



**MONITORING OF THE IMPLEMENTATION OF RECOMMENDATIONS FROM THE
REPORT ON ASSESSMENT OF CORRUPTION VULNERABILITY IN PUBLIC
SECTOR EMPLOYMENT PROCEDURES**

**FOURTH QUARTERLY REPORT
for the period July - September 2021**

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Introduction

The fourth and last quarterly monitoring of the recommendations given in the **Report on Assessment of Corruption Vulnerability in Public Sector Employment Procedures** was implemented in the period from July to September 2021. This Report provides information from the monitoring of activities undertaken by competent institutions in the respective period, which either refer to or may affect the implementation of the recommendations.

Based on the methodology, monitoring is conducted on quarterly basis, i.e., every three months, for a period of one year from the publication of the Report in September 2020. According to the recommendations of the Report, one-year period is also stipulated as deadline to implement the given recommendations, along with specific activities.

The purpose of quarterly monitoring is to ensure continuity in the monitoring of the recommendations' implementation, to see how the competent institutions have embraced the findings of the Report and what measures and activities have been taken to implement them.

Also, it is worth noting that during the monitoring process in the last quarter, no adequate coordination has been perceived among the institutions in terms of follow-up and provision of data regarding the recommendations. That is, one could not determine which is the institution that receives the materials about implementation of recommendations. Therefore, data for this fourth quarterly Report were provided by collecting publicly available data and information published on the websites of institutions.

1. Summary of recommendations' implementation in the fourth quarter

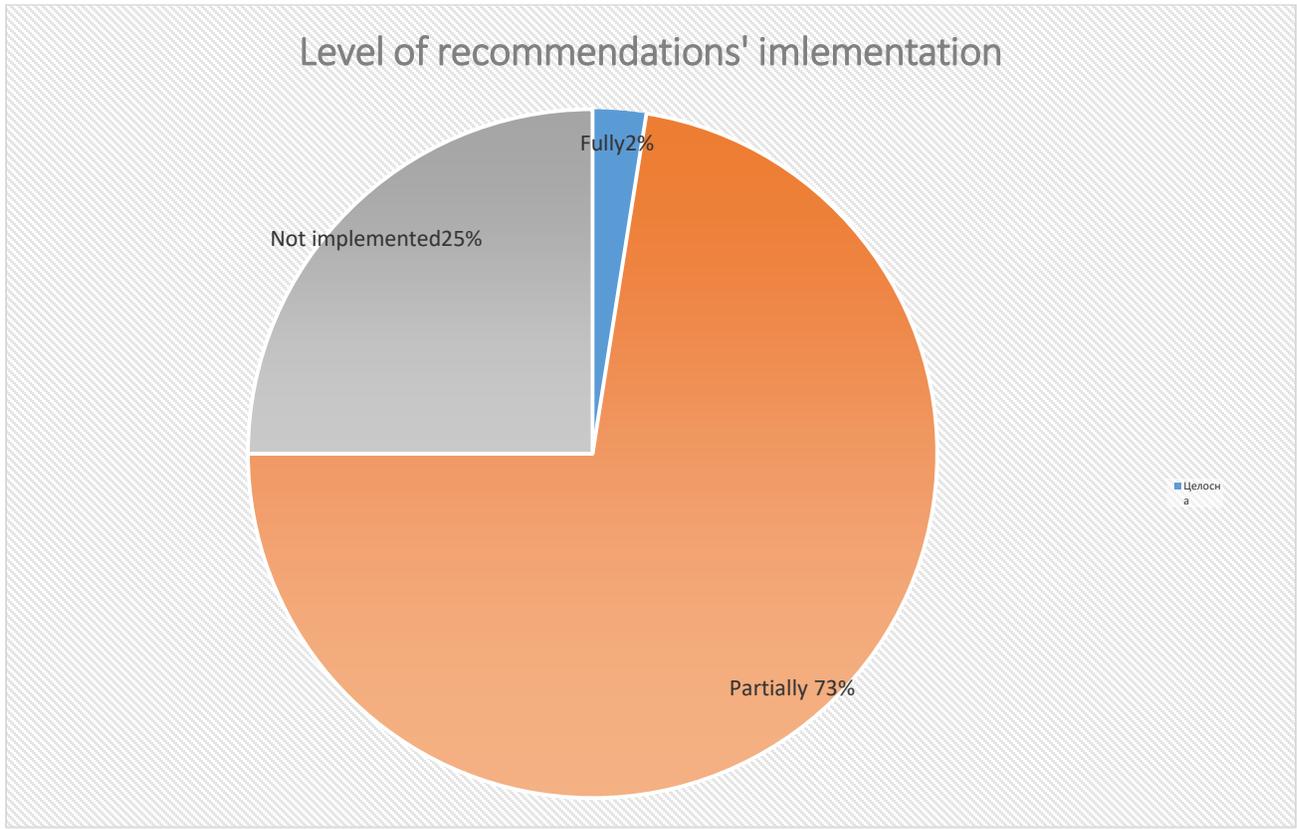


Chart 1. Implementation of the recommendations

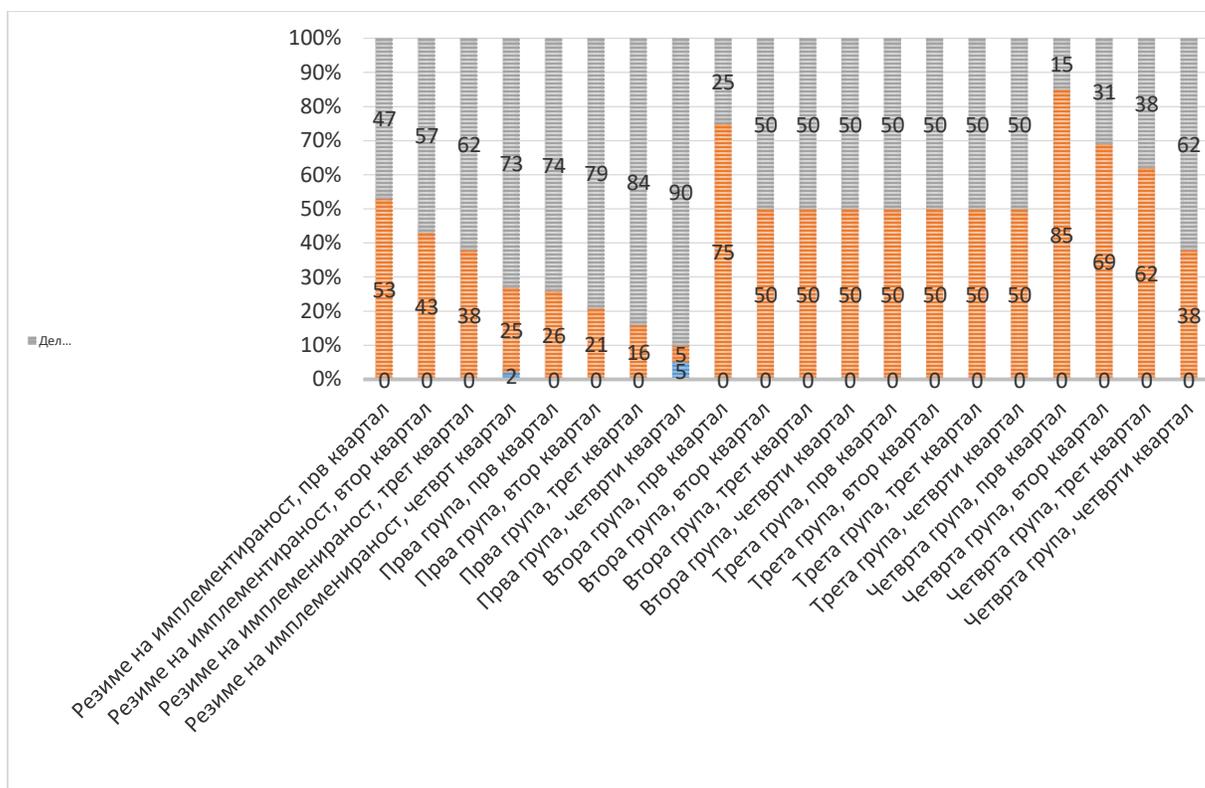


Chart 2: Comparison of recommendations' implementation in the first, second, third and fourth quarter

Compared to the monitoring in the previous three quarters, it can be seen that the percentage of implemented, i.e., fully implemented recommendations is slightly increasing. This situation is reflected in the monitoring table and noted as: recommendations which are fully implemented, partially implemented and not implemented. Accordingly, if only certain activities have been undertaken during the monitoring period and the recommendation has not been fully implemented, it is noted as partially implemented. However, **it is worth noting that the number of undertaken activities is constantly increasing, and, in each quarter, some of the institutions have undertaken activities and measures related to the recommendations.** Also, having in mind that full implementation of the recommendations relies on the adoption of changes and amendments to certain laws, and the respective laws have not been adopted, some of the recommendations are noted as partially implemented.

Activities undertaken in this quarter refer to the adoption of the Draft Law on Administrative Servants, Draft Law on Public Sector Employees, Draft Law on Senior Management Service, but also the activities undertaken by the Ministry of Information Society and Administration within the project implementation on reorganization of the administration.

Monitoring of recommendations' implementation,
group one: Recommendations for filling vacancies
through employment procedure, promotion procedure¹⁴
and mobility of public sector employees

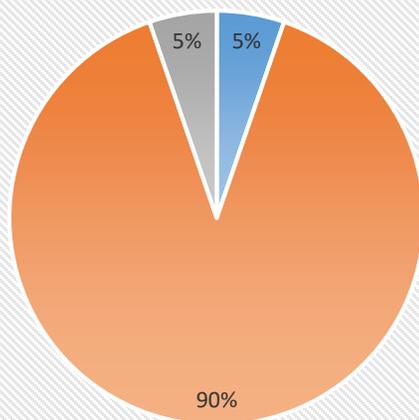


Chart 3 Implementation of recommendations, group one: Recommendations for procedures for filling vacancies, through employment procedure, promotion procedure and mobility of public sector employees

Monitoring of recommendations' implementation,
group two: Expertise and competence of public
administration staff

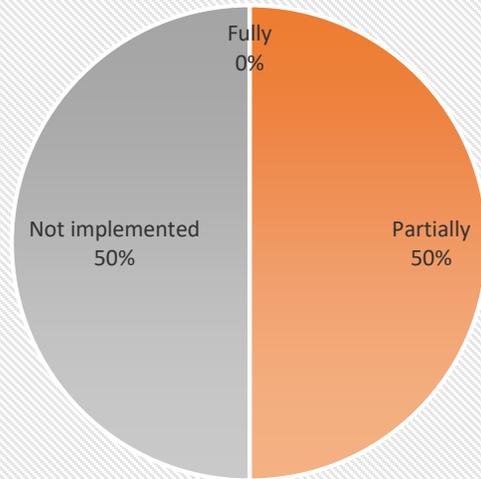


Chart 4 Implementation of recommendations, group two: Expertise and competence of public administration staff

Monitoring of recommendations' implementation,
group three: Recommendations for election and
appointment of directors and members of governing
and supervisory boards

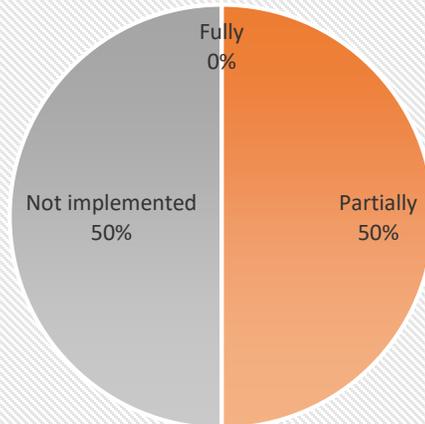


Chart 5. Implementation of recommendations, group three: Recommendations for selection and appointment of Directors and members of governing and supervisory boards

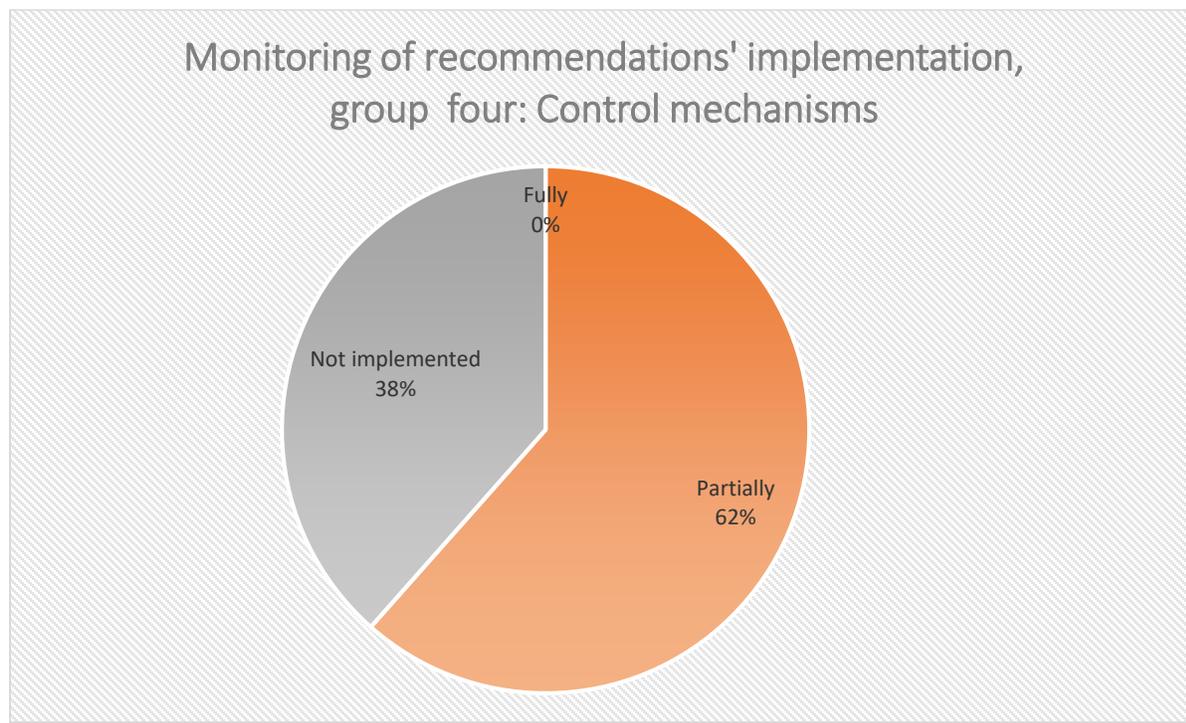


Chart 6. Implementation of recommendations, group four: Control mechanisms

Of the total number of recommendations, 2% are fully implemented, 73% are partially implemented, while 25% are not implemented.

Initiated implementation of group one recommendations is on the highest level, that is, 90% are partially implemented and 5% are fully implemented.

For half of the recommendations in the second and third group, implementation has been partially initiated, whereas in group four, there are 62% partially implemented recommendations and 38% have not been implemented.

2. Conclusion

With regard to the proposed measures in the recommendations to adopt new or amend the existing legislation, mainly referring to the Law on Public Sector Employees, the Law on Administrative Servants, the Law on Organization and Work of the State Administration Bodies, and the Law on Salaries of Public Sector Employees, one can conclude that no such legislation has

been adopted, even though some laws have been published on ENER as draft laws, such as the Law on Public Sector Employees and the Law on Administrative Servants.

With regard to implementing the recommendations of the Report during the monitoring period, one can conclude that in addition to the political will for implementation, the Government, ministries and other institutions demonstrate stronger commitment to embrace the recommendations and take actions to support their implementation. This is evident from the activities undertaken during the monitoring period, which mainly refer to the drafting of:

- Draft-Law on Administrative Servants published on ENER on 17.09.2021, monitoring of data for the fourth quarter.
- Draft-Law on Public Sector Employees published on ENER on 17.09.2021, monitoring of data for the fourth quarter.
- Draft-Law on Senior Management Service published on ENER on 17.09.2021, monitoring of data for the fourth quarter.
- Information on the initiated preparation of the Draft-Law on Changes and Amendments to the Law on General Administrative Procedure, published on ENER on 15.09.2021, monitoring of data for the fourth quarter and
- Activities undertaken for reorganization of the state administration within IPA Project "Support for State Reorganization".

However, there is still low level of recommendations' implementation as almost none of the recommendations have been fully implemented. Yet, step forward has been noted in each of the quarters in terms of activities and measures relevant to the recommendations' implementation, showing the institutions' commitment to their implementation. However, lack of implementation results from the fact that adopting new or amending current regulations is time consuming and requires coordination of all stakeholders. Recommendations' effect is most visible in terms of the intention to adopt changes and amendments to some laws which are inclusive of the activities proposed in the Report. In terms of taken measures during the fourth quarter, one can conclude that some of the report's recommendations have been implemented in the legal provisions of the proposed Law on Administrative Servants and Law on Public Sector Employees. Given that the laws have not been yet adopted, these recommendations are identified as partially implemented.

Recommendation no.1

Competent institutions need to proceed with their commitment to coordinated joint work and ensure effective recommendations' implementation and coordinated monitoring thereof.

To this end, working groups can be created to work on identifying solutions that will be directly and directly undertaken by competent stakeholders in terms of implementation, and this can be further reflected on the quality of work of public bodies in all analyzed areas.

This will also provide for greater understanding of expected changes and organized approach in implementing the recommendations, thus creating conditions for improved state of affairs with regard to employment.

As a final effect, this can be conducive to creating efficient and effective public bodies and enhanced professionalization and integrity of administrative servants, which is also expected to have direct impact on lowering the possibilities for corruptive influences in the procedures for filling vacancies.

To ensure organized and effective monitoring of the implementation of these recommendations, competent institutions should be tasked with providing timely information to the SCPC about all taken actions relevant for the recommendations and activities.

3. Methodology for monitoring the recommendations' implementation

Monitoring was conducted based on analysis of public sources of data, such as:

Announcements and documents published on the website of the Electronic National Register of Regulations of the Republic of North Macedonia (ENER) - in order to follow any proposed novelties about legislation.¹

2. Announcements published by the Ministry of Information Society and Administration (MISA) - in order to follow the latest developments in the key institution responsible for public sector human resources and any proposed and undertaken activities.²

3. Announcements and decisions published on the website of the Government of the Republic of North Macedonia - to observe if there is political will to implement the recommendations, the coordination and cooperation between the institutions and proposed and undertaken measures and activities.³

4. Public procurement notices published on the website of the Electronic Public Procurement System.⁴

5. Analysis of bulletins of monthly activities of the Agency for Administration⁵

¹<https://ener.gov.mk/>

²<https://www.mioa.gov.mk/?q=mk>

³<https://vlada.mk/>

⁴<https://www.e-nabavki.gov.mk/PublicAccess/Home.aspx#/home>

⁵Website of the Agency for Administration: <https://aa.mk/>

The following data were searched:

Agency for Administration
Announced vacancies: number of posts, number of vacancies
Bulletins - monthly reviews

MISA
Monitoring of the measures taken by the Ministry
Information regarding the process for adoption of LAS, LPSE, LOWSAB, LSMS
Transfer list
Trainings
Control mechanism regarding the issuance of consent for the Rulebooks
Meetings of the Public Administration Reform Council
Annual report from the Register of public sector employees

Government
Undertaken measures
Work and activities of the Deputy Prime Minister in charge of corruption
Appointment of directors and members of governing and supervisory boards

4. Analysis of the findings

1. The following conclusions were drawn from the analysis of data published on the website of the Agency for Administration as part of the bulletins of monthly activity in the period from July to September 2021⁶:

The Bulletin of monthly activities for July 2021 includes that in **July 2021** the Agency for Administration received 164 requests for public announcement of vacancies for administrative servants, 11 requests were stopped, 167 vacancies were published for a total of 319 posts **for a total of 345 employees**. For the central government institutions, 86 vacancies were published for 181 posts with 195 employees, while for the local government institutions, 82 vacancies were published for 138 posts with 150 employees.

The Bulletin of monthly activities for August 2021 includes that **in August 2021** the Agency for Administration published 52 vacancies, for a total of 171 posts for a total of 343 employees. For the central government institutions, 36 vacancies were published for 150 posts with 322 employees, while for the local government institutions, 16 vacancies were published for 21 posts with 21 employees.

The Bulletin of monthly activities **for September 2021** includes that, based on Article 8-a paragraph (1) line 4 of the Electoral Code ("Official Gazette of the Republic of Macedonia" No. 40/06, 136/08, 148/08, 155/08, 163/08, 44 / 11, 51/11, 142/12, 31/13, 34/13, 14/14, 30/14, 196/15, 35/16, 97/16, 99/16, 136/16, 142/16 , 67/17, 125/17, 35/18, 99/18, 140/18, 208/18 and 27/19 and "Official Gazette of the Republic of North Macedonia" No. 98/19, 42/20 and 74/21), and in accordance with the Decision for announcing elections for members of the municipal councils and the Council of the City of Skopje and for mayors of the municipalities and for mayor of the City of Skopje ("Official Gazette of the Republic of North Macedonia" No. 185/2021 from 06.08.2021), all initiated procedures for employment of administrative servants were put on hold.

Given that the local elections were held on October 17, 2021, we analyzed the data in the Bulletins of monthly activities published on the website of the Agency for Administration, which referred to the number of announced vacancies from January to September

⁶https://aa.mk/bilteni_na_mesecni_aktivnosti_2021.nspix

2021, and separately for vacancies that were published for the needs of the institutions at local and central level. The table below shows a detailed overview.

Table: Announced vacancies for administrative servants, January to September 2021⁷

	Month	Number of ads	Number of ads at the central level	No. of employees	Number of ads at the local level	No. of employees	Total number of posts	Total number of employees
1	January 2021	17	6	20	11	26	42	46
2	February 2021	29	11	57	18	63	85	93
3	March 2021	61	18	39	43	126%	155	165
4	April 2021	54	22	86	32	62	141	148
5	May 2021	64	25	64	39	66	124	130
6	June 2021	160	76	196	84	198	379	394
7	July 2021	167	85	195	82	150	319	345
8	August 2021	52	36	322	16	21	171	343
9	September 2021	/ elections	/	/	/	/	/	/

In conclusion, it is clear that **as the period for administering the local elections approaches, the number of announced vacancies significantly increases. However, in the last quarter of monitoring, unlike the previous one, there is a growing number of announced vacancies for the central level institutions.**

From the analysis of the data in the fourth quarter, one can conclude that no vacancies were announced in September, given that employment procedures are on hold in the period before elections. For July and August, one can conclude that even though the number

⁷Newsletter of monthly activities for 2021: https://aa.mk/bilteni_na_mesecni_aktivnosti_2021.nspix

of announced vacancies in August is significantly lower than the number of announced vacancies in July, data in the column about the number of required employees are almost identical.

This does not necessary imply illegality of the procedure as it must be undertaken based on the annual employment plan, however, it can be indicative of a possible risk that such increase in the number of new employments is planned in advance immediately before elections during a year of regular elections.

2. The analysis of the announcements published on the MISA website, in the period from July-August to September 2021, shows that MISA undertakes some activities related to recommendations' implementation, including the implementation of the IPA Project "Support for the state reorganization", and the adoption of a new Law on Organization and Work of the State Administration Bodies as one of the main project objectives. Component 2 of this project addresses the improvement of the discretionary power's framework, including in the area of employment.

Announcement was published on the MISA website that the Ministry of Information Society and Administration started with trainings for representatives of ministries and public institutions as part of the reorganization of the state administration. "Following the implementation of the horizontal functional analysis and the preparation of reports on reorganization, along with establishment of new organizational structure of the state bodies, agencies and inspection services at central level, this training aims to develop the administrative capacities with competencies to conduct audits, depending on the needs. "⁸

Also, on 24.09.2021, it was announced that the Special Group for Public Administration Reform (SCR) between the European Commission and North Macedonia held the eleventh meeting on September 23, 2021, as part of the Stabilization and Association Committee.⁹

⁸<https://www.mioa.gov.mk/?q=mk/node/3655>

⁹<https://www.mioa.gov.mk/?q=mk/node/3644>

On July 13, 2021, the Council for Public Administration Reform held its ninth meeting, where the proposals, findings and recommendations of the project "Support to the State Reorganization" were presented, among others.¹⁰¹¹

3. From the analysis of the data published on the website of the Government of the Republic of North Macedonia, one can conclude that based on some of the published announcements, there is expressed political will to implement the recommendations.

On July 6, 2021, at the 84th regular session on reviewing the status of activity implementation for the 2018-2022 Strategy for Public Administration Reform, and at the proposal of the Ministry of Information Society and Administration, the Government reviewed the analysis of the horizontal functional arrangement of ministries and institutions prepared by project experts from the two-year EU-funded IPA project "Support to State Reorganization". Structured assessments and opinions of the analysis that envisage rationalization of the number of institutions in the state administration as well as proposals how to increase their efficiency, will be presented to the Public Administration Reform Council, which will then propose the final version for reorganization of state administration bodies, agencies and inspection services to the Government.¹²¹³

4. From the analysis of the data published on ENER, one can conclude that there are only announcements pertaining to the start of preparation of draft-laws. For the purposes of this monitoring report, the following announcement is singled out as an example:

- 4.1. Notification about starting the process of preparing the Draft Law on Changes and Amendments to the Law on General Administrative Procedure.¹⁴

¹⁰<https://www.mioa.gov.mk/?q=mk/node/3456>

¹¹https://mioa.gov.mk/sites/default/files/pbl_files/documents/rja/zapisnik_od_devettata_sednica_na_sovetot_za_rja_-_finalen.pdf

¹²<https://www.mioa.gov.mk/?q=mk/node/3393>

¹³<https://vlada.mk/node/25831>

¹⁴https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=69935

The short description of the problem includes that: “the analysis of the application of the LGAP identified certain practical issues. A uniform administrative practice at the level of public bodies has not been yet established, therefore, for objective reasons, many public bodies cannot fully comply with the provisions according to which a public body should appoint authorized persons to conduct the administrative procedure. Changes and amendments are aimed at clarifying and ensuring consistent application of the principle of delegated competence for decision-making in administrative proceedings, including when the procedure is stopped and the administrative act is declared as null and void and when nomo-technical improvements of the wording are made. The proposed changes and amendments are also aimed at implementing the principles of interoperability and ensure compliance with the digitalization processes. The e-Government concept provides for communication among institutions, as well as communication with the business sector and citizens. To fully implement the digitalization processes, simultaneous and coordinated changes of several regulations are needed. Timeframe for preparation of the draft law: 15.09.2021 - 30.11.2021. ”

Since the entire wording has not been published, we do hope that undertaken changes with regard to consistent application of the principle of delegated competence for decision-making in administrative proceedings, will provide for implementation of the recommendation number 2.4. in the Report - Control over consistent application of the LGAP article for delegated competence.

- 4.2. On September 17, 2021, the Draft - Law on Administrative Servants was published.¹⁵ The provisions of the Proposed Law will be listed in the section on recommendations’ implementation.
- 4.3. On September 17, 2021, the Draft Law on Public Sector Employees was published.¹⁶ The provisions of the Proposed Law will be listed in the section on the recommendations’ implementation.
5. From the analysis of the published data on the website of the Electronic Public Procurement System, one can conclude that there is persistent practice to conclude contracts with Agencies for temporary employment.

¹⁵https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=60140

¹⁶https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=60142

On 28.09.2021, a public procurement notice was published, where the subject of the public procurement contract is temporary employment, and the type of public procurement contract refers to temporary employment services (except the services that refer to the employment contracts).¹⁷

On 24.09.2021 A public procurement notice has been published, and as a subject of the public procurement contract are temporary employments, and temporary employment services is listed as type of public procurement contract (except for the services that refer to the employment contracts).¹⁸

5. Evaluation of the recommendations' implementation

The analysis of the legal provisions in the proposed drafts for the LAS and LPSE shows that out of total of 19 recommendations in group one, 8 recommendations have been incorporated, 9 recommendations have been partially accepted and 2 recommendations have not been accepted. Also, it is concluded that the recommendations from the Report have been taken into account in the preparation of the proposed laws. In addition, the analysis of the proposed laws in this Report refers only to the provisions relevant to the recommendations, and not to the entire legal wording.

Given the analyzed data in relation to the recommendations, the following can be concluded:

A. Regarding the first group of recommendations (19 recommendations in total) referring to the improvement of the procedures for filling the vacancies through employment, promotion and mobility, throughout the quarterly monitoring, one can conclude that none of the recommendations has been fully implemented, some recommendations have not been implemented at all, while certain activities have been undertaken for some of the recommendations. (See Table 2 for implementing recommendations). This is primarily due to the fact that in this period no amendments have been made to the applicable laws regarding the procedures for filling

¹⁷Ad number: 16879/2021, <https://e-nabavki.gov.mk/PublicAccess/home.aspx#/dossie/9c2a17db-432d-4fa1-aade-63aaa7554b6b/1>

¹⁸Ad number: 16614/2021, <https://e-nabavki.gov.mk/PublicAccess/home.aspx#/dossie/42bcf17c-0d28-45dc-bd4a-b399d3570c8d/1>

vacancies in the public sector, such as the Law on Administrative Servants and the Law on Public Sector Employees, and in fact, the recommendations' implementation depends on the adoption of the respective laws.

During this monitored period, it is worth noting that the Draft-Law on Administrative Servants, Draft-Law on Public Sector Employees and Draft-Law on Senior Management Service were published on ENER on 17.09.2021. The following can be concluded from the analysis of the published proposals of these laws:

Regarding the recommendation 1.1. Redefining the term -work experience in the profession, the term has been redefined in the Draft Law and the proposed wording reads as follows: "Work experience in a profession is the period during which the employee was employed, i.e. performed work assignments, in the country or abroad, after having acquired a certain degree and type of education and performed works and assignments that require such degree and type of education, and that is verified with a certificate issued by the Employment Agency, i.e., an employment act or other type of contract that is not registered with the Employment Agency.¹⁹ (see Article 3 item 10 of the Draft-Law on Administrative Servants).

Accordingly, the activities proposed for the implementation of the recommendation 1.1., that is: Activity 1: Take into account the experience from training period, volunteering or internship; Activity 2: Establish records for training period, volunteering and internships and issue a respective certificate and Activity 3: Amendments to the LAS -. To redefine the term work experience in the profession within the LAS, one can conclude that the recommendation would be implemented if such a legal wording is adopted.

Regarding the recommendation 1.2. that announced vacancies should list all the required documents to be submitted by a candidate and are subject of scoring during the selection, the Draft-Law includes that the public announcement of vacancy is published in accordance with the provisions of the Law on Public Sector Employees. (Article 52 of the LPSE paragraph 1 and paragraphs 3, 4 and 5). Pursuant to this provision of the LPSE, one can conclude that the recommendation would be implemented if such legal wording is adopted.

¹⁹See Article 3 item 10 of the Draft-Law on Administrative Servants

Regarding the recommendation 1.3. Verification of evidence credibility to be performed in the first stage, the Draft-Law stipulates that the procedure for selection of candidates is done in three stages, as follows: administrative selection, verification of evidence credibility and interview. Thus, stage 2 - verification of the evidence credibility and phase 3 - interview are held on the same day, and within 10 days from the date of publication of the ranking. (Article 29 of LAS). This proposed solution does not meet the required recommendation, and probably due to the fact that only the data listed in the electronic application are checked during the first stage. Since the current proposal does not provide for the previous second stage - taking an exam, we believe that this proposal is fine. However, how the scoring is determined during the stages is still questionable, in order to ensure objective selection of candidates.

Regarding the recommendation 1.4. Harmonize the LAS and LPSE regarding the decision to reject an application as incomplete, we conclude that the recommendation would be implemented if such a legal wording is adopted.

This recommendation is contained in Article 53 paragraph 3 of the Draft-LPSE which reads as follows: "The administrative selection entails a verification whether the requirements stated in the announced vacancy are fulfilled. If the administrative selection reveals that the application is incomplete, the selection commission will provide the candidate with a period of three days to submit the required evidence." However, it is deemed necessary to add three working days instead of three days.

Regarding the recommendation 1.5. Reduce discretionary powers and establish clear criteria for announcement of internal vacancy, one can conclude that the recommendation has not been implemented given the fact that the proposed Article 37 paragraph 3 stipulates the following: "To initiate a procedure for promotion of an administrative servant, the superior, i.e. the official of an institution in which there is no superior, submits a request for initiating a procedure for promotion of an administrative servant, indicating the level and description of the job position being proposed to be filled, to the organizational unit for human resources management of the institution, i.e. to the administrative servant performing activities falling within the scope of human resources management unit in an institution that does not have such organizational unit. " Pursuant to this provision, no criteria have been established at which point of time it is decided to submit a request, for example, is it when the administrative servant meets the requirements for promotion, when a higher job position is vacant and so on.

This has been partially implemented in Article 27 paragraph 5:

Application for internal vacancy can be filed by an administrative servant, employed in the same institution, who meets the general and special requirements for filling the job position which is prescribed for the appropriate level in this Law and in the act for systematization as well as:

- Has been evaluated with "outstanding" or "satisfactory" score in the last performance evaluation
- Holds an immediately lower job position or holds a job position within the same category as the announced internal vacancy,
- Spent at least two years at the same level of which at least one year in the institution where the internal vacancy is announced and
- Has not been imposed disciplinary measure in the year preceding the announced internal vacancy.

This has been partially implemented also in Article 41 paragraph 3

"If none of the candidates for an internal vacancy received more than 80% of the expected score, the superior, i.e., the official of an institution where there is no superior, can take a decision not to proceed with selection."

Regarding the recommendation 1.6. Abolish the limit on the number of employees who can receive a score of 5 during the appraisal of the effect of administrative servants, one can conclude that the recommendation is incorporated in Article 51 of the Draft Law on Administrative Servants.

Regarding the recommendation 1.7. Lift the restriction that the remuneration of administrative servants can be done only if the budget of the institution provides funds for that purpose. Regarding this recommendation, one can conclude that the recommendation has been partially implemented, i.e., it has been implemented in relation to the measures proposed as a reward from Article 53 of the Draft LAS, but the recommendation of the Report does not include the possibility that the monetary reward should be cancelled.

Regarding the recommendation 1.8. Greater transparency in the work of the Commission on auditing the selection procedure, i.e., strengthen the efficiency, effectiveness and advisory role of the Commission on auditing the selection procedure, one can conclude that an attempt was made to implement it, but not in the same way as proposed in the recommendations, and therefore we conclude that

it is partially implemented. Namely, the following activities are proposed: Activity 1: In the LAS, in the provision that sets forth the establishment and operation of the Commission on auditing the selection procedures, it is necessary to prescribe that the Commission, in addition to deciding on randomly selected cases, it also decides on randomly selected announced vacancies for which complaints have been submitted to the Agency.

Activity 2: Changes and amendment of Article 19-a of the LAS - which refers to the Commission on auditing the selection procedure regarding the increase of the number of its members and adding two more members from academia and expert community and one representative from the SCPC. The currently proposed solution is included in Article 82 of the Draft LAS according to which: "(2) The Commission on auditing is composed of five members and their deputies, as follows:

- president and his deputy from the ranks of inspectors in the State Administrative Inspectorate;
- one member and his deputy from the ranks of inspectors in the State Labor Inspectorate,
- one member and his deputy from among the employees of the Ministry of Political System and Inter-Community Relations
- one member and his deputy from among the employees of the Agency who serves as a secretary and
- one member and his deputy, nominated by the State Commission for Prevention of Corruption.

(5) If the members of the Commission on auditing conduct the audits referred to in paragraph (1) of this Article, they shall be entitled to remuneration in the amount of one average net salary in the Republic of North Macedonia, from the budget of the Agency, based on decision taken by the director.

(6) The manner of conducting the audit procedure shall be prescribed by the Minister of information society and administration. “

Namely, it is foreseen that the specific work of this Commission shall be regulated in a bylaw, which is considered as good solution.

However, the composition of the Commission is a questionable issue and leaves room for a different solution. Namely, it is questionable whether the proposed members should be part of this Commission, given the fact that the bodies they represent already have the authority to act on complaints regarding the implementation of employment procedures. In respect of the proposed solution, it

is perceived that the old solution enabled more professional and competent performance of the functions of the Commission as well as more transparency and no conflict of interest (one person participates in both the preliminary procedure and the procedure after audit).

Regarding the recommendation 1.9. -Limitation of any changes and amendments to the Rulebooks for job systematization only based on detailed explanation, an attempt was made with the Proposal for LPSE to implement the recommendation, but one can conclude that changes of the rulebooks are still frequently allowed, whereas the part related to drafting a detailed explanation of the reasons for the change is still omitted. (See Art.42 paragraph 5 and paragraph 8 of the LPSE)

The proposed solution is as follows: “(5) Public sector institutions, except for the Assembly of the Republic of North Macedonia, the Ministry of the Interior and the body within the Ministry of Interior - the Public Security Bureau, the National Security Agency, the Intelligence Agency, the Operational Technical Agency, the body within the Ministry of Finance - the Financial Police Directorate with regard to authorized officials, the courts and the public prosecutor's offices, adopt the acts from paragraphs (1) and (2) of this article based on:

- received positive opinion from the competent ministry, for the institutions that perform activities in the field of education and science, health, culture, social and child protection, ministry responsible for the affairs of the local self-government for the units of local self-government, the administration body for public enterprises, i.e., another institution determined by law and
- obtained consent from the Ministry.

(8) Public sector institutions may change the acts referred to in paragraphs (1) and (2) of this Article maximum once on quarterly basis, unless the functional analysis identifies the need to adopt new acts, as well as to change the organizational set-up or increase the number of stipulated job positions in the existing acts for internal organization and systematization. "

Regarding the recommendation 1.10. Standardization of rulebooks for internal organization and systematization of job positions at the local level, one can conclude that it is partially implemented in Article 42 paragraph 3 and paragraph 4 of the Proposed - LPSE, which read as follows: "(3) The functional analysis shall determine the internal organization and the required number of job positions in the institution based on the competencies of the institution and the workload in the last three years. (4) Functional analysis

is stipulated as requirement for adopting new acts, as well as for changing the organizational set-up or increasing the number of job positions in the existing acts for internal organization and systematization. "

Hereby we refer to this recommendation as only partially implemented because the recommendations stipulate the following Activity 1: It is necessary to analyze all bylaws and determine the reasons for discrepancy with regard to the number and type of organizational units, and the number of servants and type of education, which will influence the lowering of municipalities' discretionary powers in determining the number of organizational units, the number of job positions and the number of servants.

Regarding the recommendation 1.11. Undertake institutional reorganization and optimization of the public sector, one can conclude that it is partially implemented with the activities undertaken within the IPA 2 project "Support to the state reorganization".

Regarding the recommendation 1.12. Restriction on temporary employment through Agency for temporary employment, one can conclude that this recommendation would be implemented if such a legal wording is adopted.

This recommendation is incorporated in Article 50 of the Proposed LPSE which reads as follows:

(1) A public sector official may fill a job position by concluding a fixed-term employment contract due to:

- replacement of a temporarily absent employee who has been absent for more than one month,
- temporarily increased workload,
- seasonal work,
- unpredictable short-term activities that occur in the performance of the predominant activity of the employer or
- project work.

(2) The employment referred to in paragraph (1) line 1 of this Article lasts until the expiration of the approved leave of the absent employee, and for a maximum of two years.

(3) The employment referred to in paragraph (1) line 2 of this Article lasts during the period that the institution has the need, and for a maximum of one year.

- (4) The employment referred to in paragraph (1) lines 3 and 4 of this Article lasts during the period that the institution has the need, and for a maximum of three months.
- (5) The employment referred to in paragraph (1) line 5 of this Article lasts until the end of the project, and for a maximum of three years.
- (6) The project unit and the job positions in the project unit in accordance with paragraph (1) line 5 of this Article must be specified in the acts for internal organization and systematization of the job positions of the institution.
- (7) For the purpose of employment in the cases referred to in paragraph (1) lines 1, 2, 3 and 5 of this Article, the official shall publish a public announcement in accordance with the provisions of this law.
- (8) For employment in the case referred to in paragraph (1) line 4 of this Article for a period of up to 30 days, the official notifies the service responsible for mediation in employment about the need for employment, without charges, by referring persons for employment from the records of unemployed persons, in accordance with the general regulations on labor relations.
- (9) The official may, in accordance with paragraph (1) line 4 of this Article, employ persons by referral from the service competent for employment mediation only twice a year, whereby the total number of employees must not be over 5% of the number of all employees in the institution, and more than twice a year, only in exceptional cases when due to health reasons there is a need for employment by referral from the service responsible for employment mediation, i.e. employ a larger number of persons, for which the official is obliged to provide adequate medical documentation.
- (10) The official of a public sector institution may not employ persons on managerial positions for a fixed period of time.
- (11) The fixed-term employment contracts in accordance with the grounds determined in paragraph (1) of this Article may be concluded only if the institution provided consent that financial resources have been provided by the body responsible for the budget of the institution.
- (12) The rights and duties from employment of the employees for a fixed period of time shall be regulated in accordance with this Law and the general regulations on labor relations.
- (13) The official of a public sector institution may not carry out the recruitment and employment through Private employment agency.

Regarding the recommendation 1.13. Clarification of the provision from LAS regarding the repetition of the announced vacancy, i.e. greater transparency and informing **the public what it means when the vacancy is announced through A or through 1**, especially for vacancies referring to employment of members of the ethnic communities, one can conclude that it has been partially implemented in Article 33 of the Draft LAS: "(3) If there is no candidate on the final ranking list, who has won at least 70% of the maximum score, the Agency within 10 working days shall ex officio repeat the employment procedure by publishing the vacancy on its website. (4) In all stages of the repeated procedure, all candidates shall participate regardless of the community they belong to. Once the procedure is completed, if there are no candidates belonging to communities for which employment was planned, the Selection Commission proposes the best candidate who won at least 70% of the maximum score. “
It needs to be further specified how the candidate will be informed that this is a repeated procedure.

Regarding the recommendation 1.14. Amending the LAS and giving a possibility for the body to choose between the two first-ranked candidates from the proposed ranking list, this recommendation has not been foreseen in Article 54 of the Proposal - LPSE.

Regarding the recommendation 1.15. Establish standardized Questionnaires for conducting the third stage of selection, i.e., interviewing candidates, one can conclude that the recommendation would be implemented with Article 31 of the LAS, which reads as follows: "

(1) The interview is conducted orally.

(2) The interview is conducted with standardized questionnaires that enable to check:

- the candidate's interest and motivation for the job, his/her previous work experience (if any), the candidate's expectations from the job, etc.;
- the required general competencies for the job position and

- the expertise of the candidate for the respective job.

(3) Separate minutes of the interview must be compiled, indicating the identification code of the candidate and data about asked and answered questions.

Regarding the recommendation 1.16. Standardization of the procedure for appraisal of the employees' effect in the institutions, the Report includes the following activities:

Activity 1: In the LAS, to specify the procedure for appraisal of the effect and to amend the provisions that provide discretionary powers regarding the manner of appraisal and remuneration of the employee on this basis; The amendment should provide for second instance procedure and the possibility to appeal the appraisal outcome, and not only for the appraisal procedure.

The activity is incorporated in the proposed wording of Article 52 paragraph 5 and 6

Article 52 paragraph 5 - The proposed appraisal is submitted to the administrative servant for inspection, who has the right to file a complaint within 10 days to the superior, i.e., the official of an institution where there is no superior, after which the annual score is determined.

Article 52 paragraph 6 The administrative servant who is dissatisfied with the appraisal process and the respective score, has the right to file an appeal within eight days to the Agency, i.e., to a competent body in accordance with this Law.

Activity 2: Change the appraisal procedure by identifying objective criteria for the results of the work and the personal qualities that the employees have demonstrated throughout the accomplishment of their assignments; Also, to address the issue of anonymity of the appraisal procedure.

In the proposed wording in Article 52

Paragraph 3 The administrative servant is evaluated for the results of the work, comparing the scope, quality and deadlines of the work done with the job description and the strategic and annual work plan of the institution, and taking into account the personal behavior of the administrative servant throughout the year for which evaluation is undertaken.

Paragraph 7 provides the Detailed Criteria for the manner of evaluating the administrative servant, the form and content of the evaluation template, the manner of handling complaints and determining the annual score, and also that the manner of imposing measures of the evaluation are prescribed by the Minister of Information Society and Administration.

Activity 3. Adoption of a bylaw that specifies the performance criteria or those criteria to be stated in the LAS itself. Performance Criteria from the Law on Inspection can be taken as an example.

The proposed provision in Article 51 includes the following criteria:

(1) The annual evaluation score of an administrative servant can be:

- "stands out", administrative servant who performs the work objectives and assignments fully, participates in improving the work of the institution, contributes for the achievement of the institution's results, gives suggestions for improvement and shows motivation for work and achieves greater results than expected according to the job description;
- "satisfactory", administrative servant who performs the work objectives and assignments fully and timely;
- "partially satisfactory", administrative servant who does not always perform the work objectives and assignments fully and timely
- "unsatisfactory", administrative servant who does not perform the work objectives and assignments and does not respect the deadlines.

Regarding recommendation 1.16, one can conclude that the recommendation would be implemented if the proposed wording is adopted. Only the novelty that the evaluation is performed by the immediate superior is still questionable.

Regarding the recommendation 1.17. Adoption of the Law on Salaries in the Public Sector, one can conclude that this recommendation has not been implemented, because the law has not been adopted.

Regarding the recommendation 1.18. LAS should specifically determine whether the period in which the employee was on probation is counted as currently working on that job position. No probation is stipulated in the foreseen legal provisions.

Regarding the recommendation 1.19. Elimination of discretionary decision-making in the procedure for employees' mobility and efficient functioning of the transfer list in possible takeovers, the following activities are listed in the Report:

Activity 1: Each institution that abolishes a certain organizational unit or when an entire body is abolished, should report about all employees who will remain unassigned to job positions in other institutions and submit data about employees in the transfer list for possible takeovers.

According to the proposed Article 58 paragraph 1 of the LPSE - Given the need to provide for mobility of public sector employees in case of abolition, merging and reduction of competencies of public sector institutions, the Ministry shall prepare and maintain transfer lists for possible takeovers.

Activity 2: Constantly updating the transfer list at MISA and affirming its use, which implies introducing an obligation for the bodies in need of new employment to first check if there is a person on this list who meets the qualifications for the respective job position and if a person meets the required qualification to be employed by takeover.

Pursuant to the proposed Article 52 paragraph 3 of the LPSE, the Agency for Administration is obliged to check whether there is a suitable person for that position on the transfer list and if not, to publish the vacancy within 5 days from the receipt of the request.

Activity 3: MISA to perform more frequent controls on the entry of data in the transfer list for possible takeovers and to control how often the institutions utilize this mechanism before announcing public vacancies.

This activity remains to be implemented in practice.

Activity 4: Provide another competence of the AA for keeping records with data for vacancies, as well as list of employees who want to be transferred to another body, as well as data for unassigned employees.

This activity has not been implemented.

Activity 5: Each body to submit the Annual Employment Plan to the Ministry of Finance, MISA, AA and the Ministry of Political System before the preparation of the budget for the next year.

This activity has not been implemented.

Activity 6: When determining the need for new employments, the body is obligated to first contact the MISA and check whether there is an unassigned civil servant in the transfer list who meets the requirements for the specific job position.

This activity is implemented in Article 52 paragraph 3 of the LPSE.

Activity 7: Specify provisions for protection of the rights of non-assigned administrative servants.

This activity has not been implemented.

Activity 8: Specify whether it is necessary to announce a takeover or redeployment, and if necessary, whether it is public or internal vacancy.

According to the proposed Article 56 paragraph 6 of the LPSE, no such announcement is foreseen.

Activity 9: Amendment of Article 43 of the LPSE and paragraph 2 of Article 42.

Implemented with the proposed Article 57 of the LPSE.

B. Regarding the second group of recommendations that refer to the expertise and competence of the staff in public administration (4 in total):

2.1. Acts for job systematization to comply with the Frascati classification and the type of education to be compliant with the work assignments performed by the employee - Recommendation not implemented

2.2. Strengthen the efficiency and expertise of the Candidate Selection Commissions - the recommendation has been partially implemented.

2.3. Mandatory implementation of trainings for administrative servants - the recommendation has not been implemented.

2.4. Control over the consistent application of the article on delegated competence in the Law on General Administrative Procedure - The recommendation has been partially implemented, as notification for changing the LGAP has been published in relation to this issue, but the wording is not provided.

C. Regarding the third group of recommendations (total 4) about the selection and appointment of directors and members of governing and supervisory boards, one can conclude that increasing number of measures and activities have been taken, especially in terms of the criteria to be met by the members of the governing and supervisory boards in public institutions and public enterprises, primarily referring to the type of required education and work experience - which provides for greater expertise and competence in the work of these individuals and increased professionalism regarding the management and supervision of public institutions and public enterprises, as well as novelty in terms of the transparency in the procedure for their appointment which is planned to be accomplished by announcing a public call, whereas dissatisfied candidates are provided with legal protection by allowing them to file an appeal. The Draft Law on Senior Management Service is available on ENER.

With regard to the recommendations of this group, one can highlight the measures proposed by the Government outlined in Action 21 - Anti-Corruption Plan of March 2021.²⁰ Namely, item seven of this plan lists the identified weaknesses regarding the governing and supervisory boards, which are also listed in the Final Report of the TI-M Project. This particular item specifies that work will be undertaken in future to reduce the number of governing boards members - to a maximum of 5 members, that precise requirements will be stipulated for the appointment of members of governing and supervisory boards and their responsibilities, and also with regard to their special type of education in accordance with the activity of the body where they are appointed, which at the same time will

²⁰„Action 2021 "- Plan for fight against corruption -, https://vlada.mk/sites/default/files/img/plan_za_borba_protiv_korupcija_mk_al_akcija_21.pdf

ensure that the selection procedure is regulated. Hereby, it is worth noting also the Draft Law on Changes and Amendments to the Law on Institutions and the Draft Law on Changes and Amendments to the Law on Public Enterprises. The Draft-Law on Senior Management Service was published in the fourth quarter.

D. Regarding the fourth group of recommendations, all undertaken activities are listed in the table.

Regarding this group of recommendations, several measures and activities have been taken for their implementation, but some of the recommendations still need to be additionally implemented in practice, given that these recommendations are aimed at ensuring continuity in the control and also because they are conducive to taking measures to eliminate certain emerging inconsistencies in the work of the institutions in practice.

6. Table with recommendations and conducted monitoring

Table 1. Implementation of the recommendations related to procedures for filling vacancies through employment procedure, promotion procedure and mobility of public sector employees

Recommendation	Activities	Competent institutions	Deadline	Monitoring
Group 1 Employment procedure				
1.1. Redefining the term - work experience in the profession	Activity 1: Consider the experience from training period, volunteering or internship. Activity 2: Establish records for training period, volunteering and internships and issue a certificate. Activity 3: Modification of LAS. In LAS, to redefine the term work experience in the profession. See explanatory text.	MISA	1 year	Partially implemented recommendation given the fact that new legislation has been yet adopted. That is, no amendments have been made to the Law on Administrative Servants. Activity taken so far: According to the “Action 21” Plan for fight against corruption, adopted in March 2021, MISA and AA as institutions concerned with these matters, need to prepare a Plan on the manner of implementing the recommendations in the respective acts. Activity undertaken in the fourth quarter:

				Publication of the Draft-Law on Administrative Servants on 17.09.2021 on ENER, see Article 3 item 10 Partially implemented recommendation
1.2. Job vacancies should include all the required documents which must be submitted by candidates and are subject of scoring in the selection procedure.	Activity 1: Unify the content of public and internal vacancies. Vacancies should list all the required and additional documents subject of scoring in the selection procedure, which must be submitted by candidates. Activity 2: In Article 36 of the LAS, the word "may" to be replaced with the word "should".	MISA, AA, competent institution	1 year	Partially implemented procedure Activity taken so far: On 12.11.202, notification was published on the website of the Electronic National Register of Regulations of the Republic of North Macedonia (ener.gov.mk) about the start of the process to prepare the Draft Law on Administrative Servants. According to the "Action 21" Plan for fight against corruption, adopted in March 2021, MISA and AA as institutions concerned with these matters, need to prepare a Plan on the manner of implementing the recommendations in the respective acts. Work has been undertaken on adopting new legislation, which should be soon published on ENER, according to the answer provided from MISA. Activity undertaken in the fourth quarter: Publication of the Draft-Law on Administrative Servants on 17.09.2021 on ENER, Article 52 paragraph 1, 4, 5 of the LPSE and Article 25 of the LAS Partially implemented recommendation
1.3. Verification of evidence credibility to be performed in the first stage	Activity 1: Amendment of Article 38 of the Law on Administrative Servants Activity 2: Amendment of Article 42 of the Law on Administrative Servants	MISA	1 year	Partially implemented procedure Activity taken so far: On 12.11.202, notification was published on the website of the Electronic National Register of Regulations of the Republic of North Macedonia (ener.gov.mk) about the start of the process to prepare the Draft Law on Administrative Servants. According to the "Action 21" Plan for fight against corruption, adopted in March 2021, MISA and AA as institutions concerned with these matters, need to prepare a Plan on the manner of implementing the recommendations in the respective acts.

				<p>According to the draft law, evidence credibility verification remains to be done after the administrative selection and this solution is probably taken because the application is sent electronically, and evidence is checked afterwards, Article 29 of LAS</p> <p>Partially implemented recommendation</p>
1.4. Harmonize LAS and LPSE regarding the decision to reject the candidate's application as incomplete	<p>Activity 1. Make changes and amendments to the LAS so that members of the Commission for selection of candidates do not to reject the application as incomplete without giving the candidate an opportunity to complete the application.</p> <p>Activity 2: Harmonization of Article 39 of the LSA with Article 20-d paragraph 4 of the LPSE.</p>	MISA, Commission for selection of candidates	1 year	<p>Partially implemented procedure</p> <p>Activity taken so far: On 12.11.202, notification was published on the website of the Electronic National Register of Regulations of the Republic of North Macedonia (ener.gov.mk) about the start of the process to prepare the Draft Law on Administrative Servants.</p> <p>According to the “Action 21” Plan for fight against corruption, adopted in March 2021, MISA and AA as institutions concerned with these matters, need to prepare a Plan on the manner of implementing the recommendations in the respective acts.</p> <p>Activity undertaken in the fourth quarter: Adoption of the Draft-Law on Public Sector Employees, published on ENER on 17.09.2021, see Article 53 paragraph 3 of the LPSE</p> <p>Partially implemented recommendation</p>
1.5. Reduce discretionary powers and establish clear criteria for announcing internal vacancies	<p>Activity 1: Supplement paragraph 3 in Article 48 of the Law.</p> <p>Activity 2: Once LCA is amended (Article 48), to undertake harmonization of substantive regulations that include provisions on internal vacancies and each public sector institution to adopt appropriate bylaw which will stipulate the procedure for promotion in details. The unified procedure for announcing an internal vacancy will be provided accordingly.</p> <p>Activity 3: Prepare a template with measurable criteria and to provide scores for each criterion separately.</p> <p>Activity 4: Promotion should be undertaken publicly and with prior evaluation of the</p>	Government MISA, AA, institution that announces the vacancy, Ministry of Finance	2 years	<p>Partially implemented procedure</p> <p>Activity taken so far: On 12.11.202, notification was published on the website of the Electronic National Register of Regulations of the Republic of North Macedonia (ener.gov.mk) about the start of the process to prepare the Draft Law on Administrative Servants.</p> <p>According to the “Action 21” Plan for fight against corruption, adopted in March 2021, MISA and AA as institutions concerned with these matters, need to prepare a Plan on the manner of implementing the recommendations in the respective acts.</p> <p>Activity undertaken in the fourth quarter:</p>

	<p>employees in the sector where the promotion is made, also by taking account of previous experience, certificates, bar exam, master thesis, etc., ensuring that the promotion is realistic and supported within the sector.</p> <p>Activity 5: Supplement paragraph 3 in Article 52 of the LAS, in order to specify the criteria, i.e., reasons why a superior can take a decision not to proceed with selection.</p> <p>Activity 6: Regular control and verification by the AA, in terms of whether the respective body made attempt to fill the vacancy with an employee from the institution who meets the requirements before a public vacancy for a higher position is announced.</p> <p>Activity 7: Any promotion should not be subject of required individual consent from the Ministry of Finance, but rather to be foreseen in the annual plan and budgets of the institutions.</p> <p>Activity 8: Apply the mobility rule and identify mechanisms that when a candidate meets the requirements for promotion but the position for promotion in the institution is already filled, that candidate to be referred to a higher position in any institution in the public administration</p>			<p>Publication of the Draft Law on Administrative Servants on ENER Partially implemented procedure</p>
<p>1.6. Abolish the limit on the number of employees who can receive a score of 5 during the appraisal of the effect of administrative servants</p>	<p>Activity 1: Repeal or amend Article 65 paragraph 4 of the LSA that maximum five of the employed administrative servants in the institution can receive a score of 5 during the appraisal.</p>	MISA	1 year	<p>Partially implemented procedure</p> <p>Activity taken so far: On 12.11.202, notification was published on the website of the Electronic National Register of Regulations of the Republic of North Macedonia (ener.gov.mk) about the start of the process to prepare the Draft Law on Administrative Servants.</p> <p>Activity undertaken in the fourth quarter: Publication of the Draft-Law on Administrative Servants on ENER on 17.09.2021, see Article 50 and Article 51 Partially implemented recommendation</p>

<p>1.7. Lift the restriction that the remuneration of administrative servants can be done only if the budget of the institution provides funds for that purpose.</p>	<p>Activity 1: Amend Article 94-a of the LSA which regulates compensation for performance 21 Activity 2: Supplement the provision by adding either another type of reward or recognition or awarding the employee with three days off. Activity 3: The reward should be an obligation for the institutions, and the type of reward should be either financial, or recognition or paid professional development.</p>	<p>MISA, institutions in the public sector</p>	<p>1 year</p>	<p>Partially implemented procedure Activity taken so far: On 12.11.202, notification was published on the website of the Electronic National Register of Regulations of the Republic of North Macedonia (ener.gov.mk) about the start of the process to prepare the Draft Law on Administrative Servants. Activity undertaken in the fourth quarter: Partially undertaken activity because the monetary reward has been removed, Announcement of the Draft-Law on Administrative Servants on ENER on 17.09.2021, see Article 53 Partially implemented recommendation</p>
<p>1.8 Greater transparency in the work of the Commission on auditing the selection procedure: Strengthen the efficiency, effectiveness and advisory role of the Commission on auditing the selection procedure</p>	<p>Activity 1: In the provision of the LAS that sets forth the establishment and operation of the Commission on auditing the selection procedures, it is necessary to prescribe that the Commission, in addition to deciding on randomly selected cases, it also decides on randomly selected announced vacancies for which complaints have been submitted to the Agency. Activity 2: Change and amend Article 19-a of the LAS - which refers to the Commission on auditing the selection procedure regarding the increased number of members and adding two more members from the academic and expert community and one representative from the SCPC. Activity 3: Amendment of the LAS by introducing provisions on the transparency and accountability of the Commission.</p>	<p>MISA</p>	<p>1 year</p>	<p>Partially implemented procedure Activity taken so far: On 12.11.202, notification was published on the website of the Electronic National Register of Regulations of the Republic of North Macedonia (ener.gov.mk) about the start of the process to prepare the Draft Law on Administrative Servants. Data from the third quarter In March 2021, MISA prepared an Anti-Corruption Program, along with an action plan, analysis, goals and next steps.²² The composition of the Commission has been changed, but not according to the given proposal, see Proposal - Law on Administrative Servants on 17.09.2021, Article 53 Partially implemented recommendation</p>
<p>1.9. Limitation of any changes and amendments to the Rulebooks for job</p>	<p>Activity 1: Amend the Law on Public Sector Employees by restricting amendments to the Rulebooks.</p>	<p>MISA</p>	<p>1 year</p>	<p>Partially implemented: For illustration: In the period from January to March 2021, the Ministry of Information Society and Administration issued a total of 321 consents</p>

21 It provides an opportunity for the administrative servant who is assessed with an annual grade "A", to be awarded compensation for performance in the amount of a salary received in the last month of the year for which the assessment was performed, only if the budget of the institution provides funds for that purpose.

²²https://www.mioa.gov.mk/sites/default/files/pbl_files/documents/antikorupciska_programa_-_05.05.2021.pdf

systematization only based on detailed explanation	<p>Activity 2: Introduce a ban in the LPSE for MISA to give consent for amendment of the rulebook if the institution failed to prepare a functional analysis Article 17 paragraph 4 in the LPSE.</p> <p>Activity 3: Introduce a ban in the LPSE for MISA to give consent for amendment of a rulebook if the amendment is not accompanied with a detailed explanation of the required amendments.</p> <p>Activity 4: The competence for giving consent to the acts for internal organization and systematization to be assigned to AA as an autonomous state body.</p>			<p>for acts amending the Rulebook on job systematization.²³</p> <p>Data from the third quarter: In March 2021, MISA prepared an Anti-Corruption Program, along with an action plan, analysis, goals and next steps.²⁴</p> <p>Activity undertaken in the fourth quarter: LPSE, Article 42, paragraph 8- Changes are limited to at least once a quarter, however, no detailed explanation is required, meaning that there is a possibility during this period for frequent changes of the Rulebooks. Partially implemented procedure</p>
1.10. Standardization of rulebooks for internal organization and systematization of job positions at the local level	<p>Activity 1: It is necessary to analyze all bylaws and determine the reasons for discrepancy with regard to the number and type of organizational units, and the number of servants and type of education, which will influence the reduction of municipalities' discretionary powers in determining the number of organizational units, the number of job positions and the number of servants.</p>	MISA	1 year	The recommendation has not been implemented
1.11. Undertake institutional reorganization and optimization of the public sector	<p>Activity 1: Limit the application of Article 7 of the Law on Organization and Work of State Administration Bodies, which leaves room for the establishment of an autonomous body with a special law.</p> <p>Activity 2: Preparation of Report on overlapping competencies and the required number of employees in certain institution and in certain organizational units.</p> <p>Activity 3: Determine the real need for public administration bodies on the basis of the prepared mapping of all public administration bodies and</p>	MISA and all institutions in the public sector	1 year	<p>Partially implemented recommendation</p> <p>Activity taken: Skopje, December 10, 2020</p> <p>The Minister of information society and administration, Jeton Shaqiri had a meeting with Nicola Bertolini, Head of the Cooperation section of the Delegation of the European Union.</p> <p>The working meeting was attended by expert teams from MISA and the EU to discuss the status of implementing the current and future IPA funded projects for reorganization of public administration and digitalization.²⁵</p>

²³Including the changes related to the Plan for distribution of administrative servants employed through the K5 program, MISA response on the questions for the second quarter

²⁴https://www.mioa.gov.mk/sites/default/files/pbl_files/documents/antikorupciska_programa_-_05.05.2021.pdf

²⁵<https://www.mioa.gov.mk/?q=mk/node/32050>

	<p>the prepared analysis of all types of bodies that belong to the public administration.</p> <p>Activity 4: Provide an accurate list of all second instance bodies that decide on filed appeals against decisions of public administration body and examine their competences in order to determine any overlapping of competences.</p> <p>Activity 5: MISA to reactivate and ensure more frequent convening of the Network of organizational units for human resources management and take account of their proposals for appropriate measures after the meetings.</p> <p>Activity 6: Stipulate a norm for the employees, i.e. to evaluate the effectiveness of their work (time required for the effective performance of assignments and duties) in order to determine the real number of required employees for a specific job position. The number of employees in the municipal administration should be determined also in accordance with the number of inhabitants in the municipality</p> <p>Activity 7: Harmonization of employment in the administration at local level</p>		<p>Skopje, December 2, 2020</p> <p>The Secretariat for Public Administration Reform held its eighth meeting today via online video conference.</p> <p>The session was used to present the results from the implementation of the IPA 2 Project "Support to the state reorganization", the draft Law on Organization and Work of the State Administration Bodies and the horizontal functional analysis of the public administration.²⁶²⁷</p> <p>This has been also foreseen in the Work Program of the Government of RNM for the period 2020-2024.</p> <p>As part of the activities for reorganization and optimization of the institutions, the first meeting of the working group for drafting the new Law on Organization of the State Administration Bodies was held on 02.03.2021 in MISA. During the meeting, the dynamics of the activities for drafting the new law was determined and the participants had the opportunity to review the draft action plan and the first draft of the Law, as well as to exchange views in this regard.²⁸</p> <p>With regard to the question addressed by Transparency International to MISA about the status of the process of adopting the Law on Organization and Work of State Administration Bodies, we were informed that in March 2021 the Minister of information society and administration established an inter-ministerial working group with representatives from MISA, the Ministry of Finance (MoF), the Ministry of Justice (MoJ), the Secretariat for Legislation (SL), the Office of the Prime Minister of the Republic of North</p>
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²⁶<https://www.mioa.gov.mk/?q=mk/node/3194>

²⁷https://mioa.gov.mk/sites/default/files/pbl_files/documents/rja/zapisnik_secrja_8ma_sednica.pdf,

https://mioa.gov.mk/sites/default/files/pbl_files/documents/rja/dneven_red_za_sedma_sednica_na_sovet_na_rja_16.12.2019.pdf

²⁸<https://www.mioa.gov.mk/?q=mk/node/3255time> ri

and

				<p>Macedonia and the Ministry of Political System and Inter-Community Relations. The answer also included that the Law is being drafted by an extended group of stakeholders with representatives of the non-governmental sector and political parties and the working group is expected to prepare the draft version of the law by the end of May which would then be published on ENER.</p> <p>Data from the third quarter: For example, on June 9, 2021, the Minister of information society and administration attended and addressed the working groups during the seminar on Reorganization of State Administration and Change of Management in the Republic of North Macedonia, as well as the seminar on efficiency of public institutions in the Republic of Northern Macedonia. Representatives of all ministries and foreign and domestic experts involved in this important project participated in both seminars.²⁹</p> <p>Undertaken activity in the 4th quarter: https://www.mioa.gov.mk/?q=mk/node/3655 Partially implemented recommendation</p>
1.12. Restriction on temporary employment through Agency for temporary employment	<p>Activities 1: Amendments to the Law on Public Sector Employees, to specify the possibility for the contract to be concluded for maximum one year without the possibility of extension Art.22 paragraphs 14 and 15 relating to temporary employment.</p> <p>Activity 2: The provision of the law should be supplemented and specified so that either vacancy announcement is foreseen for temporary employment as for the other employees or to recruit persons from the transfer list of MISA. Also, provisions of the LAS also to apply for the rights and obligations of employees with temporary employment.</p>	MISA	1 year	<p>The recommendation has been partially implemented</p> <p>Necessary to point out the following: During the monitoring period, public procurement notices were published on the website of the Electronic Public Procurement System (https://www.e-nabavki.gov.mk/) with temporary employment services as subject of the procurement contract.</p> <p>According to the latest data in the Annual Report from the Register of Public Sector Employees for 2020, total of 2,425 people were employed in public sector institutions through agencies for temporary employment, and they do</p>

²⁹<https://www.mioa.gov.mk/?q=mk/node/3321>

	<p>Activity 3: Eliminate the possibility for persons who are temporarily employed to enter in a regular employment without a regular employment procedure, i.e., to eliminate the possibility for transformation of employment</p> <p>Activity 4: Announced vacancies for temporary employment to include the same requirements as for employment via public announced vacancy through the AA.</p> <p>Activity 5: The rights and obligations of temporary employees as administrative servants to be stipulated in accordance with the LAS and LPSE, and not in accordance with Labor Relations Law.</p>			<p>not have the status of public sector employees and therefore are not included in the analysis in this report.³⁰</p> <p>Undertaken activity in the 4th quarter: Undertaken activity, see LPSE, Article 50, paragraphs 9, 12, 13</p> <p>Partially implemented procedure</p>
<p>1.13. Clarification of the provision from LAS regarding the repetition of announced vacancy</p> <p>Greater transparency, i.e., informing the public what it means when the vacancy is announced through A or through 1, especially for advertised vacancies referring to employment based on belonging to an ethnic community.</p>	<p>Activity 1: Amendment of Article 44 of the LCA.</p> <p>Activity 2: In an announced vacancy, state that the vacancy is announced for the second time and that a candidate of another ethnic community can also apply.</p>	MISA	1 year	<p>Partially implemented procedure</p> <p>Activity taken so far: On 12.11.202, notification was published on the website of the Electronic National Register of Regulations of the Republic of North Macedonia (ener.gov.mk) about the start of the process to prepare the Draft Law on Administrative Servants.</p> <p>Activity undertaken for the 4th quarter: Proposal for LAS from 17.09.2021, article 43, paragraph 4</p> <p>Partially implemented recommendation</p>
<p>1.14. Changing the LAS and providing a possibility for the body to select between the two first-ranked candidates from the proposed list.</p>	<p>Activity 1: Amendments to Articles 44 and 45 of the LAS</p>	MISA, Commission for selection of candidates	1 year	<p>Partially implemented procedure</p> <p>Activity taken so far: On 12.11.202, notification was published on the website of the Electronic National Register of Regulations of the Republic of North Macedonia (ener.gov.mk) about the start of the process to prepare the Draft Law on Administrative Servants.</p> <p>Partially implemented procedure</p>
<p>1.15. Establish standardized Questionnaires for conducting the third stage of selection, i.e., for interviewing candidates</p>	<p>Activity 1: Ensure that a structured interview is conducted with all candidates. Preparation of standardized criteria for formulating questions and scoring the answers to the questions.</p>	MISA, AA	1 year	<p>Partially implemented procedure</p> <p>Activity taken so far: On 12.11.202, notification was published on the website of the Electronic National Register of Regulations of the Republic of North Macedonia (ener.gov.mk) about the start</p>

³⁰https://www.mioa.gov.mk/sites/default/files/pbl_files/documents/reports/izvestaj_registar_2020_rev.1.01.pdf

	<p>Activity 2: Identify a module in which either the questions would be unified or the interview is conducted in writing and members of the Commission are provided with the answers to the questions in advance.</p> <p>Activity 3: Score of 20 to be reduced to score of 10.</p> <p>Activity 4. Amendments to the Law on Administrative Servants and bylaws.</p>			<p>of the process to prepare the Draft Law on Administrative Servants.</p> <p>Undertaken activity for the 4th quarter: Proposal for LAS from 17.09.2021, Article 41 Partially implemented recommendation</p>
1.16. Standardization of the procedure for appraisal of the employees' effect in the institutions	<p>Activity 1: In the LAS, to specify the procedure for appraisal of the effect and to amend the provisions that provide discretionary powers regarding the manner of appraisal and remuneration of the employee on this basis; The amendment should provide for second instance procedure and the possibility to appeal the appraisal outcome, and not only for the appraisal procedure.</p> <p>Activity 2: Change the appraisal procedure by identifying objective criteria for the results of the work and the personal qualities that the employees have demonstrated throughout the accomplishment of their assignments; Also, to address the issue of anonymity of the appraisal procedure.</p> <p>Activity 3. Adoption of a bylaw that specifies the performance criteria or those criteria to be stated in the LAS itself. Performance Criteria from the Law on Inspection can be taken as an example.</p>	MISA, AA, public sector institutions	1 year	<p>Partially implemented procedure</p> <p>Activity taken so far: On 12.11.202, notification was published on the website of the Electronic National Register of Regulations of the Republic of North Macedonia (ener.gov.mk) about the start of the process to prepare the Draft Law on Administrative Servants.</p> <p>Undertaken activity for the 4th quarter: Draft LAS from 17.09.2021, Article 52, paragraph 6.7 Partially implemented recommendation</p>
1.17. Adoption of a Law on Salaries in the Public Sector	<p>Activity 1: Specify the value of a salary point for each institution and the precise criteria, as well as which are the competent institutions to influence and give consent for changing the amount of the point.</p> <p>Activity 2: Establish unique criteria for calculating salaries and allowances for public sector employees.</p> <p>Activity 3: Limitation of discretionary decisions on salaries and the amount of salary allowances in the substantive regulations for establishment of</p>	MISA and other	1 year	<p>Partially implemented</p> <p>Undertaken activity in Action 21-Anti-Corruption Plan, published in March 2021</p> <p>The recommendation has not been implemented</p>

	autonomous bodies, regulatory bodies and in the public enterprises			
1.18. LAS should specifically determine whether the period in which the employee was on probation is counted as currently working on that job position.	Activity 1: Amendments to the LAS, according to which probation will be counted as period that the employee spent at the current job position, i.e., at the same level.	MISA	1 year	Partially implemented procedure Activity taken so far: On 12.11.202, notification was published on the website of the Electronic National Register of Regulations of the Republic of North Macedonia (ener.gov.mk) about the start of the process to prepare the Draft Law on Administrative Servants. The recommendation has been implemented. Probation is not stipulated in the new draft Law on Administrative Servants
1.19. Elimination of discretionary decision-making in the procedure for employees' mobility and efficient functioning of the transfer list for possible takeovers	Activity 1: Each institution that abolishes a certain organizational unit or when an entire body is abolished, should report about all employees who will remain unassigned to job positions in other institutions and submit data about employees in the transfer list for possible takeovers. Activity 2: Constantly updating the transfer list at MISA and affirming its use, which implies introducing an obligation for the bodies in need of new employment to first check if there is a person on this list who meets the qualifications for the respective job position and if a person meets the required qualification to be employed by takeover. Activity 3: MISA to perform more frequent controls on the entry of data in the transfer list for possible takeovers and to control how often the institutions utilize this mechanism before announcing public vacancies. Activity 4: Provide another competence of the AA for keeping records with data for vacancies, as well as list of employees who want to be transferred to another body, as well as data for unassigned employees. Activity 5: Each body to submit the Annual Employment Plan to the Ministry of Finance, MISA, AA and the Ministry of Political System	MISA, AA	1 year	The activity has not been implemented According to the "Action 21" Plan for fight against corruption, adopted in March 2021, MISA and AA as institutions concerned with these matters, need to prepare a Plan on the manner of implementing the recommendations in the respective acts. In the response received from MISA, the transfer list is used very rarely in practice and it is not fully functional. Also, the public sector institutions are not sufficiently familiar with the manner and conditions for registering an employee on the transfer list. From the information taken from the website of MISA it can be concluded that the transfer list for possible takeovers is not regularly updated See the link: https://mioa.gov.mk/?q=mk/node/73 Undertaken activity for the 4th quarter: Draft LAS from 17.09.2021, Articles 57 and 58 The recommendation has been partially implemented

	<p>before the preparation of the budget for the next year</p> <p>Activity 6: When determining the need for new employments, the body is obligated to first contact the MISA and check whether there is an unassigned civil servant in the transfer list who meets the requirements for the specific job position.</p> <p>Activity 7: Specify provisions for protection of the rights of non-assigned administrative servants.</p> <p>Activity 8: Specify whether it is necessary to announce a takeover or redeployment, and if necessary, whether it is public or internal vacancy.</p> <p>Activity 9: Amendment of Article 43 of the LPSE and paragraph 2 of Article 42.</p>			
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Table 2. Recommendations: Expertise and competence of the staff in the public administration

Review	Activities	Competent institutions	Deadline	Мониторинг
Group 2				
2.1. Acts for job systematization to comply with the Frascati classification and the type of education to be compliant with the work assignments performed by the employee	<p>Activity 1. In the rulebooks for job systematization, the type of education should be presented in accordance with the Frascati classification and the type of education should comply with the work assignments to be performed by the employee.</p> <p>Activity 2: Amendment to the LAS and the bylaws which will specify in which area 180 or 240 or 300 credits will be required. For example, if 240 credits are required for legal sciences, can 180 credits be required from legal sciences and 60 from another field. If such possibility is foreseen, the respective field of sciences should be specified.</p>	MISA MO	6 months	<p>Partially implemented procedure</p> <p>Activity taken so far: On 12.11.202, notification was published on the website of the Electronic National Register of Regulations of the Republic of North Macedonia (ener.gov.mk) about the start of the process to prepare the Draft Law on Administrative Servants.</p> <p>Partially implemented procedure</p>

	<p>Activity 3: In the Rulebooks for job systematization, the required type of education should not be stated as scientific field, but specifically the field and the respective area. For example, social sciences should not be stated as type of education because it is a broad category or term that covers many different profiles of graduates who are not suitable for certain jobs. To specify the type of required education whether it means completion of both first and second cycle of studies or only second or only first cycle of studies. For example, in the requirement for 240 credits, the type of required education and the respective cycle of studies should be stated - each institution is a competent authority for its own act.</p>			
<p>2.2. Strengthen the efficiency and expertise of the Candidate selection commission</p>	<p>Activity 1: Guidelines for the bodies how to nominate employees in the selection and promotion commission who already have experience in conducting employment procedures. To pay attention to the expertise and competence of the members of these commissions and to determine criteria for the composition of the Candidate selection commissions.</p> <p>Activity 2: Provide training, increase the integrity of these individuals and protect them from any kind of influence.</p> <p>Activity 3: Prepare a manual for the work of the members of the commissions.</p> <p>Activity 4. In case of violation of the provisions on fairness and transparency in decision-making, possibility to be provided for disciplinary proceedings.</p> <p>Activity 5. Specify the conditions for appointment in the Candidate selection commission (whether it should be changed for each announced vacancy or should it be permanent, whether the members should be compensated, to conduct training for the members in these commissions, to prepare decisions with detailed explanations of the course of the whole procedure and the reasons why a</p>	<p>AA, competent institutions</p>	<p>1 year</p>	<p>Not implemented</p> <p>Undertaken activity for the 4th quarter: Draft LAS from 17.09.2021, Article 27 Partially implemented recommendation</p>

	<p>certain candidate was given priority). This requires changes in the LAS and adoption of a bylaw by each public sector institution.</p> <p>Activity 6: If during a complaint or appeal procedure, or auditing a selection procedure, the second instance body finds violation in the procedure for filling a vacancy and that a member of the commission was influenced, procedure for responsibility of the member of the Commission to be initiated.</p>			
2.3. Mandatory implementation of trainings for administrative servants	<p>Activity 1: MISA to perform regular control of the Annual training plans for administrative servants, in relation to four aspects: whether the Plan has been prepared, whether all staff are included, whether training fees for professional development are covered by the institution, but with limit on the amount and whether the servant transferred the acquired knowledge.</p> <p>Activity 2: MISA to control the work of the Academy for professional development of administrative servants and issue mandatory measures for its effective functioning.</p>	MISA, Academy for professional development, competent institutions	6 months	<p>Partially implemented</p> <p>According to the response received from MISA, in the period 1 January - 31 March 2021, 21 thematic trainings were conducted with a total of 208 participants (on the LMS system).</p> <p>Data from the third quarter</p> <p>Anti-corruption program with action plan, analysis, goals and next steps prepared by MISA</p> <p>https://www.mioa.gov.mk/sites/default/files/pbl_files/documents/antikorupciska_programa_05.05.2021.pdf</p> <p>The annual training programs are published on the MISA website (https://www.mioa.gov.mk/?q=mk/tr-documents), but we do not have data on the number of delivered trainings and the work of the Academy</p> <p>Partially implemented procedure</p>
2.4. Control over consistent application of the article on delegated competence in the LGAP	<p>Activity 1: The State Administrative Inspectorate to oversee whether this provision of the law is applied and to provide a period of 30 days to be implemented.</p> <p>Activity 2: Provide a job position in the systematization act for an authorized person to run the administrative procedure.</p>	SAI, all institutions that are part of the public sector	1 year	<p>The recommendation has not been implemented</p> <p>Partially implemented recommendation</p> <p>On 15.09.2021, the Draft Law on Amending and Supplementing the LGAP was published on ENER</p>

Table 3: Recommendations for selection and appointment of directors and members of management and supervisory boards

Review	Activity	Competent institutions	Deadline	Monitoring
3.1. Regulate the procedure for election and appointment of public enterprise and public institution director, as well as for election and appointment of governing and supervisory boards members	<p>Activity 1. The Government to adopt a Decree on the implementation of the procedure for election and appointment of public enterprise and public institution director, as well as on the election and appointment of governing and supervisory board members</p> <p>Activity 2. Establishment of a special Commission to act upon documentation for election of director and this to be included in the regulations on election of director</p> <p>This Commission should be composed of one representative from the body where the director is elected/appointed, that is, administrative servant responsible for human resources, one representative of the non-governmental sector, one representative of the SCPC and the Secretary of the municipality, and one representative of the academic and expert community. This Commission should meet on ad hoc basis, i.e., for announced vacancy for director. The remuneration for the members of the Commission to be specified according to the criterion - number of candidates that applied on the announced vacancy. Or, regarding the election of officials, in a period of 1 year, to establish a special Committee or Commission for selection of officials, which would be composed of 9 members (one representative from the Government, one representative from the municipality, one representative from MISA, one representative from AA, one from the non-governmental sector and two representatives from among expert practitioners). The members of the Committee should have a term of 5 years, without possibility of re-election. The monthly fee for the members should be determined according to the number of cases they decided on. It is necessary to adopt a special law that regulates the election of these</p>	Government, MISA	1 year	<p>Partially implemented</p> <p>Activity: The Ministry of Information Society and Administration provided an answer that the law has been withdrawn to be further elaborated and harmonized with the new LAS and LSMS, given the linkages among LAS, LPSE and LSMS and the need to harmonize them in terms of including senior managers and managers that currently fall within the scope of LAS.</p> <p>The "Action 21" - Anti-Corruption Plan adopted in March 2021, stipulates that work will be undertaken in the following period to eliminate detected weaknesses.</p> <p>Monitoring data from the third quarter:</p> <p>With regard to the Law on Public Enterprises, Draft Report on Regulatory Impact Assessment and Draft Law - Proposal for Changes and Amendments to the Law on Public Enterprises were published on ENER on April 16, 2021.³¹</p> <p>Published on ENER: Notification about initiated process to prepare Proposal for the Law on changes and amendments to the Law on institutions from 16.04.2021, Draft Report on regulatory impact assessment for the Proposed Law</p>

³¹https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=64745

	<p>members, the place where they will hold sessions and take decisions as part of the procedure for election of officials.</p> <p>Committee on Elections and Appointment Issues</p> <p>Until this body is established, the Committee on Elections and Appointment Issues at the Assembly of the RNM should elect the officials of the autonomous bodies and regulatory bodies, despite the fact that it would mean interference of the legislature with the executive. However, the problem can be tackled if the election of the members of this Commission is impartial and members are professionals and experts. Therefore, the composition of this Commission needs to be publicly known.</p> <p>Activity 3: Clarification of a provision from the LPE and the Law on Institutions regarding the mandate, meaning that a director is elected for a term of four years, with the right to be reelected only once</p> <p>Activity 4: Adoption of a bylaw by the local self-government units, to specify the procedure for election and appointment of governing and supervisory board members in PE and PI established by the municipality, that is, Council and adoption of a bylaw by the Government of RNM to specify the procedure for election and appointment of governing boards members of PE and PI established by the Government.</p> <p>Activity 5: Adoption of bylaw by the municipality to specify the procedure for selection and appointment of directors of PE and PI which are established by the municipality, i.e., Council.</p> <p>Activity 6: Amendments to the current legislation Amendment to the LPE Amendment to the Law on Institutions Substantive regulations for election of governing boards members, supervisory board members and directors</p>			<p>on changes and amendments to the Law on Institutions from 28.04.2021 and Draft Law – Proposal for the Law on changes and amendments to the Law on Institutions from 28.04.2021.³²</p> <p>Data from the fourth quarter: Draft Law on Senior Management Service was published on 17.09.2012</p> <p>Article 7</p> <p>Certain terms used in this law have the following meaning:</p> <ol style="list-style-type: none"> 1. "Commission for senior management service" is an independent body of state administration responsible for conducting the procedure for election of senior managers and for the overall management of the senior management service; 2. The "Board for election of members of the Commission for SMS" is a temporary collective body established by the Government of the Republic of North Macedonia, responsible for conducting the election of the members of the Commission for senior management service; 3. "Selection Commission" is a temporary collective body established by the Commission for Senior Management Service, responsible for conducting an individual procedure for election of a senior manager; <p>Article 17</p> <p>(1) The Commission for Senior Management Service (hereinafter: the Commission for SMS) has the status of an independent body of state</p>
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³²https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=66096

	<p>6.1. Foresee the adoption of a bylaw that stipulates the details of the procedure for election, appointment and dismissal of directors of PE and PI</p> <p>6.2. Foresee the adoption of a bylaw that stipulates the details of the procedure for election, appointment and dismissal of governing board and supervisory board members</p> <p>Establishment of a special Commission at the Government of RNM</p> <p>Establishment of a special Commission in the municipalities and the City of Skopje</p> <p>Activity 7: Provide trainings for the members of these Commissions</p> <p>Activity 8: Preparation of Manual on implementing the procedure for election of director and procedure for appointment of governing and supervisory board members</p> <p>Activity 9: Adoption of a Decision on election, appointment and dismissal, along with mandatory explanation and legal advice</p> <p>Activity 10: Acting director to be elected from among the employees and his/her mandate cannot be extended.</p> <p>Activity 11: Determine precise criteria on the manner and conditions for appointment of governing board members, and their responsibility.</p> <p>Activity 12: Members of the governing board to be renowned experts in the field of operation of the public enterprise.</p> <p>Activity 13: The number of governing board members cannot be more than 5 members.</p> <p>Activity 14: Specify requirement that governing board member has special type of education in compliance with the activity of the respective body.</p> <p>Activity 15: The fee should be paid once a month, if sessions were held, and cannot be more than one monthly average salary or should be based on the number of cases they decided on.</p>			<p>administration with the capacity of a legal entity and with its own budget, which is accountable to the Government of the Republic of North Macedonia (hereinafter: the Government).</p> <p>(2) The members of the SMS Commission have a mandate of five years, without the right to be re-elected.</p> <p>(3) The members of the SMS Commission perform their function professionally and as full-time assignment.</p> <p>(4) The members of the SMS Commission are entitled to a salary in the amount of three average monthly salaries in the Republic of North Macedonia according to the data published by the State Statistical Office in the previous year.</p> <p>(5) In order to perform the professional and administrative activities, the Commission for SMS shall establish a professional service, with the status of an administrative servant.</p> <p>Partially implemented recommendation</p>
<p>3.2. Equalize the procedure for election of directors and members of</p>	<p>Activity 1: The members of the Collegiate bodies and their presidents, as well as directors of the</p>	<p>MISA, Government, Assembly of RNM</p>	<p>1 year</p>	<p>The recommendation has not been implemented</p>

autonomous state bodies and regulatory bodies	<p>autonomous state bodies and regulatory bodies to be elected on a public competition on the Proposal of the Committee on Election and Appointment Issues in the Assembly of RNM.</p> <p>Activity 2: The Committee on Election and Appointment Issues at the Assembly of RNM to prepare a bylaw which will precisely regulate the procedure for election of officials, their responsibility and legal protection for dissatisfied candidates.</p> <p>Activity 3: To harmonize the provisions of the special substantive regulations which determine the conditions for election, responsibility and dismissal of these officials.</p> <p>Purpose: A consistent system for selecting public office holders will be introduced</p>			<p>The Ministry of Information Society and Administration provided an answer that the law has been withdrawn to be further elaborated and harmonized with the new LAS and LSMS, given the linkages among LAS, LPSE and LSMS and the need to harmonize them in terms of including senior managers and managers that currently fall within the scope of LAS.</p> <p>The recommendation has not been implemented</p>
3.3. Clarification of provisions for dismissal of directors before the term expires	<p>Activity 1: In the substantive regulations, to amend the provision for dismissal of a director</p> <p>A good example from the LPE for dismissal of a director</p> <p>Article 24 -a of the LPE, The director of the public enterprise and deputy director of the public enterprise established by the Government of the Republic of Macedonia is dismissed before the term expires, in the following cases: at his request, if any of the reasons occur, due to which employment is terminated in accordance with the law, if s/he does not work and act in accordance with the law, statute and acts of the public enterprise or unjustifiably implements the decisions of the governing board or acts contrary to them, if his negligent and improper work causes damage to the public enterprise, if neglects or does not perform the obligations and thus affects the performance of the activity of public interest of the public enterprise, if does not submit a report in accordance with Article 23-a paragraph 1 of this Law,</p> <p>- if after the deadline determined in Article 23-a paragraph 3 of this Law does not eliminate the deficiencies or even within that period there are deficiencies and / or losses in financial operation and if and after the expiration of the deadline specified in</p>	MISA, the Government	1 year	<p>The recommendation has not been implemented</p> <p>Data from fourth quarter: Draft Law on Senior Management Service was published on 17.09.2012</p> <p>The recommendation has not been implemented</p>

	Article 5 paragraph 3 and Article 7-a paragraph 1 of this Law does not publish the quarterly report containing indicators of financial operations, annual accounts and the report on the operation of the public enterprise on the website of public enterprise.			
Recommendation 3.4. Stipulate a procedure for appointment and accountability of secretaries as Category A administrative servants	<p>Activity 1: Amendments in the LAS to specify the procedure for responsibility of the administrative servants of category A, i.e., secretaries. How are they accountable, before whom, for what, who has the right to give a proposal for initiating a procedure and what measures can be imposed on them.</p> <p>Activity 2: Establish criteria for appointment, responsibility and dismissal of secretaries</p> <p>Activity 3: The mandate of a secretary should last until the election of a new official, and the mandate should not be the same so as to ensure smooth operation and continuity of work in the institution, and if possible, to provide that secretaries are permanent, that is, not to be changed after the replacement of the official unless a procedure for responsibility has been initiated.</p>			<p>Partially implemented procedure</p> <p>Activity taken so far: On 12.11.2020, notification was published on the website of the Electronic National Register of Regulations of the Republic of North Macedonia (ener.gov.mk) about the start of the process to prepare the Draft Law on Administrative Servants.</p> <p>Undertaken activity for the 4th quarter: Proposal for LAS from 17.09.2021, Article 15 Draft Law on Senior Management Service was published on 17.09.2012</p> <p>Partially implemented procedure</p>

Table 4 Recommendations: Control mechanisms

Review	Activities	Competent institutions	Deadline	Monitoring
Group 4 Control mechanisms				
4.1. Strengthening the control role of MISA	Activity 1: MISA to strengthen its control mechanisms and to impose measures or to initiate misdemeanor proceedings for non-execution or untimely submission of data to MISA, which according to the law the bodies are obliged to prepare and submit to MISA.	MISA	1 year	<p>Partially implemented procedure</p> <p>Activity taken so far: On 12.11.202, notification was published on the website of the Electronic National Register of Regulations of the Republic of North Macedonia (ener.gov.mk) about the start of the process to prepare the Draft Law on Administrative Servants.</p>

	<p>Activity 2: To strengthen the responsibility of the employees in the Unit of MISA who control bylaws for internal organization and systematization, Annual employment plans, preparation of functional analysis, implementation of trainings, especially when they give consent for their adoption.</p> <p>Activity 3: Establish precise criteria for determining the need to amend these regulations.</p> <p>Activity 4: Consider the possibility of delegating the authority to approve acts for internal organization and systematization to the AA as an independent state body, which will be authorized to approve these acts in all public sector institutions. In this way, not only the state administration bodies and local bodies will be covered, but also the regulatory bodies and other autonomous state bodies.</p> <p>Activity 5: In using the appropriate control mechanism provided in the laws or bylaws, for example for giving consent, approval, opinion, handling complaints and appeals, the bodies should form a special unit whose task will be full review of the Act and the explanation submitted to them. If the act bypasses a certain procedure that leaves the possibility of influences that would affect the quality, expertise, professionalism of employees and the work of the body, not to give consent or approval. Here we primarily mean the competence of MISA for giving consent to the Rulebooks for job systematization and the competence of the Municipal Council for giving consent to the Annual plans of the public enterprises.</p> <p>Activity 6: Publication of the data about detected illegalities in the procedures for filling vacancies by AA, SAI, Ombudsman, State second instance commission for deciding</p>		<p>Data from third quarter: Anti-corruption program with action plan, analysis, goals and next steps prepared by MISA https://www.mioa.gov.mk/sites/default/files/pbl_files/documents / antikorupciska_programa _-_.pdf 05.05.2021.pdf Partially implemented recommendation</p>
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	<p>in administrative procedure and labor relations procedure.</p> <p>Activity 7: During the procedure for selection of candidates, the body that announces the vacancy, along with the Annual employment plan, must submit the realized employments during the year, with the exception only if it is a matter of first announced vacancy in the year. This provision to be placed in the LAS.</p>			
<p>4.2 Strengthen the sectoral cooperation between institutions involved in employment procedures - in order to overcome certain dilemmas, ambiguities and make recommendations about their competencies and harmonization of certain common competencies to achieve efficiency and effectiveness in their work</p>	<p>Activity 1: More frequent meetings of the Public Administration Reform Council in order to overcome certain systemic weaknesses in the public sector and strengthen the control mechanisms</p> <p>Activity 2: In a period of six months, the Council for Public Administration Reform should meet, which will include representatives of the SCPC, the non-governmental sector, prominent experts in the field of administrative law about the functioning of public enterprises, public institutions, independent bodies, regulatory bodies, inspection services, employees of the organizational unit for human resources, representatives of the Ministry of Finance, the Ministry of Political System and Community Relations, the Ministry of Labor and Social Policy, the Ministry of Justice and the Ombudsman even though these representatives are already members foreseen in the Strategy for Public Administration Reform for 2028-2022. Namely, in accordance with the Strategy, the Council also includes the Deputy Prime Minister in charge of European Affairs; Deputy Prime Minister in charge of implementing the Framework Agreement; the Minister of Information Society and Administration; the Minister of Foreign Affairs; the Minister of Justice; the Minister of Finance; the Minister of Labor and Social</p>	MISA, AA	6 months	<p>Partially implemented</p> <p>The first activity has been realized</p> <p>The Council for Public Administration Reform held a meeting on 16.12.2020, while the previous meeting was held on 16.12.2019</p> <p>Data from the third quarter</p> <p>Anti-corruption program with action plan analysis, goals and next steps prepared by MISA</p> <p>https://www.mioa.gov.mk/sites/default/files/pbl_files/documents/antikorupciska_programa_-_05.05.2021.pdf</p> <p>Implemented activity from the fourth quarter</p> <p>https://www.mioa.gov.mk/?q=mk/node/3456</p> <p>https://www.mioa.gov.mk/?q=mk/node/3644</p> <p>Partially implemented activity</p>

	<p>Policy; the Minister of Local Self-Government; the Secretary General of the Government; Secretary of the Secretariat for Legislation; the director of the Agency for Administration and a representative of the Association of Local Self-Government Units (ZELS). If necessary, the Chairman of the Council may invite representatives of civil society or other relevant and concerned stakeholders to attend the sessions. 33</p> <p>This Council should consider not only these recommendations within six months, but also listen to the opinion of all representatives and give them specific tasks and responsibilities to prepare certain recommendations in their area. After six months, each of the competent bodies should submit a proposal for amendments to legal solutions and put them in a procedure for adoption of amendments to the previous legal solutions.</p> <p>Council sessions to be productive. Which means stating specific activities and measures to be taken, predicting the deadline within which they should be implemented and giving specific proposals and measures. For the needs for implementation of certain activities, if necessary, expert teams should be provided.</p> <p>Activity 3: Intensify the work of the Network of organizational units for human resources management</p>			
4.3. Harmonization of the procedure for approval of the annual employment plans	<p>Activity 1: Each of the institutions to prepare an analysis of the scope of work tasks, type of tasks, size of territory, population, workload, efficiency of tasks and the number of employees needed for each job position.</p> <p>Activity 2: Amendment to Article 37-i of the LPE - Director of the Public Enterprise, after prior opinion of the Ministry of Information</p>	Institutions that are part of the public sector	1 year	The recommendation has not been implemented Undertaken activity for the 4th quarter: Proposal for LAS from 17.09.2021, Article 47 Partially implemented recommendation

	<p>Society and with prior consent of the Ministry of Finance for public enterprises established by the Republic of Macedonia, ie with prior consent of the municipal council for public enterprises established by the units of local self-government, prepares an annual plan for employment in the public enterprise for the next year, in accordance with the Law on Public Sector Employees.</p> <p>The plan from paragraph 1 of this article during the year to which it refers can be changed only after previously obtained consent from the Ministry of Finance for the public enterprises established by the Republic of Macedonia, i.e., after prior consent from the council of the local self-government unit for public enterprises established by local self-government units.</p> <p>Activity 3: Amend the provision by adding that a detailed explanation is required for the amendment.</p>			
4.4. Changes in the jurisdiction of the court procedure after labor disputes for protection of the rights, interests and responsibility of administrative servants	<p>Activity 1: To make an analysis as to which is a better solution whether judicial protection should be exercised by the regular judiciary or by the administrative judiciary.</p> <p>Activity 2: Amendment of substantive regulations regarding the jurisdiction of the court regarding the exercise of judicial protection. Amendment of the Law on the subject of their jurisdiction</p> <p>Activity 3: Compatibility with comparative experiences.</p>			The recommendation has not been implemented
4.5 Supplementing the LPE with the possibility of control over the application of the misdemeanor provisions and sanctions	<p>Activity 1: To add in the LPE a provision for control and supervision over the provisions of this law and misdemeanor provisions for the amounts of fines that will be imposed in case of non-compliance with the provisions or to put a reference provision for the application of another law which regulates these issues.</p>			Activity fourth quarter Draft Law on Senior Management Service published on 17.09.2021, see Article 57 Partially implemented recommendation

<p>4.6. Strengthen the effects of the application of control mechanisms</p>	<p>Activity 1: To add a legal provision in the LAS and the Law on Administrative Inspection and the Law on Establishment of a State Commission for deciding in administrative procedure and employment procedure in the second instance, which will provide a duty for the institutions to submit the decision after which they acted by decision of AA and by decision of SAI within 15 days from the receipt of the decision.</p> <p>Activity 2: To make publicly visible the effects of the control mechanisms and to take measures that will ensure effectiveness in the execution of secondary decisions. The bodies should have the legal possibility to monitor the execution of their decisions.</p> <p>Activity 3: AA, SAI and SC for administrative procedure and employment procedure in the second instance in the Annual reports of their operations to state data on the enforcement of their decisions, i.e., whether, and within what period their decisions were acted upon.</p> <p>Activity 4: SAI to provide statistical data on the number of initiated and performed supervisions in the employment procedures, on whose initiative they were initiated, what decision was made, what are the most common identified illegalities, what measures were imposed by the inspectorate and for which body and how their decision was acted upon.</p> <p>Activity 5: The lawsuits for initiating labor disputes against the decisions of the Commission should be also submitted to the Commission so that it can ascertain whether the body acted in accordance with the decision, i.e., whether it removed the inconsistencies or illegalities in its decision.</p> <p>Activity 6: The regular judiciary to submit data to the State Commission for deciding in administrative procedure and employment</p>		<p>1 year</p>	<p>The recommendation has not been implemented</p>
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	procedure and to SAI regarding the initiated labor disputes against their decision, as well as the outcome of the procedure.			
4.7. SCPC to provide greater transparency regarding the position it has on certain issues that are not normatively precise and clear and strengthen the role of the SCPC in terms of building integrity in institutions that are part of the public sector	<p>Activity 1: Incorporate a provision in the Law on Prevention of Corruption and Conflict of Interest or supplement the competence that the SCPC will provide guidance to the institutions that are part of the public sector for the preparation of an Integrity Plan in each institution.</p> <p>The Ministry of Justice and the SCPC will monitor whether a plan for integrity, objectivity and quality of the plan has been adopted and the degree of implementation of measures and activities to improve integrity. This recommendation stems from comparative solutions, for example in the Law on the Anti-Corruption Agency,³⁴ but also from the LPCCI Article 17 item 18 which states that the SCPC has the authority to undertake activities aimed at strengthening personal and institutional integrity.</p> <p>Activity 2: SCPC to prepare a manual for preparation of an integrity plan.</p> <p>Activity 3: SCPC to prepare a list for all holders of public office. To list all persons who are considered officials, with an emphasis on the persons appointed by the Government and to specify the procedure for their appointment.</p> <p>Activity 4: SCPC to prepare a brochure which will contain the legal terms, acts in relation to which it is decided and examples from practice.</p> <p>Activity 5: List the criteria according to which a conflict of interests is determined while performing a function and other work.</p>			<p>Partially implemented</p> <p>Item eight of the Action 2021 Anti-Corruption Plan, points to the need for amendments to the Law on Prevention of Corruption and Conflict of Interest and the given recommendation and activities listed in the Project Report.</p> <p>The SCPC is already undertaking a number of activities related to the adoption of appropriate acts to strengthen the integrity of institutions (listed above in the report in accordance with the response we received from the SCPC)</p> <p>Data from the third quarter:</p> <p>On April 21, 2021, notification was published for the beginning of the process for preparation of the Draft Law on Amending the Law on Prevention of Corruption and Conflict of Interest.³⁵ It is expected that the amendments will cover some of the listed recommendations and activities.</p> <p>Partially implemented recommendation</p>

³⁴<http://www.acas.rs/zakoni-i-drugi-propisi/zakoni/o-agenciji-za-borbu-protiv-korupcije/>

³⁵https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_ann_detail&itemid=01X74c81GwPKqzS0DxfWUA==

	<p>Activity 6: In the Law on Prevention of Corruption or the Law on Public Sector Employees to make a precise definition of these terms and to whom they refer, to specify the conflict of interests, especially in the part that refers to performing two or more public functions, from which body the person receives a salary, from which functional fee, a list of the persons who should submit an asset declaration to the Commission for Prevention of Corruption.</p> <p>Activity 7: Certain persons to be informed about their rights and obligations for the opportunity to report to the SCPC after taking a certain position and for the occurrence of a conflict of interest in performing incompatible functions.</p>			
4.8. SCPC should strengthen its capacities and establish a special organizational unit responsible for monitoring and evaluating the recommendations of the corruption risk analysis. This unit should regularly prepare a report on risk elimination in public sector employment procedures	<p>Activity 1: Amendment to the Rulebook on internal organization of the SCPC to which a new organizational unit will be added.</p> <p>Activity 2: Amendment of the Rulebook for job systematization of the SCPC which will provide for new jobs and number of officers in the new organizational unit.</p>	SCPC	1 year	The recommendation has not been implemented
4.9. Strengthened control over the transparency of the institutions, i.e., the public disclosure of documents from the employment procedures that are of public interest	<p>Activity 1: The Agency for Free Access to Public Information to conduct monitoring of the institutions in relation to the application of Article 10 of the Law on Free Access to Public Information, which states in detail the documents that the authorities should publish and make them available on the websites of their institutions.</p> <p>Activity 2: Establish criteria for a harm test and check with all authorities whether any classified information should actually be published and based on that be classified.</p>	Agency for Free Access to Public Information, public sector institutions	6 months	<p>Partially implemented</p> <p>A decision was made by the Government conclusion by which the ministries, the bodies within the ministries, the independent bodies of the state administration, the independent state bodies accountable to the Government, the public enterprises established by the Government, the state-owned joint stock companies, as well as other holders of information accountable to the Government shall, within 30 days from the adoption of this information, publish on their websites the documents and information referred to in Article 10 of the Law on Free Access to Public Information.</p>

	<p>Activity 3: Within six months, the Agency for Free Access to Public Information should check all the web pages of the institutions, to check whether all the documents listed in Article 10 of the Law on Free Access to Public Information are publicly available.</p> <p>Competence of the Agency Article 30 The Agency performs the following activities: conducts administrative procedure and decides on appeals against the decision by which the information holder refused or rejected the request for access to information to the applicants, takes care of the implementation of the provisions of this Law, prepares and publishes list of information holders, gives opinions on draft laws regulating free access to information.³⁶</p> <p>Activity 4: If it is concluded that the institutions have not published these data, they should be given a period of 1 month to publish them, and during the re-control if the documents are not published, a fine to be imposed to the official and the clerk, and if even after the fine the data is not published to follow-up regarding the responsibility of both the official and the clerk.</p> <p>Activity 5: Establish criteria according to which some information can be classified</p> <p>Activity 6: Transparency of the procedure for promotion and evaluation of administrative servants. Each of the institutions that are part of the public sector within 6 months to publish on its website the bylaw which regulates the procedure for promotion and the bylaw which specifies the procedure for appraisal of the effect of administrative servants.</p>		<p>Data for the third quarter</p> <p>According to data from 2020 Annual report of the Agency for Protection of the Right to Free Access to Public Information, unlike the previous reporting year, out of a total of 1,440 information holders, an Annual Report on the implementation of the law was submitted to the Agency by 1,132 holders, i.e., 78.61% of them, while the legal obligation was not fulfilled by 299 institutions and 9 with a long delay</p> <p>Partially implemented recommendation</p>
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³⁶ Law on Free Access to Public Information, Official Gazette of RNM no.101/2019

	<p>Establish clear criteria for employee performance in the bylaws</p> <p>Activity 7: Transparency in the advertised vacancies: The advertisements for filling the vacancies and for selection of officials should be published not only in newspapers but also on the website of the institution, as well as on one particular place, and for example there should be only two tabs, one for administrative servants and one for officials on the website of the Agency for Administration.</p> <p>Activity 8: Transparency of data on officials What is the total number of officials elected, appointed persons.</p>			
4.10. Consistent application of Article 7 of the LAS	<p>Activity 1: MISA to strengthen its technical and personnel capacities for consistent application of Article 7 of LAS</p>	MISA	6 months	Partially implemented recommendation
4.11. Restoring citizens' trust in institutions	<p>Activity 1: Institutions by strengthening their transparency, responsiveness and responsibility in their work should restore the trust of the citizens in the institutions.</p> <p>Activity 2: Institutions to be affirmed in terms of the quality of their work, efficiency, transparency and accountability, as well as that the bodies employ professionals based on merit criteria.</p> <p>Activity 3: Strengthen the integrity of the administrative servant.</p> <p>Activity 4: Strengthen the application of the Code of Ethics for Administrative Servants.</p> <p>Activity 5: To affirm the mechanisms that will encourage employees and citizens to report illegalities in their work and in the procedure for recruitment of staff provided in the Law on Complaints and Suggestions and the Law on Whistleblowers.</p> <p>Activity to be undertaken: Submitting complaints to the Ombudsman, informing the</p>			<p>Partially implemented recommendation</p> <p>Third quarter data</p> <p>In this period of monitoring, the Draft Code for Administrative Servants was published on ENER on 8 April 2021. One of the commitments for the adoption of this Code is to restore trust in the institutions.³⁷ Almost all provisions of the Code include the obligation for administrative servants to comply with rules concerning corruption, nepotism, cronyism and clientelism.</p> <p>The purpose of this Code is to encourage good behavior and behavior of administrative servants, strengthen citizens' trust in the work of public sector institutions and prevent and combat corruption, nepotism, cronyism and clientelism.</p> <p>Partially implemented recommendation</p>

³⁷https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=65374

	<p>civil society organizations, all participants in the procedure for filling a vacancy at the end of the procedure to give their remarks on the selection procedure for employment, mobility, takeover, assessment.</p> <p>Candidates who are not selected must obtain a decision with a detailed explanation of the entire procedure.</p> <p>Employees themselves to give suggestions to their supervisor to overcome certain inconsistencies.</p> <p>Activity 6: After the procedure for selection of a candidate is completed, all candidates who participated in the procedure to fill in a form for evaluation of the procedure which will answer the questions related to the stages of the procedure and will allow the candidates to express their opinion. Another form should be filled in by the members of the Commission for selection of candidates. The forms should be submitted to the AA, which will continuously monitor and take appropriate measures based on the indications given in the Forms.</p> <p>Strengthen civic activism to report inconsistencies in job vacancies and the selection of officials.</p>			
4.12. Evaluation of the effect of the new solutions	<p>Activity 1: The bodies within 1 year should be obliged to evaluate how the new solutions are applied in practice and what are the positive and negative experiences from the application. They should do so every six months and submit a report to the Council every six months in order to take action.</p> <p>For example, Pursuant to LPSE Article 45 (1) Supervision over the implementation of this Law is performed by the administrative body responsible for the affairs of the state administration. (2) Inspection supervision over the implementation of the provisions of</p>	SAI, MISA	Every year	The recommendation has not been implemented

	<p>this Law, as well as of the regulations adopted on the basis of this Law, for the employees in the public sector referred to in Article 2 paragraph (1) line 1 of this Law shall be performed by the State Administrative Inspectorate. (3) Inspection supervision over the implementation of the provisions of this Law, as well as of the regulations adopted on the basis of this Law, for the employees in the public sector referred to in Article 2 paragraph (1) line 2 of this Law shall be performed by the State Labor Inspectorate. Therefore, these two inspectorates should in a period of one year strengthen the regular inspections in terms of the implementation of these regulations and transparently publish the data, but also to inform the public and certain findings, inconsistencies and problems they face as institution or the candidates for employment or employees to say at a meeting of the Council for Public Administration Reform.</p>			
4.13. Harmonization of legislation	<p>Activity 1: To amend the substantive regulations with the new LPSE, LAS or for example with LPE. As an example, we point out the Law on Publication of Laws and Other Regulations and Acts in the "Official Gazette of the Republic of Macedonia" ("Official Gazette of the Republic of Macedonia" no. 56/99 and 43/02</p>	All institutions, MISA, Government	1 year	<p>The recommendation has not been implemented</p> <p>The recommendation has not been implemented Its implementation has yet to follow</p>