



Republic of Macedonia
STATE COMMISSION
FOR PREVENTION OF CORRUPTION

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METHODOLOGY
FOR ANTI-CORRUPTION REVIEW OF LEGISLATION

Legal basis

The Anti-Corruption Review of Legislation (ARL), as a key preventive anti-corruption mechanism applied in many countries, is one of the measures from Priority 1 – Rule of Law and Justice – Anti-Corruption Policy and Legislation, set out in the Action Plan of the Government of the Republic of Macedonia in accordance with the List of Urgent Reform Priorities for the Republic of Macedonia submitted by the European Commission. Also, the introduction of anti-corruption review of legislation is an obligation arising from the Strategy for South-east Europe 2020, in accordance with the key measure O.1 within the anti-corruption dimension.

The passing and adoption of the Methodology for Anti-corruption Review of Legislation (hereinafter: the Methodology) is the realization or operationalization of one of the competencies of the State Commission for Prevention of Corruption (hereinafter: SCPC) established in Article 17 item 2 of the Law on Prevention of Corruption and Conflict of Interest, which determines the competence of the State Commission for Prevention of Corruption (SCPC) to conduct anti-corruption review of laws, by-laws and other general acts, in accordance with the methodology adopted by the SCPC¹ itself.

¹ Law on Prevention of Corruption and Conflict of Interest, Official Gazette of the Republic of Macedonia No. 12 of January 19, 2019, Saturday.

The purpose of this Methodology is direct, efficient and effective implementation of this competence of the SCPC as a competent body in the area in which it is established, and aims to provide review and evaluation of the form and content of the regulations that are in preparation or which have already been adopted, as well as to detect and prevent risks of possible corruption and conflicts of interest in laws, by-laws and other general acts that may arise in the course of their implementation.

From the aspect of this competence determined by law, the SCPC in a special procedure, with special engagement, obligation and expertise, determines its opinion on all texts of draft laws that are sent to the Commission for obtaining an opinion, which contributes to the timely interception of all possible points of vulnerability and risk of corruption in legal norms. This also builds the practice of nomotechnical shaping of legislation in terms of corruption and conflict of interest.

In order to further regulate this competence of the SCPC, the Guidelines for Cooperation between State Administration Bodies, Public Enterprises, Public Institutions and Other Legal Entities that Have State Capital and the SCPC that the Government of the Republic of North Macedonia adopted in 2006 (“Official Gazette of the Republic of Macedonia” no. 81/2004 and 135/2006), where Article 8 stipulates that within the carrying out of the cooperation, when the state administration bodies prepare projects or legislative changes with which certain relations are regulated, and when there are important issues related to the prevention of corruption, such projects should be submitted for consultation to the SCPC.

In addition to reviewing the new draft laws, the SCPC manifests a proactive approach to the need to update the legislation from the aspect of anti-corruption policy, by recognizing the need for intervention in laws and by-laws in the Measures and Activities in the State Program, as a strategic anti-corruption document adopted by the State Commission for Prevention of Corruption, and pronounced by the Parliament. The active participation of the SCPC in the preparation of the new anti-corruption legislation is also manifested through the direct participation in the working groups formed in the relevant ministries and the public debates on the draft laws. The SCPC realizes this activity even in the initial phase by presenting the issues to be addressed, and by implementing provisions and decisions related to the prevention of corruption and conflict of interest, which

contributes to the professional shaping of legislation in this area. The data on the number and scope of the laws on which the State Commission for Prevention of Corruption has given an opinion, as well as its overall work at the regulatory level, are contained in the annual reports on the work of the State Commission for Prevention of Corruption.

The preparation and adoption of the Methodology for anti-corruption review of draft laws, as well as the possibility of reviewing and giving opinions on laws that have already been adopted in order to assess in terms of their practical application and necessary adjustment, will increase efficiency in law enforcement and minimize the risks of corruption and conflicts of interest that may arise from the legislation.

2. Purpose of the Methodology

The purpose of drafting and adopting a Methodology for Anti-corruption Review of Legislation is to adopt clear and reasoned regulations that reduce discretionary powers and legal loopholes that leave room for corruption in their implementation in practice.

At the same time, the purpose of this Methodology is:

- to define the process of anti-corruption review of legislation and the results of the implementation process;
- to determine the scope or subject of the anti-corruption review
- to list and define the risks of corruption
- to specify the content of the Report
- to determine the organization and management of the process
- to list the role and tasks of each of the participants in the process

3. Structure of the Methodology

The Methodology consists of four main parts:

- Process of conducting anti-corruption review of legislation;
- Framework for conducting anti-corruption review of legislation;
- Description of “regulatory risks of corruption”;
- Principles for effective anti-corruption review of legislation.

3.1 Process of anti-corruption review of legislation

3.1.1 Definition

The anti-corruption review of legislation is an analysis and assessment of the form and content of the regulations (laws, by-laws and other general acts) that are in preparation or that have already been prepared in terms of their practical implementation, compliance and their improvement in order to detect, prevent and minimize risks related to the possibility of corruption and conflicts of interest that may result during law application.

3.1.2 Scope

As a rule, the control of the risk of corruption is carried out over all laws, by-laws and other general acts. In addition, the inspection should include the explanations of the regulations.

Anti-corruption review of legislation should include as many laws, by-laws and other general acts as possible. In this way, not only will the risks be eliminated even in those areas that are not usually considered risky, but which may still be subject to corruption, but also the promotion of good preparation of laws, by-laws and other general acts will be promoted as a general rule. The broad scope of anti-corruption review includes laws, by-laws and other general acts that are in the process of being drafted or that are already in force, adopted in an ordinary legislative procedure or in a shortened procedure.

The anti-corruption review will not cover the laws whose adoption is proposed by urgent procedure, laws for ratification of international agreements, laws harmonizing terminology with other laws, the draft budget of the Republic of Macedonia and the Law on Execution of the Budget of the Republic of Macedonia.

3.1.3 Selection of priority laws, by-laws and other general acts

The State Commission for Prevention of Corruption, as the central body for conducting anti-corruption review of legislation, will include in the process all draft laws identified as priority, as well as some by-laws and other general acts that will be listed each year in the Annual Plan for Implementing the Anti-corruption Review of Legislation.

The SCPC Work Program for the current year determines and plans all activities related to the implementation of the anti-corruption review of legislation, after which the SCPC adopts its Annual Plan for Implementing the Anti-corruption Review of Legislation and a Special Plan and Schedule for Implementing the Anti-corruption Review of Legislation on the submitted draft laws and the legislative proposals and laws that have

already been adopted.

Regarding the anti-corruption review of the by-laws, the SCPC, based on pre-determined criteria of priority, will determine which by-laws will be inspected within a year and they will be listed in the Annual Plan and the Special Plan and Schedule for Implementing the Anti-corruption Review of Legislation. The SCPC also has the discretion during the year to control by-laws that are not listed in the Annual Plan.

The SCPC, as an institution responsible for anti-corruption review of legislation, mainly for laws in the drafting phase, must be in constant contact with the competent ministries that submit proposals for adoption of laws and draft laws and legislative proposals for which the authorized proposer is the Government of the Republic of Macedonia, as well as to be informed in a timely manner in case of possible initiatives and projects for drafting new legislation or amendments to existing laws by another authorized proposer of laws.

With regard to the already adopted laws, the SCPC, in order to implement the process of anti-corruption review of legislation, has the sole discretion regarding the selection of priority laws for their urgent review. Therefore, the SCPC can react to any existing doubts in connection to laws already adopted, which in themselves and their implementation pose a risk of the possibility of corruption or conflict of interest.

The SCPC will select and prioritize legislation based on common criteria or in individual cases. The general criteria relate to legal areas and sectors usually susceptible to corruption; laws containing mechanisms susceptible to corruption (such as securing financial incentives, issuing licenses and permits, collecting fees, taxes), whether or not the legal area in question is usually at risk of corruption; areas with high levels of perceived or real corruption according to national and international research; areas identified as high risk in national anti-corruption action plans and strategic documents and prioritized for reform. Individual cases are related to information or reports from the media or the civil society, and an indication from other competent bodies regarding the risks of possible corruption and conflict of interest in certain legal provisions or a particular legal area; information on a draft law that is exposed to strong lobbying by interest groups, etc.

For the purposes of conducting anti-corruption review and prioritizing the laws already in force, the SCPC will create anti-corruption review plans, which will select and include legislation to be reviewed over a certain period of time.

3.1.4 Phase of the legislative process for realization of anti-corruption review of legislation

In accordance with the Rules of Procedure of the Government of the Republic of Macedonia, the relevant ministries publish proposals for adoption of laws, draft laws and legislative proposals on their websites and in the single electronic register of regulations except for draft laws whose adoption is proposed to be done through urgent procedure. In addition, each interested party may submit its opinions, comments and proposals in the single electronic register of regulations regarding the published draft laws and legislative proposals within 10 days from the publication, after which the competent ministry prepares and publishes a report on received opinions.

In accordance with this Methodology, the competent ministries should submit the published proposals for adoption of laws, draft laws and legislative proposals before the announcement, to the SCPC for opinion or review of their form and content in order to detect, prevent and minimize the risks for adoption of legal provisions that allow for corruption and conflict of interest.

Any external review usually begins when the text of a draft law/legislative proposal becomes publicly available or is published and compulsorily submitted to the SCPC. This allows the opinions and recommendations of the anti-corruption review to be made at an early stage of the legislative process, when there is still additional work to be done on a draft law.

In cases of special interest when working on legislation related to corruption and conflict of interest, in accordance with this Methodology, SCPC representatives, as experts in anti-corruption review of legislation, must be included and participate in the working group for drafting the law in order to avoid all risks of possible corruption and conflict of interest from the very beginning.

3.1.5 Steps in the process of anti-corruption review of legislation

The State Commission for Prevention of Corruption, in five steps, conducts the review of the form and content of the legislation for the purposes of control and elimination of all risks that may lead to corruption or conflict of interest:

- researching and collecting materials;

- identifying regulatory risks of corruption and conflict of interest;
- formulating opinions with recommendations on how to avoid or mitigate the risks of corruption or conflict of interest;
- writing a report and submitting it
- further monitoring of compliance with the recommendations.

All steps of the process of anti-corruption review of legislation will be contained in and covered by the report on the conducted anti-corruption review prepared and adopted by the SCPC.

The review report consists of three parts: key data, analysis and opinion with recommendations. Key data include a given law and its objectives. This section of the anti-corruption review report may include references to other documents and additional clarifications of laws. In addition, the following can be used as a source of information: content of the draft law/legislative proposal under consideration, additional explanations, other laws related to the draft law under consideration, case law in a given area, various documents and articles revising laws on the subject matter, international standards and guidelines for certain areas of law, reports from conducted research on corruption in certain areas, audit reports, media articles, analysis, consultations with experts, contacts and discussions with stakeholders applying such laws. The analysis refers to the regulatory risks of corruption, which is mainly structured around two main categories: ambiguity and legal shortcomings or loopholes in terms of prevention. The opinion together with the recommendations should offer alternative formulations of the law to show whether and how the risk of corruption or conflict of interest can be mitigated. The opinions and recommendations thus provided should be accepted or, if this is not the case, their rejection should be explained in detail.

There should be a standardized timetable for the preparation of anti-corruption review of legislation reports, and in particular on laws that are being drafted and should be passed and adopted in order to avoid disrupting the legislative process. In addition, consideration should be given to the number of draft laws/legislative proposals to be submitted and the sufficient time required by the SCPC to review the text of the draft law/legislative proposal and to offer its expertise in preventing corruption or conflict of interest. As of the date of receipt of the draft law/legislative proposal sent by the relevant

ministries, the SCPC revises the text of the proposed law, and prepares and adopts a report on the anti-corruption review.

The SCPC review report shall be sent together with the draft law/legislative proposal to the competent ministry, which is obliged to incorporate the opinion together with the anti-corruption review recommendations as given in the SCPC Report, or to provide an explanation for the recommendations that have not been accepted, in the report for received opinions which is prepared by the competent ministry in accordance with the Rules of Procedure of the Government of the Republic of Macedonia. The competent ministry that prepares the law is obliged to review the opinion together with the accompanying recommendations. In case some of the SCPC recommendations are not accepted, this should be explicitly stated, giving a brief explanation, and the competent ministry should submit feedback to the SCPC.

A time limit should be set within which the law-drafting institution should provide feedback. For laws already in force, the deadline may be extended, however, the extended deadline should be specified to allow consideration of the law.

The SCPC publishes anti-corruption review reports on its website, unless the report contains information that is considered classified in accordance with the regulations related to classified information.

In addition, the annual summary of all activities undertaken in order to implement the process of anti-corruption review of legislation and regular publication of all statistical data, information and documents related to the process, provides insight and accountability and the opportunity to involve all stakeholders in the process.

3.2 Framework for conducting anti-corruption review of legislation

The process of anti-corruption review of the legislation is conducted in accordance with the Law on Prevention of Corruption and Conflict of Interest and the Rulebook of Procedure of the Government of the Republic of North Macedonia.

The SCPC is responsible for conducting the process, through a special unit that is established as part of the SCPC Secretariat.

Based on the Methodology for Anti-corruption Review of the Legislation, the SCPC will prepare and adopt an internal act which will determine all the steps for the implementation of the process.

The process of anti-corruption review of the legislation, including the review of compliance with the recommendations, should involve all stakeholders in the public.

The SCPC will conduct an anti-corruption review of the legislation and will effectively conduct the process, with special expertise and understanding of the implications of legal technique and interpretation. In this process, the SCPC can use external experts to assist in cases with highly specialized laws.

In order to implement the anti-corruption review of the legislation, certain preconditions are needed in order to achieve the desired effects and results. There must be an established way of uniform law drafting, which can be implemented as part of the general legislative culture, or extensive law drafting training may need to be provided. In addition, it is crucial for the law-making process to be transparent and participatory. Transparency, stakeholder participation, and public consultation mechanisms should be brought in line with international standards to prevent corruption risks in the legislative process, as lawmakers will be made aware of the fact that civil society and the general public can, at any time, to take on the role of guardian of the laws and their reviewer.

3.3 Regulatory risks of corruption

3.3.1 Definition and categories

The regulatory risks of corruption arise from existing or non-existent features of the law that may contribute to corruption, regardless of whether the law provides for risk.

“Corruption” includes all forms of the United Nations Convention against Corruption (offenses such as bribery, illicit influence, abuse of office, embezzlement, etc., then breach of conflict of interest provisions, favoritism, and inadequate funding of political parties).

According to the Law on Prevention of Corruption and Conflict of Interest, corruption is defined as “abuse of office, public authority, official duty, and position to create any benefit for oneself or another.”

This Methodology refers to the anti-corruption check of the draft laws, the laws that have already been adopted, the by-laws or other general acts. (for example Statutes, Rulebooks, etc.)

Risks find their way into regulations and can be created through unsatisfactory legal text or through inconsistent thinking in the context of what the law can do further to prevent corruption.

There are two categories of regulatory risks of corruption: ambiguity and lack of preventive mechanisms.

The very notion of ambiguity means the possibility of interpreting a provision in two or more ways. Ambiguity can be the result of inappropriately worded and vague language or incoherent legal technique. In both cases, the lack of clarity leads to the inaccuracy and uncertainty of the legal provisions, allowing for a different interpretation of the law.

The given law can be very clear and unambiguous, and still have a lack of preventive mechanisms. The lack of preventive mechanisms allows for the possibility of violating regulations with a lower risk of liability due to lack of sanctions or due to ineffective and weak sanctions.

Regarding the language of the regulation, special attention should be paid to the choice of words and the construction of the sentences. Legal coherence refers to the logical and appropriate relationship between different provisions of the same law or between different laws. When the connection is not clear, such ambiguity can create a risk of corruption.

Two or more legal provisions may be in conflict; more precisely, they can be mutually opposed. A conflict can occur within a single law (internal conflict) or between different laws (external conflict).

Legal loopholes can arise as initial or as existing at the time of adoption of the relevant legal norms that the legislator simply did not regulate, and additionally appear after the adoption of the norms due to the emergence of new relationships that the legislator did not provide for.

Ambiguous language or legal technique, on the one hand, and the legal loopholes associated with prevention mechanisms, on the other, are often interrelated.

During the review, emphasis will be placed on checking provisions that are insufficiently clear, provisions that leave room for discretionary powers, provisions that leave room for certain issues to be further regulated or specified by by-laws.

Obviously it is quite difficult to exhaustively list all the regulatory risks of corruption because they are so diverse and constantly changing with the change of laws.

It is therefore necessary to include a concrete and detailed structure (list) of corruption risks as provided by the Regional Methodology.

- ***Ambiguity***

may be the result of unclear language or incoherent legal technique; in both cases, the lack of clarity gives each user of the law the opportunity to use the interpretation of the law to their own corrupt advantage.

- ***Lack of preventive mechanisms*** –

despite the clarity and conciseness of a law, it may still have a problem with a lack of preventive mechanisms. This allows the user of the law to engage in corrupt activities with a reduced risk of being held accountable.

- ***Discretionary power***

very often, in spite of other important elements, discretionary rights are also determined by by-laws. Numerous corruption acts also occur at the local level.

- ***Unidentified range***

defining in a way that will cover all aspects of the law.

- ***Delayed application***

delayed implementation of law enforcement, which creates a legal loophole.

- ***Overlapping competencies***

several competent bodies for implementation of the same task.

- ***Conflict of interest***

- conflict of interests means a conflict between the public duty and the private interests of a civil servant, whereby the private interests of the civil servant may have an adverse effect on the performance of his/her public duties and responsibilities.

- ***Powers and resources***

- all institutions have competencies and authorities to be able to perform the tasks.

- ***Incompletely defined procedures***

- law enforcement procedures that lack procedures for all details.

- ***Undefined phases***

- unclear phases for completing the procedure.

- ***Undefined deadlines***

- it is necessary to clearly define the deadlines, in order for the syndrome of “silence of the administration” not to appear.

- ***Undefined taxes***

- taxes and fees should always be defined and determined for each service individually.

- *Lack of instrument in terms of control*

- insufficient accountability and transparency in the work procedure.

- *Insufficient distinction of rights and obligations*

- each law lists the rights and obligations of all parties affected by the law, in order to clearly distinguish them.

- *Unforeseen and improperly measured sanctions*

- sanctions are important in terms of extorting bribes from citizens, facilitating corruption among citizens and facilitating corruption among civil servants..

Corruption Risk Assessment Checklist

This checklist should be completed when checking each regulation.

What is in parentheses is stated in the opinion prepared by the SCPC.

1. Ambiguity	YES/NO
1.1. Language	
1.1.1 Are exact and correct formulations used in the draft law, the law, by-laws or other general acts? (choice of words)	
1.1.2 Are sentences and words related in a way that does not allow for ambiguity or vagueness? (sentence construction)	
1.2. Legal compliance	
1.2.1 Are there provisions in other laws that may be in conflict with the draft law, the law, by-laws or other general acts? (conflicting provisions)	
1.2.2. Do the draft law, the law, by-laws or other general acts give a certain terms different meaning or a meaning which is contrary to another law (inconsistent terminology)	
1.2.3. Is a reference to another law or example in the regulation itself unclear to the reader? (unclear references)	
1.2.4. Did the authors cover all the necessary aspects that need to be regulated? (regulatory loopholes)	
1.2.5. Is a single structure of the law provided?	
2. Prevention of loopholes	
2.1. Competence	
2.1.1 Do the draft law, the law, by-laws or other general acts define a body	

responsible for all the described/listed competencies and tasks? (unidentified competencies)	
2.1.2. Do the draft law, the law, by-laws or other general acts “forget” to give the competent organ/body the competencies necessary to perform the tasks? (unidentified item)	
2.1.3 If the draft law, the law, by-laws or other general acts provide for the establishment of a new body or new competencies – is it clear which body will perform the tasks until a new body is formed or until the new body has taken over the execution of the tasks in practice? (Delayed establishment or founding of a body)	
2.1.4. If the draft law, the law, by-laws or other general acts provide for the establishment of a new body of competencies previously performed by another body, is it clear who will perform the competencies until the new body is established or until the new body starts working? (delegation of competence to another body)	
2.1.5. Do the draft law, the law, by-laws or other general acts envisage competencies for a state body, which are already implemented by another body? (overlapping or conflict of competencies)	
2.1.6. If the draft law, the law, by-laws or other general acts provide for the act to be implemented by several bodies, do they list all the competencies that each of the bodies should perform? (division of competencies)	
2.1.7. Does the draft law, the law, by-laws or other general acts contain provisions for conflict of interest?	
2.2. Competence and resources: The public authorities are to provide all the competencies and resources necessary to perform the tasks	
2.3. Procedures	
2.3.1. Are all stages in the procedure identified? (unidentified stages, steps in the procedure)	
2.3.2. Are the deadlines in the procedure clearly defined, for example when natural or legal persons can request the realization of a certain right and within which deadline the request should be decided upon)? (unidentified	

deadlines)	
2.3.3. Are fees identified in the procedure? (unidentified fees)	
2.3.4. Are the criteria contained in the procedures clear, objective and transparent? (non-objective and non-transparent procedure)	
2.3.5. Are there clear criteria for fulfilling a certain right or imposing a certain obligation? (unfair and non-transparent procedure)	
2.3.6. Are clear criteria set for the allocation of limited state resources (tasks, subsidies) and are the procedures transparent?	
2.3.7. Is there a legal remedy for challenging each of the decisions listed in the regulations (complaint, appeal or lawsuit for initiating court proceedings)? (legal protection provided)	
2.4. Decisions	
2.4.1. Do the draft law, the law, by-laws or other general acts contain certain discretionary rights that go beyond the expediency for which they are granted? (excessive discretionary rights)	
2.4.2. Are all decisions intended to contain explanations?	
2.4.3. Is there a legal remedy for challenging a decision and which is the competent body that should decide on the legal remedy (complaint, appeal or lawsuit)?	
2.4.4. Are there provisions that leave the possibility for discretionary decision and are they expedient and based on law?	
2.5. Control	
2.5.1. Are procedures and results prescribed that ensure transparency, and enable civil or media control? (control of transparency by civil society)	
2.5.2. Has the excessive concentration of competencies in one state body, one sector or unit and one official been avoided? (separation of tasks)	
2.5.3. Is there a rotation of officials in high risk areas (for example, public procurement)? (rotation)	
2.5.4. Are there any control mechanisms in place?	
2.6. Sanctions	
2.6.1. Are expedient, proportionate and appropriate sanctions envisaged?	
2.7. Legal protection	

2.7.1. Is a regular remedy (appeal/complaint) and a clear two-stage procedure envisaged?	
2.7.2. Is there a right to judicial protection envisaged?	
3. Other risks:	
3.1. Are there any dubious privileges contained in the law for certain interest groups?	
3.2. Is there transparency in the procedure for adopting the draft law, the law, by-laws or other general acts?	

3.4 Ten principles for effective anti-corruption review of legislation of the Regional Anti-Corruption Initiative

In adopting the Methodology for Anti-corruption Review of Legislation, the State Commission for Prevention of Corruption takes into account the best practices and experiences from other countries in the region and beyond in relation to the implementation of this process, which are contained in the comparative study and methodology “Anti-Corruption Review of Laws”, prepared by the Regional Anti-Corruption Initiative (RAI). In addition, this document contains the ten principles for effective anti-corruption review of legislation on the basis of which the SCPC has developed this Methodology and the manner of conducting anti-corruption review of legislation, adapting it to the specifics of the country.

Principle 1 – Scope

Anti-corruption review of legislation should be enabled for all draft laws, adopted laws, laws at all regulatory levels (statutes and by-laws), laws from any regulatory source (central, regional, local, parliamentary, presidential and executive acts) and all sectors (administrative, criminal and private law). It should also include additional explanations that may play a decisive role in the interpretation of the law.

Principle 2 – Prioritization

Ideally, all laws are subject to revision. Any prioritization needs to be risk-based, such as legislation in areas prone to corruption, which include transactions prone to

corruption, or areas with real corruption incidents. All state bodies and entities responsible for anti-corruption review of legislation have the right to choose the laws they will revise.

Principle 3 – Regulatory corruption risks

The anti-corruption review of legislation mainly considers two categories of regulatory corruption risks: on the one hand, ambiguity of language or legal technique, and on the other hand, loopholes in prevention, such as the lack of provided deadlines for proceedings. Anti-corruption review of legislation should be carried out at every stage of the legislative process.

Principle 4 – Timing

Anti-corruption review of legislation should be carried out at every stage of the legislative process. This includes preparing at the level of the responsible ministry, the government adoption process, the parliamentary process and the signing of the law for it to enter into force.

Principle 5 – Responsible body

In the drafting phase, all institutions involved in this process, especially ministries and other executive bodies, must meet the standards for avoiding corruption risks in drafting laws. Similarly, parliamentary committees should be involved in reviewing corruption risks. In addition, a specialized anti-corruption body should be responsible for reviewing statutes and by-laws at the draft stage or when they have already been adopted. The specialized body should coordinate with other state bodies to obtain timely information on draft laws and basic information on legislation. There is no need to emphasize the fact that citizens can revise drafts or adopted laws with their right to choose; there should be no qualification or registration requirements to prevent free participation.

Principle 6 – Recommendations

Legislative institutions should be obliged to take into account the recommendations of the body responsible for anti-corruption review of legislation. Legislative institutions should also provide feedback on what recommendations they have included in the law, as well as the reasons for not implementing other recommendations. Civil society

representatives should be heard in person during the public debate if they have previously submitted their anti-corruption assessment.

Principle 7 – Compliance

The body responsible for anti-corruption review of legislation should monitor the compliance with the anti-corruption review recommendations. Ideally, the review report should contain, as an addition, a standardized form that will facilitate the provision of feedback by the law-making institution.

Principle 8 - Online publicity

Online publicity is a key component of the anti-corruption legislation and covers methodology, law selection, assessment reports (including those of civil society), compliance feedback, annual summaries of anti-corruption legislation activities, and statistics.

Principle 9 – A broader framework for transparency and integrity

To achieve a significant effect, anti-corruption review of legislation requires a solid regulatory framework. This refers to generally good drafting, transparent and participatory lawmaking, lobbying, political financing and ethics in the legislative process. It is especially important to design a law in such a way that the first drafts of it are publicly available as soon as possible, and not just after they have been submitted to the parliamentary procedure.

Principle 10 – Training and raising public awareness

Interactive, practical training on anti-corruption review of legislation is required for all state bodies responsible for drafting legislation at all levels. In addition, the public should be familiar with the methodology for anti-corruption review of legislation in order to be able to effectively perform its function of “guardian” and to participate appropriately in public debates.

3.5. Acting on the Report, opinions and recommendations of the SCPC

All competent institutions are obliged to act upon the opinions and

recommendations of the SCPC and to submit a notification. If they do not act upon the recommendations, the SCPC shall state this in the Annual Report on the work it submits to the Assembly of the RNM.

The SCPC transparently publishes on its website the information from the implementation of the anti-corruption review of the legislation.

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Appendix: Chart 1

Chart 1. Overview of the process for anti-corruption review of legislation

