. The common point of those processes lies in the will to create the conditions, whenever it is deemed necessary, of a contradictory discussion with the public officials, by offering them the possibility to explain their point of view to the person in charge their file and by guaranteeing the possibility to provide observations at all stages of the process.

¹⁹⁵ High Authority for Transparency in Public Life France (2020) Institution <https://www.hatvp.fr/en/high-authority/institution/> 10.10.2020.

¹⁹⁶ European Union (2020) 2020 Rule of Law Report The rule of law situation in the European Union Brussels, 30.9.2020 SWD(2020) 309 final. Country Chapter on the rule of law situation in France: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1602579986149&uri=CELEX%3A52020SC0309> 30.10.2020

¹⁹⁷ European Commission (2014) EU Anti-Corruption report France. Brussels, 3.2.2014 COM(2014) 38 final

¹⁹⁸ European Union (2020) 2020 Rule of Law Report The rule of law situation in the European Union Brussels, 30.9.2020 SWD(2020) 309 final. Country Chapter on the rule of law situation in France: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1602579986149&uri=CELEX%3A52020SC0309> 30.10.2020

¹⁹⁹ European Union (2020) 2020 Rule of Law Report The rule of law situation in the European Union Brussels, 30.9.2020 SWD(2020) 309 final. Country Chapter on the rule of law situation in France: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1602579986149&uri=CELEX%3A52020SC0309> 30.10.2020

²⁰⁰ High Authority for Transparency in Public Life France : <https://www.hatvp.fr/en> 10.10.2020. It was created on the proposal of the committee of reflection for the prevention of conflicts of interest in public life (Sauvé Committee)

and the committee for the renovation and ethic of public life (Jospin Committee). They recommended to introduce in French legislation a specific definition of conflicts of interests and to develop mechanisms to prevent them in public life. They also proposed the creation of an independent authority entrusted with this mission. These reports highlighted the flaws of the existing schemes / Houchard, Béatrice (2012) The Jospin commission on the rails ", Le Figaro ,July 25, 2012 : <https://www.lefigaro.fr/politique/2012/07/25/01002-20120725ARTFIG00572-la-commission-jospin-sur-les-rails.php> 10.10.2020. The commission was created as a reaction to poor ethics of public officials and PEP's. Its aim was to make proposals to renovate the political field of French public and political life. They formulated proposals on reducing the accumulation of mandates and conflicts of interest; as well as the methods of electing the President of the Republic and members of Parliament: <https://www.hatvp.fr/en/high-authority/institution/list/#the-creation-of-the-high-authority> 10.10.2020.

²⁰¹ High Authority for Transparency in Public Life France (2019) Six années à la Haute Autorité pour la transparence de la vie publique. Paris. 2019. : https://www.hatvp.fr/wordpress/wp-content/uploads/2019/12/BilanMandat_version-finale.pdf 2.10.2020

²⁰² European Commission (2014) EU Anti-Corruption report France. Brussels, 3.2.2014 COM(2014) 38 final ANNEX 15 ANNEX LITHUANIA to the EU Anti-Corruption Report

²⁰³Évolution du cadre déontologique dans la fonction publique (2019) https://www.fonction-publique.gouv.fr/files/files/carrieres_et_parcours_professionnel/com_deontologie/20200121-fiche-entree-en-vigueur-reforme-deontologie.pdf 23.10.2020

²⁰⁴ Directorate General for Administration and the Civil Service https://www.fonction-publique.gouv.fr/files/files/publications/reperes_dgafp/DGAFP-plaquetteGB.pdf 23.10.2020

²⁰⁵ Decree of 30 January 2012

²⁰⁶ European Union (2020) 2020 Rule of Law Report The rule of law situation in the European Union Brussels, 30.9.2020 SWD(2020) 309 final. Country Chapter on the rule of law situation in France: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1602579986149&uri=CELEX%3A52020SC0309> 30.10.2020: The AFA is headed by a magistrate appointed by decree of the President of the Republic for a non-renewable term of six years. His functions may only be terminated at his request or in the event of incapacity or serious misconduct. In the exercise of his control functions, the Director of the AFA may not receive or request instructions from any administrative or Government authority.

²⁰⁷ France: Anti-Corruption & Bribery Comparative Guide (2019):<https://fced.com/france-anti-corruption-bribery-guide/> 23.10.2020

²⁰⁸ The Central Service for Prevention of Corruption (SCPC) established in 1993 Loi n° 93-122 du 29 janvier 1993 relative à la prévention de la corruption et à la transparence de la vie économique et des procédures publiques, dont les modalités d'application ont été fixées par le décret n° 93-232 du 22 février 1993. which analysed data on corruption in France and coordinated prevention policies (it was attached to the Minister of Justice and led by a magistrate) was by 2017 the main institution against corruption and provided recommendations and highlights on integrity and anti-corruption issues. Before Sapin II was also responsible for investigating criminal offences together with the public prosecutor.

²⁰⁹ Including the power to: require the company to adapt its internal compliance procedures within a specified period, which may not exceed three years; order the company to pay a financial penalty to an amount proportionate to the seriousness of the breach and the financial situation of the company or individual – such penalty may not exceed €200,000 for individuals and € 1 million for companies; and order the publication or posting of the decision at the expense of the convicted company. : <https://www.lexology.com/library/detail.aspx?g=0c71067e-04b1-4a57-8731-fc141be57c2d> 10.10.2020.

²¹⁰ France: Anti-Corruption & Bribery Comparative Guide (2019):<https://fced.com/france-anti-corruption-bribery-guide/>10.10.2020.

²¹¹ France: Anti-Corruption & Bribery Comparative Guide (2019):<https://fced.com/france-anti-corruption-bribery-guide/>10.10.2020.

²¹² France: Anti-Corruption & Bribery Comparative Guide (2019):<https://fced.com/france-anti-corruption-bribery-guide/>10.10.2020.

²¹³ Reed Smith LLP (2020) Anti-corruption & Bribery in France: Including the power to: require the company to adapt its internal compliance procedures within a specified period, which may not exceed three years; order the company to pay a financial penalty to an amount proportionate to the seriousness of the breach and the financial situation of the company or individual – such penalty may not exceed €200,000 for individuals and € 1 million for companies; and order the publication or posting of the decision at the expense of the convicted company. : <https://www.lexology.com/library/detail.aspx?g=0c71067e-04b1-4a57-8731-fc141be57c2d> 10.10.2020.

²¹⁴ Herbert Smith Freehills LLP (2020) Publication of the draft update of the AFA guidelines – New features and first impressions <https://sites-herbertsmithfreehills.vulturevx.com/126/23927/landing-pages/e-bulletin-l-publication-of-the-draft-update-of-the-afa-guidelines-l-october-2020.pdf>

²¹⁵ The term “public sector entities” means: - central government (central administrations, devolved central government administrations, departments with national scope, independent administrative authorities, etc.); - local governments and groups of local governments; - public establishments (other than EPICs with more than 500 employees and turnover in excess of €100 million, which are covered by article 17 of French Act 2016-1691 of 9 December 2016); - public interest groups; - publicly owned companies (including local publicly owned companies and semi-public companies); - non-profit organisations with a public service role. The Agency’s Guidelines – a unified,

indivisible policy framework – should be applied by all public sector entities, in a manner consistent with each organisation's size and risk exposures.

²¹⁶ Herbert Smith Freehills LLP (2020) Publication of the draft update of the AFA guidelines New features and first impressions: <https://www.lexology.com/library/detail.aspx?g=fd311d36-c1b5-4f0d-a8ae-ec5061e7613a> 23.10.2020

²¹⁷ Guideliness: French decree 2011-775 of 28 June 2011 on internal audit in the administration, accounting rules

²¹⁸ Ministère de la Transformation et la Fonction Publiques (2016, 2019) Launch of the network of ethics referents of the State civil service: <https://www.fonction-publique.gouv.fr/lancement-reseau-des-referents-deontologues-de-la-fonction-publique-detat> 2.10.2020

²¹⁹ Commission for the prevention of corruption Slovenia/ Komisija za preprečevanje korupcije Slovenia (2020) Annual report 2019: https://www.kpk-rs.si/en/wp-content/uploads/sites/3/2020/06/Porocilo2019_za-prevod-lektoriran-prevod.pdf 23.10.2020

²²⁰ Commission for the prevention of corruption Slovenia/ Komisija za preprečevanje korupcije Slovenia (2020) Mission statement (*This Mission Statement was adopted by the Senate of the Commission for the Prevention of Corruption at the 5th session of the Senate, on 21st May 2020.*): <https://www.kpk-rs.si/en/commission/mission-statement/> 23.10.2020

²²¹ CPC (2020) Competencies The structure of its competences and tasks are further defined in the Document on the Internal Organisation and Job Classification in the Commission for the Prevention of Corruption <https://www.kpk-rs.si/en/commission/competences-and-tasks/>

²²² Ministry of Public Administration (2015) *Public Administration Development Strategy 2015–2020*. http://www.mju.gov.si/en/areas_of_work/public_administration_2020/ <https://www.ip-rs.si/en/legislation/access-to-public-information-act/>

²²³ Ministry of public administration and the Government (2015) Public administration 2020, Public administration development strategy 2015 2020: http://www.mju.gov.si/fileadmin/mju.gov.si/pageuploads/IAVNA_UPRAVA/Kakovost/Strategija_razvoja_ANG_final_web.pdf 23.10.2020

²²⁴ Transparency, Integrity and Political System Office (2020): <https://www.gov.si/en/state-authorities/ministries/ministry-of-public-administration/about-the-ministry/transparency-integrity-and-political-system-service/>

²²⁵ SDH (2018) Učinkovita implementacija protikorupcijskih mehanizmov in integritete (deset proti-korupcijskih načel za podjetja v državni lasti) in upravljanje z nasprotji interesov: <https://sdh.si/sl-si/izobrazevalni-dogodki/72/5-2018-ucinkovita-implementacija-protikorupcijskih-mehanizmov-in-integritete-deset-proti-korupcijskih-nacel-za-podjetja-v-drzavni-lasti-in-upravljanje-z-nasprotji-interesov> 23.10.2020

²²⁶ Slovenian Sovereign Holding Act (2020) www.sdh.si 15.10.2020

²²⁷ State Prosecutorial Council (2020): <https://www.drzavnotozilski-svet.si/en> 23.10.2020

²²⁸ Here is the link to mentioned new draft of Law on Corruption prevention (only in Lithuanian) in Art. 6.: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/74ea6d80bb5b11ea9a12d0dada3ca61b?jfwid=nq76mxi5> 23.10.2020

²²⁹ The Parliament Seimas Lithuania (2019) Law on Corruption prevention (only in Lithuanian): <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/74ea6d80bb5b11ea9a12d0dada3ca61b?jfwid=nq76mxi5> 25.10.2020 Art 10.

²³⁰ Special Investigation Service of the Republic of Lithuania / Lietuvos Respublikos specialiujų tyrimų tarnyba- STT (2020) Anti-corruption Education. <https://www.stt.lt/en/anti-corruption-education/7491> 26.10.2020

²³¹ OSCE (20) <https://polis.osce.org/country-profiles/lithuania> 23.10.2020

²³² Special Investigation Service of the Republic of Lithuania / Lietuvos Respublikos specialiujų tyrimų tarnyba- STT (2006) ANTI-CORRUPTION EDUCATION AT SCHOOL Methodical material for general and higher education schools MODERN DIDACTICS CENTRE. Garnelis Publishing, Klaipėdos St. 6, LT-01117 Vilnius: https://www.stt.lt/data/public/uploads/2019/11/d1_anti-corruption_education_at_school.pdf 25.10.2020

²³³ European Commission (2014) EU Anti-Corruption report Lithuania. Brussels, 3.2.2014 COM(2014) 38 final ANNEX 15 ANNEX LITHUANIA to the EU Anti-Corruption Report : https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/docs/2014_acr_lithuania_chapter_en.pdf 23.10.2020

²³⁴ Ministry of Education and Science of the Republic of Lithuania (2005) Methodological recommendations on how to implement the Anti-Corruption education <http://www.stt.lt/lt/menu/antikorupcinis-svietimas/mokomoji-medziaga> 23.10.2020 . Comments for development and implementation of integrated program

<https://duomenys.ugdome.lt/?/mm/socialinis/med=11/258> 23.10.2020. Corruption in higher education institutions: approaches, problems and solution. – V.: Garnelis, 2005. Methodological tool for high school teachers and students. This publication presents taught curriculum and extended lecture plans, reflecting the opportunities for Anti-Corruption education.

²³⁵ Comments for development and implementation of integrated program:

<https://duomenys.ugdome.lt/?/mm/socialinis/med=11/258> 23.10.2020

²³⁶ Methodological recommendations on how to implement the Anti-Corruption education (education), can be found here: Anti-Corruption education opportunities for secondary school: a methodological tool. - Education Supply Centre of the Ministry of Education and Science of the Republic of Lithuania, 2005. Electronic version is available at Special Investigation Service web page <http://www.stt.lt/lt/menu/antikorupcinis-svietimas/mokomoji-medziaga> . Comments for development and implementation of integrated program <https://duomenys.ugdome.lt/?/mm/socialinis/med=11/258> . Corruption in higher education institutions: approaches, problems and solution. – V.: Garnelis, 2005. Methodological tool for high school teachers and students.

This publication presents taught curriculum and extended lecture plans, reflecting the opportunities for Anti-Corruption education.

²³⁷ Special Investigation Service of the Republic of Lithuania / Lietuvos Respublikos specialiųjų tyrimų tarnyba- STT strives to integrate anti-corruption components into study programmes so that students have the opportunity to enrol on the specific optional courses, such as corruption and prevention, anti-corruption policy, corruption studies, etc. Since 2005, a course of anti-corruption education has been taught at Vilnius Pedagogical University; in 2006, Mykolas Romeris University supplemented the syllabus for a course in criminology with anti-corruption subject. Cooperation is also ongoing with Klaipėda University with respect to implementing anti-corruption education programmes. Kaunas University of Technology yearly invites STT representatives to meet the students.

²³⁸ The High Authority for Transparency in Public Life : <https://www.hatvp.fr/en> 10.10.2020. It was created on the proposal of the committee of reflection for the prevention of conflicts of interest in public life (Sauvé Committee) and the committee for the renovation and ethic of public life (Jospin Committee). They recommended to introduce in French legislation a specific definition of conflicts of interests and to develop mechanisms to prevent them in public life. They also proposed the creation of an independent authority entrusted with this mission. These reports highlighted the flaws of the existing schemes / Houchard, Béatrice (2012) The Jospin commission on the rails ", Le Figaro , July 25, 2012 : <https://www.lefigaro.fr/politique/2012/07/25/01002-20120725ARTFIG00572-la-commission-jospin-sur-les-rails.php> 10.10.2020. The commission was created as a reaction to poor ethics of public officials and PEP's. Its aim was to make proposals to renovate the political field of French public and political life. They formulated proposals on reducing the accumulation of mandates and conflicts of interest; as well as the methods of electing the President of the Republic and members of Parliament.. : <https://www.hatvp.fr/en/high-authority/institution/list/#the-creation-of-the-high-authority> 10.10.2020.

²³⁹ French Anti-Corruption Agency L'Agence française anticorruption (AFA) (2020) Annual report 2019 and 2020, https://www.agence-francaise-anticorruption.gouv.fr/files/files/RA%20Annuel%20AFA_web.pdf 23.10.2020

²⁴⁰ France: Anti-Corruption & Bribery Comparative Guide (2019): <https://fced.com/france-anti-corruption-bribery-guide/>

²⁴¹ Created by Law No. 2013-1117 of 6 December 2013 (Law on the Fight against Financial Fraud and Serious Economic and Financial Acts), the National Financial Prosecutor's Office (Parquet National Financier) ("PNF") <https://www.ropesgray.com/en/newsroom/alerts/2019/08/France-National-Financial-Prosecutor-Anti-Corruption-Agency-Corporate-Settlement-Mechanisms>

²⁴² Special Investigation Service of the Republic of Lithuania / Lietuvos Respublikos specialiųjų tyrimų tarnyba- STT Central Anti-Corruption Bureau's training platform <https://szkolenia-antykorupcyjne.edu.pl/>

²⁴³ European Commission (2020) 2020 Rule of Law Report. Country chapter on the rule of law situation in Lithuania <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1602579986149&uri=CELEX%3A52020SC0314> 23.10.2020

²⁴⁴ GRECO (2019) 4th evaluation round Lithuania <https://rm.coe.int/grecorc4-2019-18-fourth-evaluation-round-corruption-prevention-in-resp/168096d994> 22.10.2020

²⁴⁵ French Anti-Corruption Agency L'Agence française anticorruption (AFA) (2020) Annual report 2019 and 2020, https://www.agence-francaise-anticorruption.gouv.fr/files/files/RA%20Annuel%20AFA_web.pdf 23.10.2020

²⁴⁶ French Anti-Corruption Agency L'Agence française anticorruption (AFA) (2017) Guidelines to help private and public sector entities prevent and detect corruption, influence peddling, extortion by public officials, unlawful taking of interest, misappropriation of public funds and favouritism https://www.agence-francaise-anticorruption.gouv.fr/files/2018-10/French_Anticorruption_Agency_Guidelines.pdf 5.10.2020

²⁴⁷ Évolution du cadre déontologique dans la fonction publique (2019) https://www.fonction-publique.gouv.fr/files/files/carrieres_et_parcours_professionnel/com_deontologie/20200121-fiche-entree-en-vigueur-reforme-deontologie.pdf 7.10.2020

²⁴⁸ Directorate General for Administration and the Civil Service https://www.fonction-publique.gouv.fr/files/files/publications/reperes_dgafp/DGAFP-plaquetteGB.pdf 7.10.2020

²⁴⁹ <https://www.fonction-publique.gouv.fr/manager-public-a-lepreuve-webinaire-vendredi-19-juin-2020>

²⁵⁰ L'ÉCOLE DE RÉFÉRENCE EN RESSOURCES HUMAINES (2020): <https://www.esgrh.fr/> 7.10.2020

²⁵¹ Directorate General for Administration and the Civil Service https://www.fonction-publique.gouv.fr/files/files/publications/reperes_dgafp/DGAFP-plaquetteGB.pdf 7.10.2020

²⁵² Loi n° 83-634 du 13 juillet 1983 portant droits et obligations des fonctionnaires: Loi dite loi Le Pors. [law n° 83-634 of 13 July 1983](https://www.legifrance.gouv.fr/eli/loi/1983/7/13/83-634) and for different systems: State civil service Officials- the Décret n°2007-1470 du 15 octobre 2007 relatif à la formation professionnelle tout au long de la vie des fonctionnaires de l'Etat: [decree n° 2007-1470 of 15 October 2007](https://www.legifrance.gouv.fr/eli/decree/2007/10/15/2007-1470) on vocational training throughout the life of state officials. Contract agents and state workers

Decree n° 2007-1942 of December 26, 2007 relating to the professional training of non-tenured employees of the State and its public establishments and workers affiliated to the pension scheme resulting from decree n° 2004-1056 of October 5, 2004. Territorial civil service- Law n° 84-594 of 12 July 1984 relating to the training of agents of the territorial public service. The [decree n° 2007-1845 of 26 December 2007](https://www.legifrance.gouv.fr/eli/decree/2007/12/26/2007-1942) on vocational training throughout the life of the agents of the territorial government. The Hospital public service The [decree n° 2008-824 of 21 August 2008](https://www.legifrance.gouv.fr/eli/decree/2008/8/21/2008-824) on vocational training throughout the life of the agents of the public hospital. 7.10.2020

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- ²⁹¹ The Sapin II Act France empowers public prosecutors to propose that a company which is subject to an investigation for corruption or related offences enter into a settlement agreement ('*Convention Judiciaire d'Intérêt Public*' – CJIP), inspired by the US and UK deferred prosecution agreements. The settlement agreement is not regarded as a conviction and, consequently, is not registered in the *Criminal Record Bulletin No 1*. However, the settlement agreement is published on the AFA's website. France: Anti-Corruption & Bribery Comparative Guide (2019): <https://fcced.com/france-anti-corruption-bribery-guide/>
- ²⁹² Where the prosecution is conducted by the PNF, the 32nd Chamber of the Paris Court of First Instance has exclusive jurisdiction over these cases at first instance.
- ²⁹³ France: Anti-Corruption & Bribery Comparative Guide (2019): <https://fcced.com/france-anti-corruption-bribery-guide/>
- ²⁹⁴ *A new sanction was introduced under the Sapin II Act for any legal entities found responsible for corruption and influence peddling offences. Criminal courts may sanction such entities with a 'compliance programme penalty' ('Peine de Programme de Mise en Conformité'), requiring them to comply, for up to five years, with the obligation to implement an anti-corruption compliance programme, under the AFA's supervision. This penalty can be imposed on all legal entities, private and public, regardless of size, form, sector of activity and whether they are French or foreign registered.* France: Anti-Corruption & Bribery Comparative Guide (2019): <https://fcced.com/france-anti-corruption-bribery-guide/>
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- ³⁰⁵ The exception are close relatives or family members which concepts shall be understood as they are defined in Chapter XXXIV of the Criminal Code.
- ³⁰⁶ Commission for the prevention of corruption Slovenia/ Komisija za preprečevanje korupcije Slovenia (2020) Report corruption <https://www.kpk-rs.si/prijava-suma-korupcije-in-drugih-nepravilnosti/obrazec-za-prijavo-korupcije/>
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- ³⁰⁸ The Parliament (Seimas) Lithuania (2019) The Law on the Prevention of Corruption, No. IX-904, 2019 <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.168154/asr?positionInSearchResults=0&searchModelUUID=a899da2a-53d0-474b-98e8-ffe9f8f0658e> 25.10.2020: **State or municipal institutions, state and municipal enterprises operating in accordance with the Law on State and Municipal Enterprises of the Republic of Lithuania, public limited companies, private limited companies whose state-owned shares give more than 1/2 of the votes at the general meeting, as well as public limited companies, private limited companies, the shares of which owned by one**

or more municipalities give more than 1/2 of the votes at the general meeting of shareholders. Heads of state or municipal institutions, structural units or persons authorized by the head of a state or municipal institution to carry out corruption prevention and control shall determine the areas of activity of the state or municipal institution in which there is a high probability of corruption.

³⁰⁹ Special Investigation Service of the Republic of Lithuania / Lietuvos Respublikos specialiųjų tyrimų tarnyba- STT Procedure for the analysis of corruption risk :

https://www.stt.lt/data/public/uploads/2019/11/d1_procedure_for_the_analysis_of_corruption_risk.docx
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³¹⁰ Special Investigation Service of the Republic of Lithuania / Lietuvos Respublikos specialiųjų tyrimų tarnyba- STT (2020) : <https://www.stt.lt/en/corruption-prevention/corruption-risk-analysis/4983> 20.10.2020

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³¹⁷ Examples of A-C assesment https://www.stt.lt/data/public/uploads/2019/11/d1_examples_of_anti-corruption_assesment.docx

³¹⁸ Sapin Law II (2016) But in regard to the whole A-C system the board members of a limited company are not referred to in article 17(I) of the Sapin II Law and therefore cannot be liable before the Sanctions Committee for the implementation of an anticorruption programme. <https://www.lexology.com/library/detail.aspx?g=fd311d36-c1b5-4f0d-a8ae-ec5061e7613a>

³¹⁹ "A combined reading of the provisions of article 17, and in particular its subsection I, brings us to conclude that companies subject to the article must complete a risk map that covers influence-peddling risks as well as the corruption risks specified in article 17. Any other interpretation based on a literal reading of subsection II, paragraph 3, would preclude the overall system of its effectiveness, since the other measures, all of which ensue from the risk map, are either implicitly (code of conduct, accounting control procedures, training programme) or explicitly (whistleblowing procedure, third party due diligence, etc.) intended to prevent and detect influence peddling". Draft Guidelines on the anticorruption policy framework for the private sector, § 46.

³²⁰ Draft Guidelines on the anticorruption policy framework for the private sector.

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³²² Draft Guidelines on the anticorruption policy framework for the private sector.

³²³ OECD (2015) *Prevention of Corruption in the Public Sector in Eastern Europe and Central Asia*.

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³²⁴ Commission for the prevention of corruption Slovenia/ Komisija za preprečevanje korupcije Slovenia (2011) The integrity plan www.kpk-rs.si

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³²⁸ The Parliament (Seimas) Lithuania (2019) The Law on the Prevention of Corruption, No. IX-904, 2019 <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.168154/asr?positionInSearchResults=0&searchModelUUID=a899da2a-53d0-474b-98e8-ffe9f8f0658e> 25.10.2020 see also, Special Investigation Service of the Republic of Lithuania / Lietuvos Respublikos specialiųjų tyrimų tarnyba- STT. Integrity Checks: www.stt.lt/en/menu/integritychecks 20.10.2020

³²⁹: <http://www.oecd.org/corruption/anti-bribery/Lithuania-Phase-2-Report-ENG.pdf> 20.10.2020

³³⁰ Arts. 22 and 26 of the Law on the amendment of the law on the prosecutor's office, No. I-599, of 13 October 1994.

³³¹ Before president of the Republic selected judicial and lay members, now the Judicial Council has three judges in the Commission and for lay members selected by the President : <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1602579986149&uri=CELEX%3A52020SC0314> 22.10.2020

³³² Council of Europe (2010) Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, paras 47 and 48 and GRECO, Fourth evaluation round – Corruption prevention in respect of members of

- Parliament, judges and prosecutors, Recommendation vii. <https://rm.coe.int/grecor4-2019-18-fourth-evaluation-round-corruption-prevention-in-resp/168096d994> 22.10.2020
- ³³³ Law No. XIII, of 16 July 2019. Art. 55, Law on Courts, of 31 May 1994, No. I-480, as amended. 22.10.2020
- ³³⁴ European Commission (2020) 2020 Rule of Law Report. Country chapter on the rule of law situation in Lithuania : <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1602579986149&uri=CELEX%3A52020SC0314> 23.10.2020
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- ³⁴⁶ European Commission (2020) 2020 Rule of Law Report. Country chapter on the rule of law situation in Slovenia <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1602579986149&uri=CELEX%3A52020SC0323> 25.10.2020
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350 The law expanded the obliged persons (procurement experts, members of boards in State and municipal enterprises.

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³⁵² See Article 6, The Law on the Adjustment of Interests. 1) the name, surname, personal number (ID), number of the social insurance certificate, place of employment (places of employment) and position; 2) a legal person whose participant he/she or his/her spouse (cohabitee, partner) is; 3) individual activity as it defined in the Law on Personal Income Tax; 4) membership in and position in undertakings, establishments, associations or foundations, except of membership in political parties or trade unions; 5) gifts received within last twelve calendar months (except gifts received from close persons), if the value of this gift exceeds 150 euros; 6) information about the transactions concluded during the last twelve calendar months or other transaction which is valid, if the value thereof exceeds 3000 euros; 7) close persons or other persons or information who/which may cause the conflict of interest.

³⁵³ In the new form the person employed in public service can disclose contacts with individual person or legal entity, if these contacts appeared because of person's (employed in public service) official activity and if these contacts can raise suspicions that conflict of interest exists.

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