



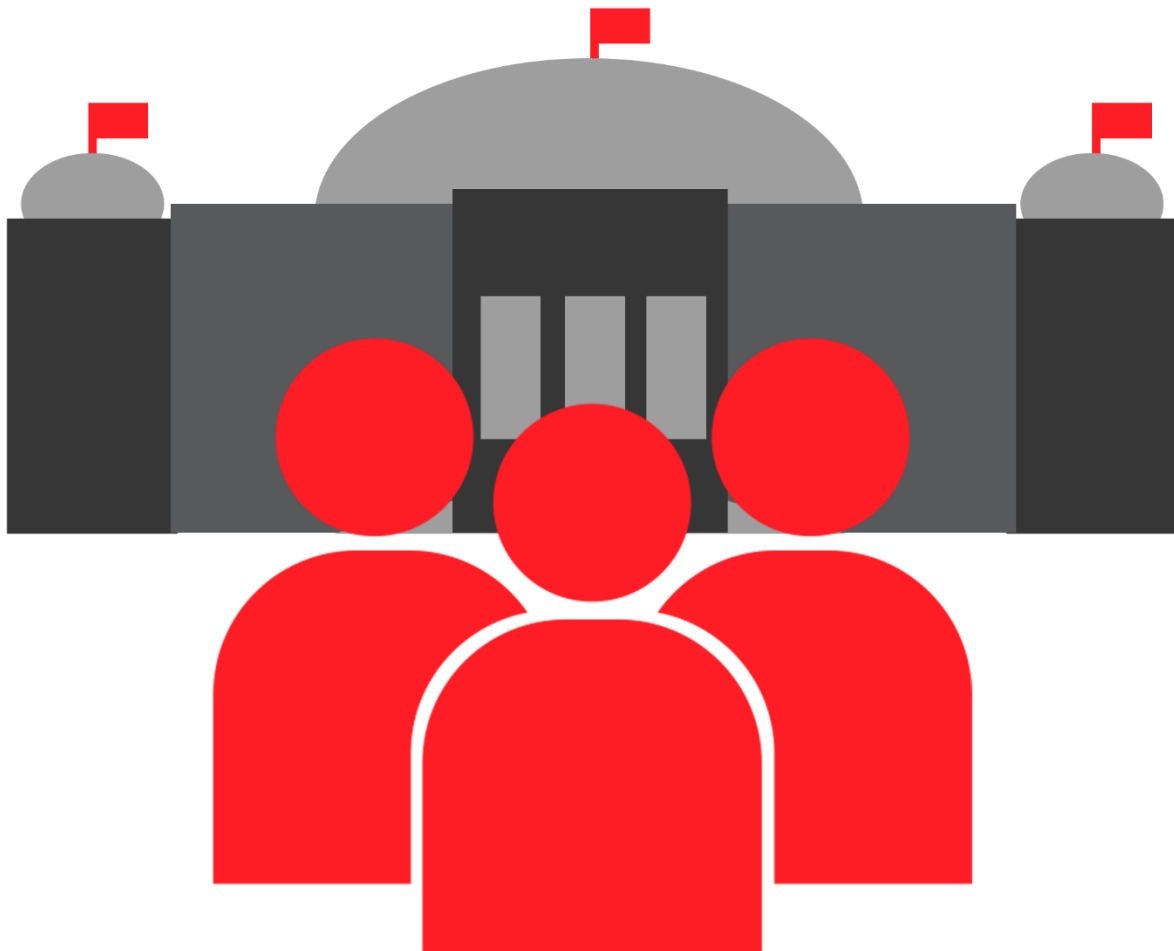
ПРОГРАМА ЗА ПАРЛАМЕНТАРНА ПОДДРШКА
PROGRAMI PER MBESHJETJE PARLAMENTARE
PARLIAMENT SUPPORT PROGRAMME



Schweizerische Eidgenossenschaft
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Swiss Agency for Development
and Cooperation SDC

Instructions for Use of Code of Ethics for MPs of the Assembly of the Republic of North Macedonia



Имплементирано од:





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IMPRESSUM:

Title: Instructions for Use of Code of Ethics for MPs of the Assembly of the Republic of North Macedonia

Publisher: Center for Change Management (CCM)

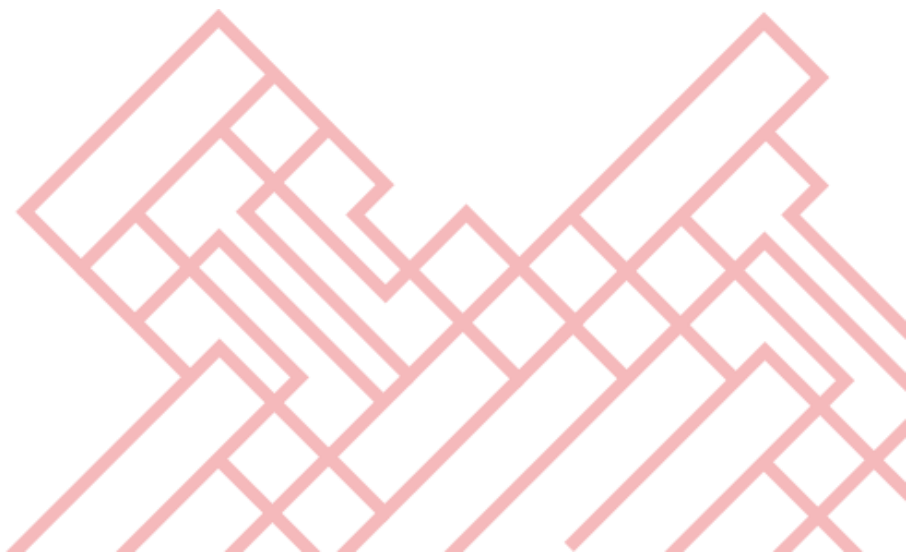
About the publisher: Executive Director of CUP Neda Maleska Sachmaroska

Author: The CCM team

Editor: Neda Maleska Sachmaroska

Designer: Marko Danailovski

Location and year of publication: Skopje, 2023





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This document was prepared within the Parliament Support Programme (PSP), which is supported by the Swiss Agency for Development and Cooperation (SDC) through the Swiss Embassy in the Republic of North Macedonia. PSP is implemented by the National Democratic Institute (NDI), the Institute for Democracy "Societas Civilis" - Skopje (IDSCS) and the Center for Change Management (CCM). The content of this document may in no way be taken to reflect the views of the SDC.



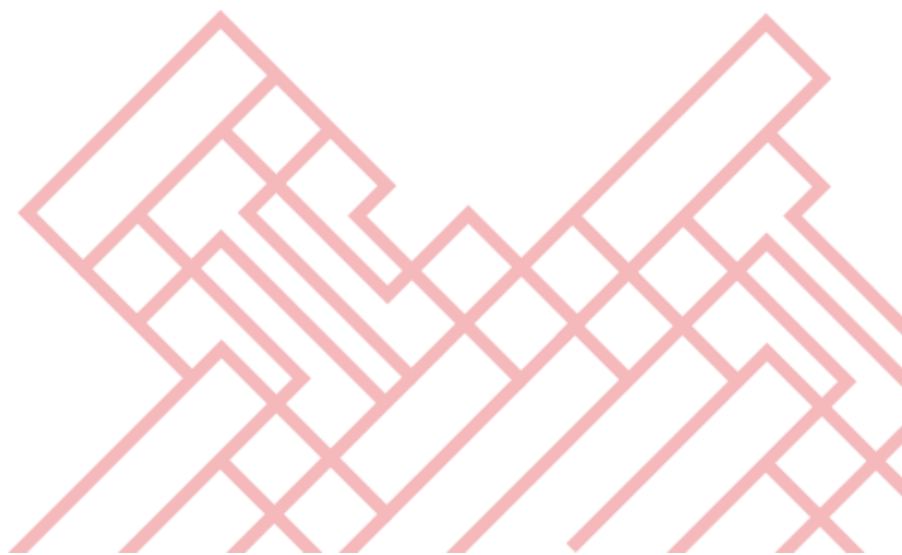


CONTENT:

| | |
|--|----|
| 1. INTRODUCTION | 6 |
| 2. BASIC ETHIC PRINCIPLES AND VALUES | 7 |
| 3. EXPECTED ACTION AND BEHAVIOUR OF MEMBERS OF ASSEMBLY | 9 |
| 2.1 Professional performance of the function | 9 |
| 2.2 Conduct at plenary sessions and sessions of the working bodies | 11 |
| 2.3 Behavior with professional services and other employees in the institutions | 13 |
| 2.4 Behavior with professional services and other employees in the in the institutions | 14 |
| 2.5 Decent dress | 15 |
| 3. PREVENTION OF CORRUPTION | 16 |
| 3.1 Abuse of function and trading in influence | 16 |
| 3.2 Receiving gifts and other benefits | 17 |
| 3.2.1 Classification of gifts | 18 |
| 3.2.2 Valuing gifts | 18 |
| 3.2.3 Reporting and registration of gifts | 20 |
| 3.3 Employment and post-employment | 25 |
| 3.3.1 Employment of spouses of MP's | 29 |
| 3.3.2 Registration of other income | 30 |
| 3.3.3 Restrictions after the end of the MP's term of office | 30 |
| 4. CONFLICT OF INTEREST | 32 |
| 4.1 Preventing conflicts of interest | 32 |
| 4.2 Interests of the MP and their family members | 35 |
| 4.3 Conflict of interest declaration | 36 |
| 4.4 Acting in a case of conflict of interest | 38 |
| 4.5 Membership in organs of other entities and organizations | 38 |
| 4.6 Lobbying | 38 |
| 4.6.1 Activities that are not considered as lobbying | 39 |
| 4.6.2 Reporting on meetings with lobbyists | 39 |
| 4.6.3 Register of lobbyists | 40 |
| 5. ACCOUNTABILITY AND TRANSPARENCY | 40 |
| 5.1 Openness to citizens and media | 40 |
| 5.2 Assets | 41 |
| 5.3 Other Incomes | 42 |
| 5.4 Liabilities and loans | 43 |
| 6. USE OF PUBLIC ASSETS AND FUNDS | 44 |



| | |
|---|----|
| 6.1 Extra-Parliamentary activities | 44 |
| 6.2 Travels..... | 44 |
| 6.3. Participation in campaigns | 47 |
| 6.4.Attitude towards assets on disposal | 49 |
| 7. CONFIDENTAL COUNSELING | 50 |
| 8. STRENGYHENING THE CAPACITIES FOR APPLICATION OF THE CODE OF ETHICS FOR MPs | 51 |





GLOSSARY

“Close persons” - are persons in a marital or extramarital union with the official, blood relatives in the first line and lateral line up to the fourth degree, the adopter or the adopted child, relatives in the marriage up to the second degree of relationship, as well as any natural or legal person with which the official has a private interest.

“Values” - The basic beliefs that people have about what is right, proper and useful, and which determine our actions and interactions with other people.

“Rule of Law” – The existence of a legal system and structures in which there are only clear, precise and unambiguous norms. A system of norms that protects the freedoms and rights of all citizens in a country and the common system of values, it ensures the application of the Constitution and laws by the government and governing bodies. Also, the term “rule of law” means essential harmonization of legal acts with less legal force with the legal acts that have greater legal force, as well as full adherence of bodies and individuals to the positive law.

“Hate speech” - an expression that contains messages of hatred or intolerance due to one's personal characteristics or belonging to a racial, national, ethnic, religious or other group. Hate speech can include hate speech and intolerance towards gender, gender and sexual orientation, education, mental or physical disability, age, family or marital status, and more often this term includes intolerance towards different political or other thinking, as well as of national and social origin. Hate speech aims to express the inferiority of a person or members of a particular group and to condemn, humiliate and underestimate a person or members of the group.

“Conflicts of Interest and Asset Declarations” - a statement detailing the property, assets and liabilities of a Member of the Parliament or holder of public office and / or authority, as well as his / her interests and the interests of family members, usually submitted at the beginning of the Parliamentary mandate in accordance with the Law on Prevention of Corruption and Conflict of Interest.

“Rules of Procedure” - internal procedures for the work of the Assembly in the performance of its responsibilities, for example, how to submit an amendment, how to pose a question.

“Discrimination” - any kind of discrimination, exclusion or restriction of one person on the grounds of affiliation with another person or group on any discriminatory ground.

1 | A comparative review of the Codes of Ethical Conduct of Members of Parliament (international experiences), prepared by the Center for Change Management (CCM) within the framework of the PSP program



“Discriminatory ground” – grounds for discrimination, exclusion or restriction on the basis of race, color, nationality or ethnicity, sex, gender, sexual orientation, gender identity, marginalized group, language, nationality, social origin, education, religion or belief, political belief, other belief, disability, age, family or marital status, property status, health status, personal status and social status or on any other basis.

“Donation” - voluntary and unreserved assistance in money, goods and services that does not create a direct benefit for the donor, nor an obligation to return by the MP - recipient of the donation and which can be given for purposes of public interest or to support activities of the MP.

“Good governance” – is governance that is accountable, transparent, responsible, effective and efficient, fair and inclusive and follows the rule of law. In this type of behavior, the space for corruption is minimized, the interests of political and vulnerable groups in the society are taken into account in decision-making, and there is a broad and inclusive awareness of the current and future needs of society.

“Other benefits” - cases when the MP participates in activities organized by others, and the costs for his participation, travel, accommodation and stay are covered by the host or by third parties.

“Equality” - principle according to which all people are equal, i.e. equal in enjoying and exercising of all rights and freedoms;

“Ethics” – philosophical discipline that studies morality, its choices and foundations, goals and meaning, the basic criteria for moral evaluation and assessment of moral intentions and human action. In terms of deontology, ethics is a set of standards for what is good or bad in leadership and decision making. Ethics examines the internal values that are part of organizational culture and shapes decisions including social responsibility with due respect for the external environment.

“Ethical dilemmas” - challenging situations that require a choice of potential activities and actions that, while being beneficial to self-interest, can cause unfavorable situations for the others or the wider community. These are usually situations where there is no general consensus on what is right and what is wrong.

“Code of Ethics” – a written document that defines the basic ethical principles and values that apply to a particular group of people. A Code of Ethics is a set of standards of conduct and behavior that lead to decisions and actions based on duties arising from fundamental ethical values. In terms of professional ethics, the Code of Ethics is a document that prescribes or suggests a certain form of behavior of people in mutual relations, which are related to the exercise of their professional duties.



“Malfeasance” - a situation in which a public official or official uses his or her position, authority and/or powers related to his or her privileged position to hold office or to obtain private or partisan benefits. Such condition and activities cause violation of the dignity of the profession, the reputation and integrity of the person, as well as the reputation and integrity of the institution he/she represents.

“Abuse of public funds” - the use of public funds to achieve private or partisan political goals, rather than their use in the public interest.

“Integrity” - lawful, independent, impartial, ethical, responsible and transparent performance of activities by which officials maintain their reputation and the reputation of the institution which they are leading, i.e. employed, eliminate risks and remove doubts about the possibility of occurrence and development of corruption and thus provide citizens with confidence in the performance of public functions and in the work of public institutions.

“Election campaign” - public presentation of the confirmed candidates by the competent election bodies and their programs in the pre-election period for a certain type of elections.

“Public interest” – protection of the fundamental human and citizen’s freedoms and right recognized by international law and established by the Constitution of the Republic of Macedonia, prevention of risks to health, defense and security, protection of the environment and nature, protection of property and market freedom and entrepreneurship, the rule of law and the prevention of crime and corruption.

“Public integrity” - consistent harmonization and adherence to common ethical values, principles and norms of support as well as giving priority to the public interest over the private interest in the public sector.

“Code of Conduct” - is a formal document that regulates the behavior of legislators by determining what is considered as acceptable behavior and what is not. In other words, it aims to create a political culture that places considerable emphasis on the appropriateness, correctness, transparency, and sincerity of MPs’ conduct.

“Corruption” - Abuse of public power for private gain by holders of public office and authority. Damaging the integrity while performing public duties by taking bribe or privilege or the use of corrupt practices.



“Corruption risk” - an internal or external weakness or process, which is a possibility of corruption within state bodies, public enterprises and other public sector institutions, and which includes issues of conflict of interest, incompatibility of functions, receiving gifts other illicit payments, lobbying, lack of whistleblower protection system, fraud, improper use of powers, discretionary powers, illegal financing of political parties and campaigns, trade and unauthorized use of information, transparency of procedures and documents, and other relevant integrity issues.

“Lobbying” - an activity aimed at the legislative and executive authorities at the central level, as well as at the local government, in order to achieve certain interests in the process of adopting laws and other regulations.

“Lobbyist” - a natural person who lobbies for appropriate monetary compensation, registered for lobbying in accordance with the law, or is employed in a legal entity that is registered for lobbying with which a lobbying agreement has been concluded.

“Morality” - set of rules, norms that were drafted during the historical development, and are related to the behavior of people in the social community, i.e. a system of rules of a certain society in terms of content and manner of mutual relations between people and human community.

“Lobbying client” - natural or legal person who has an interest in lobbying before the legislative, executive and local government.

“Nepotism” - giving an advantage, benefit or other convenience by an official in the performance of official duties to a particular individual or group of persons with whom the official has family relations or friendship.

“Gift” - material or intangible value given to the Member of Parliament without compensation related to the performance of the function. The term, in this context, includes gifts of items, services, training, transportation, accommodation, meals, discounts, loans and other items of material value whether provided in kind, by giving a voucher, payment in advance, use of a service or compensation for damage incurred. The gift can also be qualified as a crime: bribery or corruption. The act of bribery includes giving gifts to a person holding a public office or a competent body to perform or refrain from undertaking activities, while representing other people's interests.

“Bribery” - providing a private benefit to an individual in order to influence his / her behavior and the performance of his / her duties, in a way that will bring benefit or benefit to the party paying the bribe (often at the expense of the public interest).

“Potential conflict of interest” - a situation in which a holder of public office or official has a private interest that could conflict with his or her position or official duty in the future.



“Rules” - detailed provisions that identify acceptable and unacceptable conduct of MPs.

“Rulebook” - Centralized Code of Conduct, often takes the form of a list of behavioral requirements, violation of which may result in disciplinary action.

“Private interest” - means tangible or intangible interest of the official that may influence his decision-making in the performance of public powers and duties.

“Professional integrity” - performance of official duties with integrity, through constant respect for common ethical values, principles and norms to support and prioritize the public interest over the private interest, in the workplace (public institution).

“Regulatory framework” - mechanisms for enforcing rules and enforcing sanctions.

“Sexual harassment” - any form of unwanted verbal, non-verbal or physical act of a sexual nature, which has a purpose or consequence, a violation of dignity or the creation of a threatening, hostile, humiliating or intimidating environment, approach or practice.

“Freedom of expression” - freedom of speech and expression of thought as a basic human right that has an essential role in the realization and protection of other rights. It ranges from freedom of opinion and free individual expression of opinion to institutional freedom of the media. Freedom of opinion is an absolute civil right, which no one can threaten or restrict, while freedom of expression is a political right and may be subject to certain restrictions or restrictions that are in accordance with certain legally set objective aims.

“Conflict of interest” - a situation in which the official has a private interest that affects or may affect the impartial performance of his public powers or official duties. Conflict of interest includes a conflict between public duty and the private interest of the official, where the private interest of the official may improperly affect the performance of official duties and responsibilities.

“Transparency” - sharing information and acting in an open way. It is the duty of the holders of public office and / or administrative staff to act visibly, predictably and comprehensibly.

“Reputation” - the position that the individual has in a society thanks to material systems and power, and on the basis of which he acquires a certain status. Status is gained based on merit, hard work and success. Reputation is in fact the perception, i.e. the opinion that others are a certain public figure, in this case a holder of a public office, i.e. an MP.



INTRODUCTION

The Instruction for use of Code of Ethics for Members of the Parliament of the Republic of North Macedonia (hereinafter: the Instruction) is a supplement to the Code of Ethics for the Members of the Assembly of the RNM (hereinafter: the Code). The Code of Ethics defines the basic ethical principles and standards of conduct and action of MPs. The Code, through the set of norms provides a framework and standards for recommended and desired behavior and conduct of MPs in the performance of their duties, at the same time building a system of public trust through the integrity of MPs and the integrity of the institution they represent.

The aim of the Instruction for use of the Code is to provide clarifications to the norms defined in the Code, to establish the rules of proper and expected conduct and behavior, to clarify the ways of acting in cases of violation of the Code, to clarify the functioning of monitoring mechanisms on the application of the Code, as well as to give concrete examples of what is considered desirable and approved behavior, and what is undesirable and condemned behavior. The Instructions is a tool that will help MPs easily and accurately assess how to act in cases where they are faced with a particular moral dilemma.

The Instruction is divided into chapters that correspond to the areas covered by the Code and that reflect the situations to which the norms defined in the Code refer. In accordance with each of the listed areas in the Code, a separate chapter has been elaborated in the Instructions which present the rules and situations related to the topics of processing.

The Instructions contains a glossary of terms whose purpose is to precisely define the terms used in the text of the Instructions.

In addition to the Law on Members of Assembly, the Law on the Assembly of the Republic of Macedonia and the Rules of Procedure of the Assembly of the Republic of Macedonia, the Code and the Instructions are directly related to several legal regulations governing the conduct of Members of Assembly, as follows:

- Law on Prevention and Protection against Discrimination ("Official Gazette of the Republic of North Macedonia" no. 258/20);
- Law on Labor Relations ("Official Gazette of the Republic of Macedonia" No. 62/05, 106/08, 161/08, 114/09, 130/09, 50/10, 52/10, 124/10, 47/11, 11/12, 39/12, 13/13, 25/13, 170/13, 187/13, 113/14, 20/15, 33/15, 72/15, 129/15, 27/16, 120 / 18 and "Official Gazette of the Republic of North Macedonia" No. 110/19 and 267/20);
- Law on Protection from Harassment at the Workplace ("Official Gazette of the Republic of Macedonia" no. 79/13 and 147/15);



- Law on Free Access to Public Information ("Official Gazette of the Republic of North Macedonia" no. 101/19);
- Law on Civil Liability for Defamation and Insult ("Official Gazette of the Republic of Macedonia" no. 143/12);
- Law on Prevention of Corruption and Conflict of Interests ("Official Gazette of the Republic of Macedonia" no. 12/19);
- Law on Lobbying ("Official Gazette of the Republic of Macedonia" no. 106/08 and 135/11);
- Law on Public Internal Financial Control ("Official Gazette of the Republic of Macedonia" no. 90/09, 188/13 and 192/15) and
- Law on Use and Disposal of State-Owned and Municipal-Owned Items ("Official Gazette of the Republic of Macedonia" No. 78/15, 106/15, 153/15, 190/16, 21/18 and Official Gazette of the Republic of Northern Macedonia" no. 101/19 and 275/19) etc.

The instructions are in the form of an open document that is constantly subject to additions, depending on existing needs. The guidelines should provide instructions for the recommended and desired behavior and actions of MPs, and for this purpose it is necessary to be constantly up-to-date, contain fresh examples and provide a moral compass in the given political and social context.

1. BASIC ETHIC PRINCIPLES AND VALUES

Building a system of Parliamentary ethics always begins with harmonizing the basic ethical principles and values for which there is a general consensus among MPs. These ethical principles and values derive from the political culture of a particular region, but are also in line with international standards for regulating the field of parliamentary ethics. They are in fact a reflection of the efforts of the MPs to respect and apply the fundamental values of good governance.

The basic ethic principles and values aim to strengthen and support the integrity of MPs and strengthen public confidence in their function and in the institution they represent. Basic ethical principles are often general and reflect the values that are the foundation of the institution and as such tend to be aspirational, much more than restrictive. Establishing basic principles and values is an important first step in building a system of parliamentary ethics. Although the basic principles and values are usually short and precise and do not require much elaboration, they can still differ significantly depending on the profession to which they refer. In this regard, this Guide provides additional explanations of the basic ethical principles and values in the context of Parliamentary ethics, as follows:



Commitment to the public interest and democratic values - this principle implies that in the performance of their function act in accordance with the laws, i.e. in decision-making, the MPs act only in favor of protection of the public interest. This means that they will represent the interests of the community, including the interests of all social actors in their work, will maintain and promote its values that stimulate progress, that respect and protect the dignity of its members and that improve the conditions for quality life, sustainable development and community well-being.

Objectivity and fairness - these values mean that in their work and decision-making, the MPs will act and behave impartially, fairly, in accordance with the principle of merit and without favoring and privileging something or someone. They will behave honestly and fairly, advocating the truth and will not allow their personal feelings and ambitions to jeopardize the principle of equal access and equal opportunity for all.

Equality - this principle is closely related to the principle of justice and on non-discrimination and implies acting in accordance with equal standards to all citizens in society regardless of their position or the status. This attitude implies action and behavior without prejudice and discrimination, i.e. action and behavior based on a fair and equitable attitude towards all citizens and entities in society, in favor of achieving full inclusion of citizens in all social processes.

Openness and transparency - these principles imply behavior that demonstrates the responsibility of MPs to citizens for their actions, decisions and behavior. They mean open, clear, precise and reasoned explanations for their actions and decisions made in the capacity of citizens' representatives. Also, these principles mean that decisions are made and implemented legally and regularly, so that citizens can easily access information that is presented in a clear and understandable format.

Mutual respect - this value means respecting the dignity of the human person, recognizing and treating the human being as the highest goal, and never as a means to achieve other indirect interests and goals. This implies a commitment to build and promote the common dignity of all persons through mutual respect, solidarity and care, as the greatest achievement of human morality. In this way, the determination of the MPs to work on building autonomous, responsible and positive personalities is expressed, with shared common values, which represent and promote the good of the citizens and the society as a whole.

Integrity - this principle implies actions whose central values are honesty, integrity, truthfulness and trust, and which are integrally related to the function they perform in compliance with the Constitution and laws. Integrity means that MPs will adhere to these values in their behavior, not because they are under constant public scrutiny, but because they sincerely believe in them and are committed to building a just and secure society. Integrity is also an expression of the strong position of MPs that they will not allow the power and



influence they gain by performing the function to achieve personal goals or goals that are contrary to the public interest.

Efficiency and economy - these principles in terms of performing the parliamentary function imply rational and responsible behavior towards the means and resources that the MPs have at their disposal for the needs of performing the parliamentary function.

Leadership - this principle implies the behavior of MPs which is "leading by personal example". This actually means that in their actions and conduct, the MPs will clearly and unequivocally reflect the principles and values for which they have expressed their commitment, which are reflected in the Code. There is nothing so powerful about losing confidence as practicing the philosophy of "Listen to me, but do not look at me." The double standards in action and behavior can often be seen as a betrayal of the trust given to MPs and can be very destructive to the general commitment of the state to tackle corruption and unprofessionalism. MPs have a responsibility, by their own example, to demonstrate what they have promised to their voters.

2. EXPECTED ACTION AND BEHAVIOUR OF MEMBERS OF ASSEMBLY

The MPs shape their behavior and actions in the spirit of the Code of Ethics, at the same time promoting them an implementing its basic principles and values and the norms prescribed in the Code by personal example. The public function as a representative of the citizens and a representative in the legislature implies a different dimension of the public life of the MP from that of the ordinary citizen. The observance of the principles of the Code and the professional ethics by the MPs increases the legitimacy and the public trust in the Assembly as an institution and of the MPs. Implementation and observance of the norms of the Code is a proof of the personal integrity of MPs.

2.1 PROFESSIONAL PERFORMANCE OF THE FUNCTION

The MP performs his / her function professionally, which means that they perform the function for adequate financial compensation, i.e. salary. In his/her work, he/she fully respects the work ethics and the rules established in the Assembly. He/she comes regularly to the Assembly, actively participates in the work of the working bodies and other activities organized by and in the Assembly, contributes to the realization of the competencies of the Assembly.

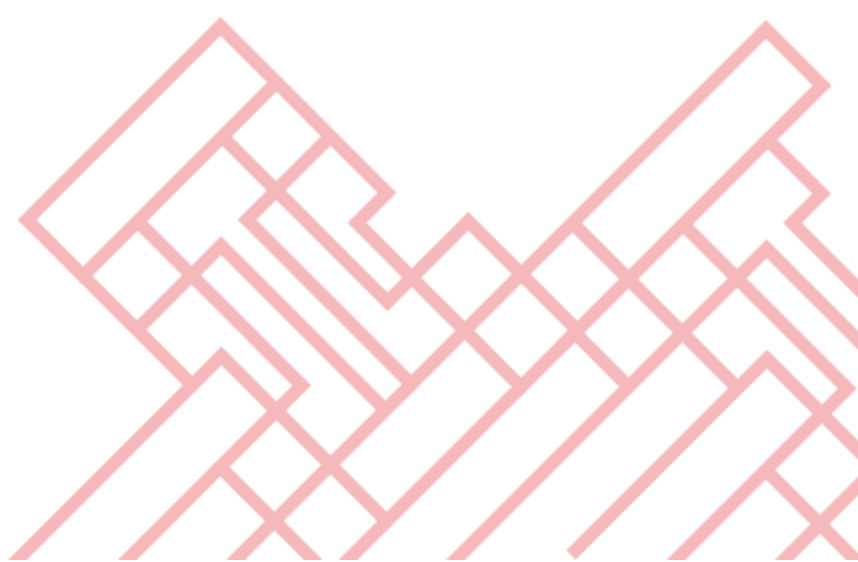


During the performance of his / her function, the MP is oriented towards the proper use of the rights given to him / her by law, the provisions of the Rules of Procedure of the Assembly and the provisions of the Code of Conduct, in accordance with the provisions in force. The MP acts in accordance with the following rules:

- Adheres to the highest moral principles;
- Earns his salary honestly;
- Guarantees the protection of the public interest in all its activities, avoiding any behavior that could jeopardize his / her integrity and credibility in front of the public;
- Tells and advocates the truth;
- Does not discriminate by providing preferential treatment to individuals or groups;
- Does not use confidential information for profit;
- Behaves in accordance with the Constitution, laws and other regulations related to the work of the Assembly.

Example 1: *The MP is invited to open a school in the constituency from which he / she was elected at a time that coincides with a session of the Commission in which he / she is a member. He / she should attend the Commission meeting and postpone the school visit for another occasion.*

Example 2: *The MP is invited by the coordinator of the Parliamentary group to give a statement to the media in the press center of the Assembly during a public debate on an important topic in the commission in which he / she is a member, and has also submitted amendments to the Law that is a topic of discussion. If the statement refers to the topic of discussion at the session of the committee and the purpose of the statement is to convey to the citizens the official position of the Parliamentary group he / she represents, the MP can give a statement to the media.*





2.2 CONDUCT AT PLENARY SESSIONS AND SESSIONS OF THE WORKING BODIES

Regarding the conduct at plenary sessions and sessions of the working bodies, the observance of the rules means the MP to properly use the rights given to him by law, with the provisions of the Rules of Procedure of the Assembly and the provisions of the Code.

The procedural rights given to the MP with the Rules of Procedure of the Assembly, used and invoked during the Parliamentary sessions, the sessions of the working bodies, should not be used for purposes other than those related to the normal conduct of the Parliamentary process. Exercising the right to request to speak for procedural procedure or reply during the sessions of the commissions and especially in the plenary sessions, in order to resolve issues that are not of public interest, is an abuse of trust and behavior that cannot be justified. Obstruction of Parliamentary activity is contrary to the ethical conduct of MPs and can be interpreted as acting in the interest of the people.

The Code of Conduct generally provides for a ban on the use of incorrect expression or distortion of the substance of the flow of speech of other Members of the Assembly. The MP should not invoke the right of reply due to the use of incorrect or inappropriate expressions who insult MPs.

The MP addresses his colleagues with due attention and respect. He/she respects the right to public expression of views and does not disparage or discredits opposing views and opinions that are contrary to his. The MP discusses only with the use of solid arguments, without personal qualifications or avoid presenting data that have nothing to do with the subject of discussion.

The MP respects the personal space of others and is careful not to disturb colleagues and employees in the service. The MP also takes care not to disturb the order and work discipline during the working sessions in the Assembly. It uses its electronic devices (mobile phone, laptop, etc.) only if there is an urgent need and outside the premises where the session or meeting is held. Conducts private or business conversations quietly and discreetly so as not to disturb colleagues or disturb concentration during work sessions.

The Code of Conduct generally provides for a ban on the use of incorrect or inappropriate expression by an MPs, i.e. the use of inappropriate, offensive or threatening speech, as well as speech that causes hatred, violence or discrimination. This does not imply a limitation on the freedom of expression of the personal or political views and opinions of the MPs representing their positions, as long as the wording has no condemnatory or derogatory content, violates the freedoms and rights of others and as such may be considered discriminatory and do not direct or provoke actions that constitute a violation of the freedoms or rights of others.



***Example 2:** An MP and a member of a political party may be accused of inciting discrimination during his / her Parliamentary activity or during an election campaign, for propagating views with discriminatory content, such as: "Macedonia of the Macedonians". Such speech directly discriminates against members of other ethnic communities in the country, initiates unequal treatment and may even cause other legal consequences. Such statements cannot be treated as a right to freedom of expression because they incite discrimination against members of the smaller ethnic communities living in the country and enjoying the same rights and freedoms.*

Discrimination and hate speech should not be the main "weapon" for harassment and confrontation with political opponents and dissidents. Compromising political dissidents in the public sphere leads to lowering the level of culture of public dialogue, without the opportunity for real social and political debate, not only in Assembly but also in the sphere of social media. Defamation and discrediting of individuals or groups in the social sphere ("Shiptars", "Kauri", "Gypsies", "Indians", "Severjans", "traitors", "Sorosoids", "spies", "not bathed", etc.) is not permitted. In that regard, the MP is expected not to use expressions of discrimination and hate speech, to strongly oppose this practice and to strive for identification, prevention and legal and social sanctioning of such unacceptable forms of political and public communication. The prohibition of discrimination is not only an ethical category derived from the Code, but it is also legally prohibited by the Law on Prevention and Protection from Discrimination, the Law on Labor Relations and the Law on Protection from Harassment in the Workplace. The same applies to the expression of insults and slander about fellow MPs or in general, which is regulated by the Law on Civil Liability for Insult and Defamation, as well as the use of hate speech, which is provided as a crime in the Criminal Code.

Participation in decision-making and expression of political or personal will through voting is considered to be a Parliamentary function. The Member of Assembly exercises his right to vote in person in the committees or in the plenary session. The MP does not obstruct the voting of other MPs by using pressure or violence. Any such case is considered and should be treated as an obstruction of an MP in the performance of his / her function.

***Example 3:** After a heated debate and an inspiring speech by one of the MPs in the Assembly, the colleagues from the opposing Parliamentary group address her with the words: "Beauty, calm down a bit", "We saw that you are strong as a man", "Anxiety harms your slim figure" and the like. Such speech is a sexist speech that directly insults, humiliates and disparages the MP, especially referring to physical characteristics. Such speech is discrimination on the basis of gender and MPs must not practice it. Moreover, they should strive to eliminate this kind of speech that causes humiliation, discrediting or humiliation of the person on any grounds.*



2.3 BEHAVIOR WITH PROFESSIONAL SERVICES AND OTHER EMPLOYEES IN THE INSTITUTIONS

During the performance of his / her function, the MP has the right to be provided with assistance and support by the professional services of the Assembly and other staff for the performance of Parliamentary activities such as is support in the preparation of certain documents, analyses, reports, statistics or material that is subject to discussion. The MP may not request support from the professional service of the Assembly for the preparation of speeches or reports that will serve him / her for personal political engagement.

***Example 4:** The MP wants to submit an initiative to discuss the situation with endemic wildlife on the territory of the Republic of North Macedonia. Several international reports on the topic have noted a lack of institutional mechanisms for dealing with situations endangering wildlife and natural features in protected areas in the country. The MP may request from the Parliamentary Institute or the competent service of the Assembly a comparative analysis of the systems and institutional mechanisms for biodiversity protection in the region and / or within the EU, which will justify his discussion on improving the regulation in the area.*

***Example 5:** The MP has a request for the Parliamentary Service for the use of data owned by the Assembly that have not been made public, as well as a request for the services to conduct research using the mentioned data for the needs of the party to which he / she is a member. He / She intends to use this research to create a party program for the upcoming elections. The same MP often happens to ask the employees in the Parliamentary service to assist during meetings with partisan members, as well as to prepare speeches for partisan tribunes. Such behavior is unacceptable.*

Gender-based harassment is one of the more specific harassments in the workplace, which needs more attention. There does not always have to be an intention for this kind of harassment, but it can also happen due to carelessness, i.e. less formal expression and behavior, which actually enters the sphere of harassment. Some workplace behavior has characteristics of sexual harassment - for example, unwanted kissing, touching breasts or genitals, buttocks, rape, other forms of sexual assault, requests for sexual service, comments with sexual content, uninvited massages, sexually suggestive gestures or physical restriction of space for movement. In addition to overt forms of sexual harassment, subtler forms of harassment may not be easily recognized. To qualify as a hostile work environment, the behavior must be offensive not only to the employee but also to any person in the same circumstances. The ban on gender-based harassment is also part of the Law on Protection from Harassment in the Workplace, and to a certain extent it is also part of the Criminal Code, which includes criminal acts for such behavior.



For example, any of the following actions may be sexual harassment if it occurs frequently or is serious enough to make the employee feel uncomfortable or intimidated:

- repeated compliments on the employee's appearance;
- comments on the attractiveness of others in front of an employee;
- discussing someone's sex life in front of an employee;
- questions addressed to an employee about his sex life;
- showing photos at work of women in bikinis or men without shirts;
- making sexual jokes;
- sending sexually suggestive text messages or e-mails;
- unwanted gifts of a romantic nature;
- spreading sexual rumors about an employee, or
- hugs or other unwanted touches (for example, a hand on an employee's back).

Example 6: The MP has her own personal assistant. The MP often asks the personal assistant to join her for dinner after work so that they can agree on her agenda and other items on the MP's work schedule. It often happens that the MP compliments her assistant on his physical appearance, but also asks him for details of his private life. During the working day, it often happens that the MP looks at him for a long time while he is working. Unwanted and intense attention is one of the types of harassment and is unacceptable.

2.4 BEHAVIOR WITH PROFESSIONAL SERVICES AND OTHER EMPLOYEES IN THE IN THE INSTITUTIONS

At official events organized by the Assembly, by state institutions, foreign and international organizations and institutions, or at informal events, the MP always represents the interests of the state and by his actions and behavior shows respect and esteem to all his colleagues, associates or citizens. The MP respects the views and opinions of the others, although he may not personally agree with them. In his performances and appearances, he/she does not cause unpleasant situations or conflict and preserves his reputation and the reputation of the institution he represents. The MP does not share confidential information obtained during the performance of his / her functions outside the legislature.



Example 7: As a member of the Parliamentary delegation, the MP attends an event organized by an international organization on the occasion of launching a project for cooperation with the Assembly. After the event, in addition to questions from the media aimed at providing additional information about the announced project, media representatives ask questions to MPs about current public speculation about inconsistencies in the work of communications monitoring bodies and possible abuses in that area. The MP is a member of the Supervisory Commission for monitoring the relevant area and has access to classified and sensitive information that he/she encountered during the performance of his / her function. The MP was asked to express his position or opinion regarding the mentioned speculations. The MP may not express an opinion on behalf of the Commission if it is not officially harmonized and published through the appropriate means of communication used by the Assembly. The MP may express a personal opinion, taking care not to disclose information, details or classified facts about the work of the Commission of which he is a member, nor other sensitive information that he has acquired while performing his function.

2.5 DESCENT DRESS

2.5.1 Dress code

MPs are expected to adapt their style of dress to the position they hold. The dress of the MP during the committee hearings, plenary sessions, and participation in the meetings of the bodies of the Assembly or the meetings organized in the function of a MP should be adequate for the environment of the Parliamentary activities as a working environment. All MPs should be aware of maintaining a formal, professional and appropriate appearance. Certainly, in addition to maintaining a formal appearance during work duties, it is completely acceptable to have a certain sign that is an expression of the religious beliefs of the member of a certain religious community and that does not represent an insult to the members of other religious groups. One of the most commonly accepted dress codes is the Business Sector Code.

Example 7: (Formal look in the business sector):

For men: long-sleeved shirt; long pants; it is recommended to wear a tie, which should be well tied; classic shoes; minimal accessories other than a watch; neat and maintained beard and hair.

For women: formal wear below the knee and elbow-length sleeves; closed neckline; formal shoes with closed toes; thin socks; discreet and refined jewelry; moderate colors; avoiding large accessories with a striking color; neat nails and hair without extravagant impurities.



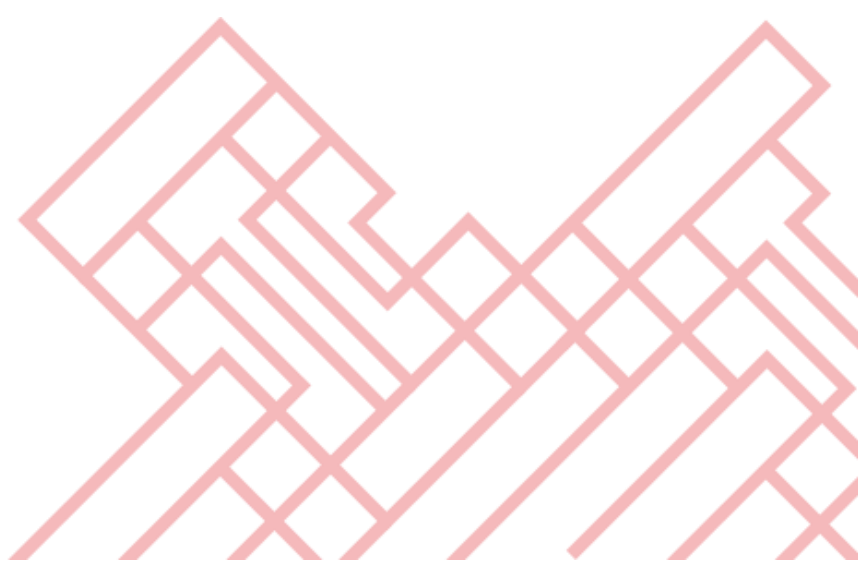
3. PREVENTION OF CORRUPTION

3.1 ABUSE OF FUNCTION AND TRADING IN INFLUENCE

MPs do not use their function, or their constitutional and legal competencies, in a way that may constitute an abuse of office for the purpose of obtaining certain material or intangible benefits. MPs may also not use their office for trading in influence they have in order to gain any kind of benefit, nor to propose voting on laws, other regulations or any political decisions in their own favor or in favor of another person. MPs do not use their function to influence the institutions to make a decision or decision in favor of a citizen or legal entity.

Members of Parliament must bear in mind that the issue of preventing corruption is subject to the regulation of the Law on the Prevention of Corruption and Conflict of Interest, and not only the Code, which is why, when performing their duties as Members of Parliament, they must fully comply with the obligations of this law. At the same time, the Law on the Prevention of Corruption and Conflict of Interest covers all the issues that are covered in the Code and which are further clarified in this Guide with specific examples, namely: receiving gifts and dealing with them, employment and post-employment, such as and employment of spouses, property and income records, etc.

Example 1: A MP's spouse works in a waste management company. The MP has been invited by the competent ministry for consultations to assist the working group in preparing future investment plans in the waste management industry. The MP participated in the meeting of the working group where he collected relevant information which he then shared with the spouse. The MP's wife further shared the information with the management of the company and was promoted to the hierarchy of the company. The MP was not allowed to remain silent, i.e. not to report his link through the spouse to the waste management business and should not have agreed to participate in the meetings of the working group.





3.2 RECEIVING GIFTS AND OTHER BENEFITS

MPs do not accept any gifts, benefits or expressions of hospitality either for themselves or for any member of their family that exceeds the value set out in the Decree on criteria, how to give and receive gifts, how to report gifts, how to evaluate gifts, the manner of surcharge for personal gift, as well as the use, storage and recording of items that have become state property by way of gift. The MP does not expect and does not receive any kind of gifts that may cast doubt on the existence of corruption or influence on impartiality in the performance of duties, except protocol gifts received at official events in the amount and in a manner determined by the Law on Use and Disposal with state-owned items and with municipal-owned items and the Law on Prevention of Corruption and Conflict of Interest.

The Member of Assembly may receive protocol gifts given at official events that do not exceed the mentioned value. Gifts of protocol nature, the value of which is less than 6,150 denars can remain in the permanent ownership of the MP. MPs report and register all gifts, benefits or services worth over 6,150 denars, which are received from individuals or legal entities. Also, they should register the multiple benefits from the same source, if they cumulatively exceed the value of 6,150 denars in one calendar year.

A gift that has no protocol nature and is given to the MP or a family member or other close person will be considered a gift given to the MP under the following conditions:

- The gift is given with the knowledge and acceptance of the MP; and
- The MP has reason to believe that the gift was given in connection with the performance of his Parliamentary function.

Gifts, services or preferential treatments that the MP received without his / her knowledge should be returned to the donor or, if that is not possible, reported and handed over to the service in the Assembly responsible for the administration of valuable items, which will then be used for the needs of the institution. In case when the offer or provision of the above goods and services is a violation of the provisions of the Law on Prevention of Corruption and Conflict of Interest, the professional service, i.e. the MP is obliged to inform the State Commission for Prevention of Corruption.

Compensation or benefits received in recognition of services rendered by the MP, for example, after giving a speech or promoting a particular company, should be reported, registered and be subject to the rules for receiving and registering gifts.



If the MP receives a gift or is offered an unfair benefit, he should:

- a. identify the person offering the gift and identify the intentions of the person making the offer;
- b. refuse it or pay the full value of the gift;
- c. if the gift cannot be refused and returned to the giver, he / she shall register it in the Gift Register and submit it to the Assembly in accordance with the procedure provided in this Instructions and the Rulebook on keeping a gift register.

3.2.1 CLASSIFICATION OF GIFTS

Gifts are classified according to the type and the occasion of the gift. In that sense, two types of gifts are defined in each of the classification groups, namely:

1. Gifts by type:

- a. **Material gifts** - objects and things of physical nature with a certain material value.
- b. **Intangible gifts** - services, benefits, privileges, loans, stocks, credits and other benefits, which indirectly have a certain material value.

2. Gifts by the occasion:

a. Protocol gifts - gifts by related institutions or international organizations at official events attended by the MP in the capacity of performing the function and within the official delegation, which are within the expression of hospitality or in accordance with the protocol, i.e., fit into the traditions and customs of the country where they are given.

b. non-protocol gifts - all other gifts from individuals or organizations.

3.2.2 VALUING GIFTS

When the MP is offered a gift, service or benefit, he or she must first determine whether the gift has a tangible or intangible value and what the purpose of the gift is, i.e. whether the aim of the gift is protocol or not. Material gifts are valued at the average value at which the gift is available on the market. The MP can accept a gift only if it is in accordance with the provisions of the gift rule and the positive legal regulations governing this matter. In case of dilemma regarding the value of the gift, the MP may submit the gift for assessment of its value by the competent service. Based on the opinion of the appraiser, if the received gift exceeds the limit of the value defined in the legal provisions and other acts of the Assembly, then the gift should be reported and registered in the competent service of the Assembly which further decides on the manner of its storage and / or display in the Assembly.



Example 2. *The MP organizes a graduation party for his son. A lobbyist or a person who has a potential benefit from the office of MP gives the MP's son a smartphone. The smartphone will be considered a gift for the MP and should not be accepted.*

The MP should not accept a gift whose purpose is to gain his influence in the performance of the function. Accepting a gift in such circumstances is a serious violation of the law.

Example 3. *The MP was offered a gift in the amount of 1,000 denars by a businessman who has a direct interest in the office of Member of Assembly. The MP must reject the gift, although according to the rule for gifts the amount of the gift is symbolic and acceptable, still the gift has a direct impact on the manner of performing the function.*

The MP does not allow another person to give or receive a gift, service or any other benefit on his behalf, which could in any way compromise his actions and decisions or put him in an inappropriate subordination and obligation.

Example 4. *A lawyer offers free tickets to a MP for a sport event. The MP does not plan to go to the event and proposes the lawyer to give the tickets to his close friend. In these circumstances, the gift of tickets to the MP's friend would be considered a gift to the MP himself and would be allowed to be accepted only if it is in accordance with the rule for acceptable gifts.*

Example 5. *The MP was offered a ticket by the organizer of an event in the field of culture hosted by a renowned philharmonic from a foreign country. The funds collected from the event will be invested in an election campaign for the President of the Chamber of Construction. Although the MP is a big fan of that art, he should not accept the ticket, nor take on the role of promoter of the event, because the event has nothing to do with his official duties, and even more can be interpreted as an open support of a certain candidate for the president of the Chamber of Construction.. The ticket for attending the event should be paid at a regular price like any other citizen.*

Example 6. *A new concert hall opens in Bitola. The director of the Symphony invites a number of officials, including MP X, to attend the inaugural concert. The MP X was offered an honorary seat and will be recognized for his commitment to promoting culture in the place where the MP comes from, i.e. as a representative of the citizens of that constituency. If the construction of the new concert hall is part of the program of the MP or the parliamentary group he / she represents, given that the presence of the MP is appropriate to his / her official duties or representative function, the invitation is acceptable.*



When the MP received a gift in trust and then found out that its value is above the prescribed limits, but out of politeness the gift cannot be returned to the giver, he reports the gift and submits it to the competent service for administration of gifts in the Assembly. The competent service in the Assembly manages the received gifts.

Gifts that have artistic, museum or historical value, and exceed the prescribed value they should report, submit and remain the property of the Assembly and are administered further in the Assembly. Gifts are kept in the premises of the Assembly and may be decided that gifts of artistic and cultural value be displayed in appropriate premises of the Assembly or in the office of the Member of Assembly, as long as he performs the function.

Example 7: The MP received as a gift an artistic painting by a famous artist who comes from the same city where the MP comes from, but whom he does not know personally. The artistic painting is given as a sign of expression of respect and esteem and it presents motifs from the homeland of the MP and the artist. The Member of Assembly should refuse such a gift or if the gift was sent and received without the prior knowledge of the Member of Assembly, he / she should report and hand over the gift to the competent service in the Assembly which is responsible for administering gifts. The Member of Assembly may be allowed to display the gift on the premises of his / her office in the Assembly, but after the end of the mandate, the gift remains the property of the Assembly.

3.2.3 REPORTING AND REGISTRATION OF GIFTS

All received gifts, benefits and gestures of hospitality, regardless of whether they are received or given, should be reported to the competent service of the Assembly in accordance with the deadlines and the manner set out in the Rulebook on registration of gifts. Gifts include:

- material gifts received from natural and legal entity
- sponsorships and donations
- catering services in the country and abroad, including travel, receptions, meals and accommodation;
- event tickets and discount cards;
- favorable credit arrangements or loans.





MPs are required to provide the following information when registering received gifts:

- name and address of the donor;
- the amount of the donation or its nature and value;
- dates of receipt and acceptance;
- the status of the giver (whether it is an individual, company, credit association, insurance association, LLC, registered party, trade union, association or company without the status of a legal entity, in which case the unique identification number of the entity is required);
- if the donation is made through a bequest procedure, name and last address of the person whose bequest is received.

The Service in the Assembly maintains a special Register for gifts whose form, content and manner of keeping are determined in a special act adopted by the Assembly. The register contains at least the following data:

- name / surname of the Member of Assembly who received the gift;
- the circumstances in which the gift was given or received;
- name / surname of the donor;
- short description and value of the gift;
- photo of the gift;
- date of receipt of the gift;
- date of registration of the gift.



Reporting of gifts in the form of services, i.e., covering the costs for participation in events is done in accordance with the form prescribed in the Rulebook for keeping the Gift Register. The form for reporting services, i.e., coverage of costs by a third party for participation in events contains at least the following information:

- name / surname, function and address of the entities that have paid or reimbursed the expenses on behalf of the MP;
- type of paid or reimbursed expenses, in whole or in part (travel, accommodation, meals and other expenses);
- the place where the activity took place, as well as the typology / nature of the held activity (conference, seminar, training, etc.);
- date and duration of the event;
- program of the activity;
- other necessary information.
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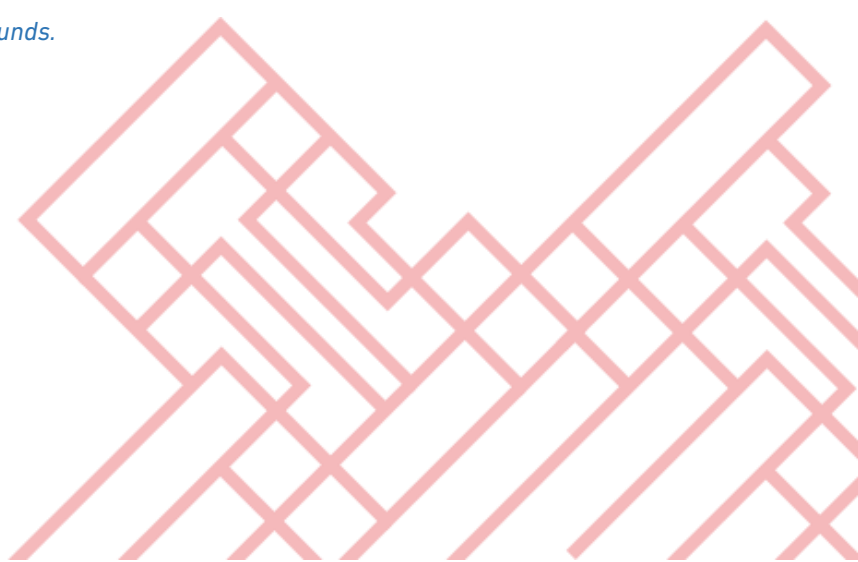
Rules when MPs should not register gifts and other benefits

Gifts that the MP receives from family members (spouse / partner, adult children, parents and second degree relatives) are not considered gifts to be reported. However, the possible motive of the giver should be taken into account, as well as the possibility that those gifts were offered indirectly by someone else. If there is any doubt, the gift should be registered.

Example 1. *The MP receives an expensive watch as a birthday present from a close relative. The MP can accept it, but it is necessary to register it in his property list.*

Example 2. *The MP receives a trip as a gift from a close relative. The stay of the trip is in a hotel owned by a lobbyist or a person who benefits from the office of MP. Since there is a suspicion that the gift was given indirectly by another person, the MP should not accept the gift.*

Example 3. *The MP has been invited to lunch at a local restaurant by officials of the Ministry of Economy to discuss the country's legislation. The MP can accept the invitation according to the provision for minimum value of the service or pay for the lunch from his own funds.*





MPs can accept invitations to participate in various types of events within their extra-parliamentary activities, but free of charge for participation and provided that the following requirements are met:

- Open event, when the presence of the individual is not related to the performance of the function;
- Humanitarian fundraising event;
- Campaign or event sponsored by a political party;
- An educational event sponsored by a university, foundation or similar non-profit organization.

The MP may accept participation in events and trips aimed at raising funds that will be donated for a specific purpose. However, the very fact that the donation is the primary goal of an organized event does not necessarily mean that the MP can accept an offer for free attendance or travel expenses to the event. The MP who wants to attend the event should consult with the relevant service, the trusted advisor or cover the costs of participating in the event from his / her own funds.

Example 4. *An Oil Company is organizing a dinner for MPs to announce that it has raised a significant amount of donations to charity. Dinner would not qualify as a charity, as its primary purpose is not to raise money for charity. Moreover, a Law on Oil Derivatives is in a Parliamentary procedure, the adoption of which will have a negative impact on the company's profit. The MP should refuse to participate in such an event given the fact that his presence can be interpreted as a kind of support for the company's efforts.*

Example 5. *A charity organizes a fundraising reception and immediately after the reception the charity organizes a dinner to which only certain VIP guests are invited. The invited MP may accept an invitation from a charity to attend the reception as part of the charity event, but should not attend the dinner.*

Example 6. *A non-partisan, non-profit organization organizes lunch with prominent academics discussing foreign policy topics. The organization invites about 15 people to lunch, including some MPs. MPs can attend the event and accept lunch.*

Receiving gifts of symbolic value in traditional hospitality, within the traditional customs that do not arouse suspicion of impartial performance of duty by the MP.

Example 7. *The MP is visiting rural areas and during the visit he receives as a gift from the mayor a traditionally handmade pot from the residents. The MP may accept the gift as a matter of protocol nature.*

Example 8. *An MP is visiting rural areas and during his visit gives a speech at an organized event. The organization that sponsors the event gives him an expensive crystal pen. As the pen has no symbolic value and is not of a protocol nature, it should not be accepted.*



The MP can accept a gift from a close person only if it is in accordance with the provisions of the Rule for gifts (value up to 6,150 denars) and which is not given, i.e., received in connection with the function of the MP and the need to exert a certain influence.

Example 9. *An MP is invited to hunt by a friend who is a member of a hunting club and according to the club rules; the guest of a club member who participates in hunting for the first time does not pay a fee. However, participation in the hunt by the MP will be considered a gift, the value of which corresponds to the amount that the club normally charges for participation in the hunt. If the value of the participation is lower than the determined value of the allowed gifts, it is necessary to be careful not to accept additional services in the form of meals, drinks, etc. that would cumulatively exceed the acceptable value of the gift.*

Example 10. *If the MP is treated in a restaurant by a businessman who is an acquaintance of his, he does not have to order an expensive meal or simply have to pay his own bill.*

During one year, an MP can accept a meal and other gifts from one person worth up to 6,150 denars, but if the gifts are repeated and their cumulative value exceeds this amount, the MP cannot accept gifts / services with a simple surcharge. Instead, he should refuse the gift or pay the full amount in person.

Example 11. *The MP is offered a ticket for a concert estimated at 7,000 denars. The MP cannot accept the ticket simply by paying the provider a surcharge of 850 denars. If the MP wants to accept the ticket, he must pay the ticket in its full value of 7,000 denars.*

Example 12. *The MP was offered a ticket for a football match by a close person whose value is 2.500 denars. The MP may accept the gift, but may not accept the same gift more than 3 times a year from the same giver.*

The MP may accept gifts from international organizations, within the framework of expressing hospitality in accordance with the protocol. The MP can accept travel, accommodation and meals from a foreign government and international organizations, if the trips are related to the official duties of the MP. However, such trips are not acceptable if offered by a lobbyist or agent of a foreign government.

Example 13. *The French Embassy in Skopje invites an MP to attend a dinner at the Embassy. The MP can accept the invitation.*

Example 14. *A NATO representative invites an MP who is a member of the legislative-legal commission in the Parliament, to an international conference to discuss defense legislation in the Western Balkans. The MP can accept the invitation.*

Example 15. *If a lawyer registered as a foreign lobbyist invites an MP to lunch to discuss state legislation in a particular area, the MP should not accept lunch and should refuse the meeting, and if he accepts it, it should be duly registered in accordance with the Law on Lobbying.*



3.3 EMPLOYMENT AND POST-EMPLOYMENT

During the term of his / her mandate, the MP respects the rules for incompatibility of a function he / she performs with other functions or activities determined in the Constitution and the laws. During his term of office, the MP will not work towards securing future employment for himself or a close person, using his function and influence.

According to the Electoral Code of the RNM, the MP has the following restrictions regarding employment:

1. The office of a MP shall be incompatible with the office of the President of the Republic, President of the Government of the Republic of North Macedonia, Minister, Judge, Public Prosecutor, Public Attorney, Ombudsman and other office holders elected or appointed by the Parliament of the RNM and the Government of the RNM.
2. The office of a MP shall be incompatible with the offices of Mayor and Member of Council of the municipality and of the City of Skopje.
3. The offices of a Member of Parliament and Mayor shall be incompatible with the:
 - performance of professional and administrative work in the state administration bodies;
 - performance of business or other for-profit activity; and
 - membership in management boards of public enterprises, public institutions, funds, agencies, bureaus and other legal entities, as well as with the appointment of a trustee of state- and publicly-owned capital in a commercial enterprise.
4. Their employment shall cease temporarily as of the day of the verification of the mandate as MP.
5. Their business or other for-profit activity shall be temporarily suspended as of the day of verification of the mandate as MPs, whereas their membership in management boards of public enterprises, public institutions, funds, agencies, bureaus and other legal entities, as well as the appointment as a trustee of state- and publicly-owned capital in commercial enterprise shall be terminated.



Example 1: A Member of Parliament whose primary profession is a university professor continues to perform his primary profession during the performance of his parliamentary duties, even though it has been formally put on hold. After an exam held with a group of students, one of the students submitted an objection to the results of the obtained assessment for the subject taught by the member of parliament. Given that the working relationship of the professor, and now the member of parliament, is on hold, a serious problem arises regarding the processing of the objection and its resolution. The member of parliament should not have allowed himself to perform work while the employment relationship was dormant and thereby cause a situation with legal consequences, which at the same time violates the integrity of the members of parliament, the Parliament and the University, i.e., the faculty where he previously performed his primary profession.

The basic rule is that an MP must not use his or her official function for personal gain, including any profits that the MP would have in the form of compensation for leaving the workplace, i.e. the function he / she performs.

According to the Code of Conduct, a MP may not receive compensation from an external legal or natural person, in order to influence the office of a Member of Parliament. One of the purposes of these rules and standards is to exclude conflicts of interest. Although the term "conflict of interest" may be subject to various interpretations in general use, according to the Rules of Procedure, this term refers to a situation in which the office of MP conflicts with his or her private economic affairs.

There is growing concern that the practice of accepting honorariums by MPs, especially by groups seeking to influence legislation, threatens to undermine the institutional integrity of MPs and the Assembly. In this way, the public perception increases that the fees are a way to achieve special, personal interests that influence or provide access to the Members of the Assembly.

In that regard, in order to prevent situations that compromise the integrity of the MP and the Assembly, MPs must register individual payments in the amount of more than 6,150 denars that they receive for each work performed outside the Assembly. They must also register individual payments from the same source whose cumulative value is over MKD 6,150 in a calendar year.

Regarding the engagement of the MP in teaching at universities, colleges or other scientific research institutions, as well as in relation to activities related to intellectual services and copyright, it is recommended that MPs request and obtain approval from the competent Commission before being hired for paid tuition or publishing a book. MPs are also subject to certain restrictions after the end of their term in the Assembly.



When there is a potential conflict of interest in relation to additional income or other activities performed outside the workplace, it is advisable for the Member of Assembly to consult with the Commission, i.e., to use the mechanism of confidential counseling before accepting the position, regarding the engagement.

A conflict of interest may arise when the potential future employer is an entity that has specific interests before Assembly. In no case shall an MP participate in lobbying on behalf of any private organization or person, even on an uncompensated basis, as this would be contrary to the MP's general obligation to the public.

***Example 2.** An organization working on the development of a Parliamentary program offers the MP a part-time job as a program director. As such a position it is necessary that it be carried out professionally, and even more so that the position is likely to require the use of contacts and information obtained through the office of MP, he must reject the offer.*

The MP may accept the following compensations for services and activities that are not considered as fees:

- Awards for various achievements. If an MP is awarded an award, memorial or gift at an event, the subject shall not be considered as a fee, unless it has been given specifically in relation to the MP's engagement or address. Similarly, an MP may accept an award for artistic, literary or oratory achievement in a public procedure in accordance with established criteria. But of course, such a reward must be acceptable according to the rules for receiving gifts and other benefits.
- Paid engagements for performing works of art and when the art, musical or athletic talent of the MP is the reason for payment of a fee, and not the status of the person as an MP
- Payments for copyright works, poetry, texts or screenplay, when the payment is not given due to the MP function of the author.

***Example 3.** A non-profit organization offers an MP who worked in the field of foreign policy 10,000 denars to write an article on the development of international relations. The MP can write the article, but he cannot accept compensation for the service.*

***Example 4.** An MP writes a rare disease article for a natural medicine magazine. He writes the article in his spare time, using his home computer. The subject matter of the article has nothing to do with his official duties or status, and the magazine has no interests that could be substantially affected by the performance of his office. The MP can accept compensation for the article in the magazine.*



Example 5. An MP is engaged in conducting research and analysis of cases that are not related to the performance of his / her function. As research / writing is not related to his / her primary responsibilities, acceptance of the fee for intellectual services is allowed.

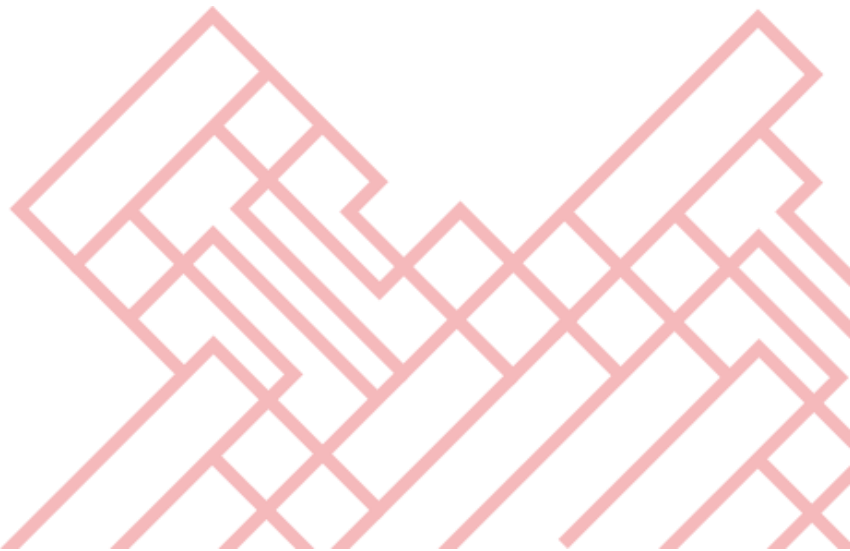
Example 6. An MP is a famous violinist. Occasionally he is invited to perform with the local symphony orchestra at evening and weekend concerts, receiving compensation in the same amount as other musicians in the orchestra. Provided that he is hired on the basis of his talent and not his status as MP, his acceptance of compensation for these performances is allowed.

Example 7. An MP who is a musician performs music plays in the evenings and on weekends by playing the piano for which he does not charge a fee. A lobbyist finds out about this avocation and offers to hire the MP to play in his company for a Christmas party. He offers to pay twice the fee for such an engagement than the one the MP received for the performances before taking office. The MP must reject the offer. Also, MPs may not engage in any professional activities that violate the provisions of the Law on Members of Assembly and the Law on Prevention of Corruption and Conflict of Interest, such as: conducting operations or prescribing if their primary profession is a doctor, providing legal services if their primary profession is a lawyer, conducting regular teaching at universities if their primary profession is a university professor and the like.

When an MP or a member of his / her family has a direct financial benefit (such as salary) from a certain organization, the MP may not cooperate with the same organization and receive fees for the cooperation.

Example 9. The MP gives a speech in front of a trade association in Prilep in which he addresses the proposed changes in the legislation to encourage self-employment and development of small businesses. The association covers the expenses for travel, food and accommodation of the MP. Instead of receiving a fee, the MP insists that the funds from the association intended for his participation in the event be donated to start-up businesses in the city. The donation could be accepted.

Example 10. The MP writes an article that will be published in a magazine. The magazine would normally pay 10,000 denars for this type of article and asks the MP if he/she would like that amount to be donated to a charity. The MP supports a charity in his/her hometown that works with the homeless and in which his/her sister works as a counselor. Because his sister receives a direct financial benefit from the organization (his/her salary), the MP cannot donate the funds owed to him/her by the magazine. Funds can be donated, but to another charity.





The MP does not perform activities for the duration of his / her term that are aimed at his / her future employment using his / her function. The MP must not accept any benefits or benefits for future engagements or employment that have arisen under circumstances that could affect the performance of the function.

***Example 11.** A consulting firm specializing in conducting training for civil servants offers a contract for consulting services to a MP, which mainly refers to the development and delivery of training for civil servants and an advisory role in labor disputes. The company hopes to attract new customers by involving the MP in the training and sharing his/her expertise and experience. The MP must not accept such an engagement.*

The MP is entitled to the following types of income:

- MP salary and amounts paid for pension and health insurance;
- Remuneration for work or services delivered before the beginning of the mandate of the MP;
- Profit or bonus from shares, issuance of real estate;
- Amounts received from trade or business controlled by the family in which the MP has his share; and
- Copyright obtained from established publishers under normal contractual terms.

3.3.1 EMPLOYMENT OF SPOUSES AND CLOSE RELATIVES OF MP'S

The MP's spouse is not prevented from working and earning a salary, but the MP must not in any way influence the future employment or promotion of a relative, including a spouse. If an employee in the professional service of the Assembly marries a MP the official may remain in his / her position, but it is inappropriate to receive a promotion for the duration of the mandate of his / her spouse.

***Example 11:** The brother of an MP has been elected to a high management position in the executive branch. The Member of Parliament resigns from the position of Member of Parliament because he/she believes that it is debatable how subjective the Member of Parliament would be in the performance of the Member of Parliament's duty to control and supervise the executive power. Although, this choice of electing the brother of the member of parliament to a post in the executive power is legal, legitimate and according to the merit system, the resignation from the post of deputy is an expression of moral responsibility and conveys a strong moral message about the values of ethical behavior in public.*



3.3.2 REGISTRATION OF OTHER INCOME

The MP must register the following benefits:

- salary, allowances and payments in kind received for services rendered;
- taxable costs, allowances and benefits;
- severance pay and voluntary payments.

The MP should provide the following information on additional income:

- the name and address of the person making the payment, as well as a brief description of his business activity;
- the name and address of any client to whom the MP has personally provided services, if it differs from the person making the payment and a brief description of his business activity;
- the amount of the received payment, the nature and value of any benefits that are taxed;
- the nature of the services performed and the number of working hours to which each payment refers;
- the date when the payment was received (or, if it has not been received yet, the date when the service was completed).

The Assembly, i.e. the competent service keeps internal records of this type of income for which there is no obligation to report in the Inquiry List of the MP. This internal record is part of the Register of Interests of the MP's maintained by the Assembly.

3.3.3 RESTRICTIONS AFTER THE END OF THE MP'S TERM OF OFFICE

After the end of the term of office, the MP continues to be guided by the principles of legality, honesty, objectivity, transparency, accountability and integrity. The relations of the MP with the Assembly, regarding any privilege or obligation, continue even after the end of the term of office. Permanent restrictions are related to the storage of confidential information, which the MP received during the exercise of his mandate as an MP, due to the function he/she performed. Violation of the rules for storage of information classified as "state secret" is punishable under positive legal regulations.

After the end of the term of office, the MP will not accept employment with an employer with whom he was in close cooperation or had information that could put him in a privileged position in relation to the other candidates. When there are doubts that his / her engagement in the new employment is contained in the cases of restrictions provided in the mentioned provision of the Code, any former Member of Assembly can use the mechanism of confidential counseling.



Regarding the provision that limits the MP's ability to provide consulting services for matters closely related to the MP function at least 1 year after the end of the mandate, the MP should not:

- conclude an agreement for consulting relations with the Assembly of intellectual and / or advisory nature;
- conclude an employment or business agreement with the Assembly, which includes any contractual relations between the Assembly of North Macedonia and the former Member of Assembly who performs private activity in the form of a natural trader;
- to represent the client through legal services in cases in which the Assembly of RNM appears as a party in the court procedure.

The MP who donates his / her Parliamentary salary to another person, humanitarian organization or other community organization, must register the donation in the Register.

The MP who has concluded a contract for a period of twelve months or more before the beginning of the performance of the function and for which a regular payment is provided, and the contractual services do not violate the legal provisions for incompatibility of functions, should provide the following information for the needs of the Register:

- the contract date of the beginning and (if any) of the end of the contract;
- the nature of the contractual services, including taxable benefits and in-kind payments;
- the frequency of the agreed payments and the agreed payment dates.



4. CONFLICT OF INTEREST

4.1 PREVENTING CONFLICTS OF INTEREST

MPs, due to the nature of their function, can often be exposed to a situation that can be interpreted as a conflict of interest. MPs must constantly be vigilant and balance between different types of interests: national, business, political and personal. These circumstances cause the MPs to face certain ethical dilemmas on a daily basis, especially due to the fact that some of the MPs come from the real sector and their previous professional affiliation can potentially affect the performance of the function. In addition, MPs are subject to intensive scrutiny by the media, civil society and the general public. Specifically, being an MP means getting involved in a political process where different conflicting interests come together.

Conflict of interest is generally defined as a situation in which a Member's private financial interests conflict with the public interest. MPs often represent economic interests that correspond to the interests of their constituents, and therefore some interests, especially those relating to a larger group of citizens, are inherent in the Parliamentary system of government and are not necessarily unethical. On the other hand, a narrow conflict of interest limited to the MP or his or her associates, which has the potential to turn into corruption when the MP uses his or her influence to enhance his or her personal financial interests, can be a serious breach of law and of the code. For that reason, it is extremely important to identify situations that are defined as conflicts of interest in which the MP's personal financial interests can potentially influence the performance of the function, i.e. decision-making. MPs must be instructed to avoid situations that raise suspicions of unethical behavior and conflicts of interest.

The rules related to the prevention of conflict of interests of public and private interest are defined in the Law on Prevention of Corruption and Conflict of Interest, in the Code, as well as in other regulations that regulate relevant areas.

The objectives of regulating conflicts of interest are broader and in practice include the following:

- To prevent conflicts of interest;
- To establish rules regarding conflicts of interest in situations where they arise;
- To give instructions to the MPs and to enable them to more easily protect themselves from potential conflict of interests.



Potential conflicts of interest address various issues such as:

- Violation of the general principles while performing a public function;
- Receiving gifts;
- Receiving other benefits;
- Political activities;
- Lobbying;
- Nepotism;
- Membership in boards, non-governmental organizations, companies and non-profit organizations;
- Joining unions or other associations;
- Involvement in investments which are potentially contrary to public office;
- Possession and trading with information;
- Representation and action for foreign countries;
- Abuse of one's own position for private gain;
- Abuse of state property;
- Financial interests;
- Honorary positions;
- Invitations to participate in events, etc.



Situations that may be a conflict of interest include:

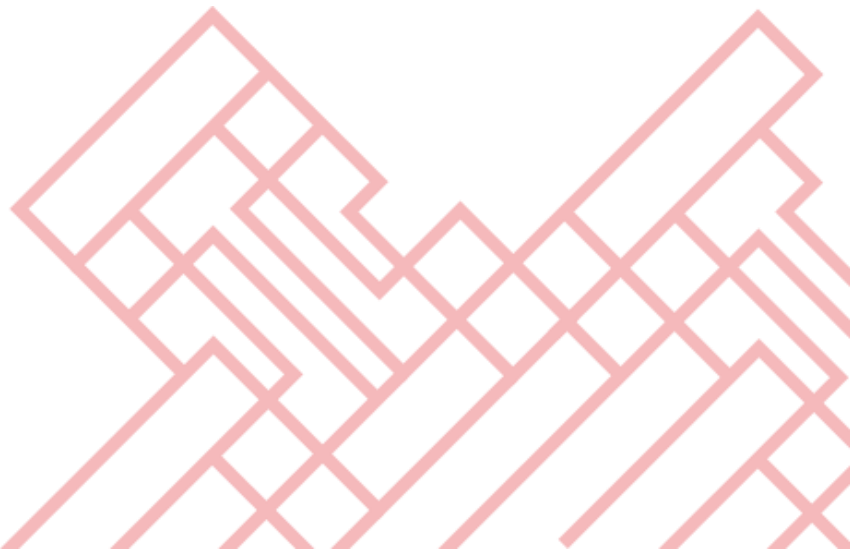
- Lobbying MP's on issues related to the field of work of personal interest;
- Cases where work activities are used for private purposes or benefits, such as the use of workplace information to invest in certain companies;
- Accepting gifts that can be considered as intended in order to influence the MP in the performance of his / her function;
- Procurement of goods or services for official needs from a company with which the MP has personal, family or financial interests or connections;
- Involvement in any procurement process, suppliers, contractors or clients with whom the MP has personal, family or financial interests or connections;
- Influence or decision on appointment or working conditions for anyone with whom the MP has a personal or family relationship etc.

Example 1: *MP owns a house that is illegal. The MP initiates the adoption of a Law on Legalization of Illegal Buildings. This situation is a direct conflict of interest.*

Example 2: *An MP receives information in the workplace that a company will be bought by a foreign investor and its shares are expected to grow sharply. Based on the information, the MP and his/her family buy shares in the indicated company.*

This case is a conflict of interest because the MP used the information he gained while performing his term of office for personal gain and the benefit of family members.

Example 3: *An MP receives internal information from the services of the Assembly that a new job has been opened, and in doing so influences the mentioned place to hire his/her sister. This case is qualified as influence in trading, i.e. exercising the function for the purpose of gaining benefit for family members or other close persons.*





The MP who is in one of the situations described above must not allow influence aimed at prioritizing the self-interest that conflicts with the public interest. Examples also show that the types of interests that can be conflicted with are diverse. The focus of conflict-of-interest laws is usually personal interest, and is usually understood as personal financial interest. However, personal interests can also be non-financial or indirectly contribute to the financial interests of others. In addition to personal interests, there are other interests that are not directly personal, and may conflict with the public interest. MPs, for example, are or may be subject to the interests of their constituents and / or their party, so they may be pressured by both sides to make decisions that run counter to the public interest. An obvious example is the pressure to use their position for the electoral benefit of the political party of which they are a member.

4.2 INTERESTS OF THE MP AND THEIR FAMILY MEMBERS

MPs have interest if they (or a close relative or associate) own property, own shares, hold a position in a company applying for government jobs or receive benefits (such as concessions, subventions, discounts, gifts or hospitality) from certain sources. They can arise from personal or family relationships or other activities. They include any tendency to prejudice arising from friendship, hostility, or other personal involvement with another person or group. Certain interests are personal: as a resident of a city or province, as a parent, husband or child, as a spouse, etc. Other interests derive from the representative role: as a member of the legislature and / or as a member of a political party. Further interests arise from external activities as a member of a non-political organization, as a businessman, consultant, entrepreneur, employee and the like.

Example 4: The Assembly announces a tender for procurement of services. One of the bidders is a company owned by the wife of an MP who has an active mandate. The company owned by the MP's wife cannot participate in the tender because there is a conflict of interest.



4.3 CONFLICT OF INTEREST DECLARATION

MP's register their interests in the Register of Interests of the MP's maintained by the Secretary General of the Assembly. The Member of Assembly does not conceal the interests, but reports his interests and the interests of the family members at the beginning of the mandate and they are registered in the Register of Interests. In case of suspicion of conflict of interest that occurred during the performance of the function, the declaration of the Member of Assembly can be supplemented at any time. If there is a situation in which the MP concludes that the topic which is discussed at the plenary session or at the session of the working bodies represents a conflict of interests for him/her, he/she publicly states it at the beginning of the session, which is noted in the minutes and submitted to the competent service to be noted in the Register of interests. The Member of Assembly who has already registered an interest can refer to an entry in the Register. However, if necessary, the MP should provide additional information to better clarify the existing information.

The declaration of interests of the MP's enables the public to be informed about any interests related to the work or decision-making of the Members of Assembly. The requirement to declare all interests applies at the moment when the MP is elected and refers to almost all aspects of the Parliamentary duties of the MP.

Cases of conflict of interest for one MP can be:

- state of constant conflict of interests; or
- state of occasional conflict of interest.

In case of a conflict of interest relating to a case or draft-law being reviewed by Parliamentary committees, Parliamentary bodies or a plenary session, that is not registered in the Register, the declaration of conflict of interest must be given immediately at the first session convened for consideration of the case, or at any moment during the first session at which the MP is present.

When other MPs, media or independent organizations publish information or initiate conflicts of interest in relation to a MP, the case is ex officio considered by the Committee on Rules of Procedure and Mandate-Immunity issues as the body responsible for implementing the Code and on the request of at least one Parliamentary group.



The Assembly keeps an internal Register of interests. The content, the manner of application and the maintenance of the Register are regulated in a special act adopted by the Assembly. The obligation to register and publish personal interests in a special register of the Assembly, according to the provisions of the Code, is also in the function of transparency and accountability. The Assembly maintains, updates and publishes the Register. The Register contains data arising from the declaration of private interests, as well as data on declarations given by a Member of Assembly on the state of occasional conflict of interest on certain issues. The register contains at least the following data:

- The name of a natural or legal person with whom the MP had a civil law contract or any other relationship that resulted in the generation of income for the MP and which is a constant conflict of interests;
- Rights over the capital of the companies owned by the spouse / partner, adult children and parents of the MP;
- Declaration of the Member of Assembly regarding a temporary conflict of interest on certain issues that are discussed in the legislature;
- Brief description of the nature of the conflict of interests;
- Decisions of the competent body for disciplinary measures taken against the Member of Assembly, related to the state of conflict of interest.

MPs are not required to report interest:

- during a regular procedure for decision-making in the Assembly. However, if the Member of Assembly has a relevant interest that needs to be registered, and he / she has not been registered yet, he / she should try to register such interest before the beginning of the session, i.e. as soon as possible;
- if such interest is a benefit available to all Members of Assembly, such as a Parliamentary salary or expenses covered by Parliamentary sources or a Parliamentary expenditure plan; or
- if it is a benefit provided by the party of the MP and refers to a larger group of MPs.

Example 5: The MP's brother owns shares in the company "Leguri" AD, which was reported during the procurement of public funds organized by the municipality of Ohrid. Based on the above legal basis and the provisions of the Code of Conduct, the company "Leguri" AD, where a close relative of the MP is a shareholder, is in conflict of interest if he participates in public procurement for the construction of pipelines in the municipality of Ohrid, because his brother is related person. Prohibitions for a relative are the same as for an official.



4.4 ACTING IN A CASE OF CONFLICT OF INTEREST

In case of conflict of interest, the MP is obliged to request an opinion from the State Commission for Prevention of Corruption (SCPC) and to inform the President of the Assembly. The Assembly, for every new term of office within the period of three months sends the complete list of MPs for verification and assessment to the SCPC, together with some of the completed declarations with data on owning shares in the capital of companies. For the purposes of this review, and on an ongoing basis as needed, the cases in which there is a suspicion of a possible conflict of interest of the Member of Assembly are sent for further action in the SCPC. If the SCPC concludes that there is a conflict of interest with the MP, it is acted in accordance with the positive legal regulations.

In case of possibility of conflict of interest, the MP is obliged to take all necessary measures in accordance with the law, to prevent the influence of private interest on the performance of the function, as well as to take all necessary measures and steps to overcome the conflict of interest as soon as possible, after which he/she informs the President of the Assembly and the State Commission for Prevention of Corruption.

4.5 MEMBERSHIP IN ORGANS OF OTHER ENTITIES AND ORGANIZATIONS

MPs may not simultaneously perform the function of a responsible person or a member of a management body or a supervisory body in a public enterprise, public institution or other legal entity that has state capital, nor in a management board or other management body in a trade company or other for-profit legal entity.

4.6 LOBBYING

Lobbying rules are envisioned to avoid the perception that foreign individuals or organizations can reward MPs, through payments or otherwise, in the expectation that their actions in Assembly will benefit that foreign individual or organization. They prevent the MP from initiating proceedings or accessing ministers, other MPs or public servants for the purpose of obtaining financial or material benefit from the lobbyist or lobby organization. Remuneration by a lobbyist implies future financial interests or material benefits that will be accumulated in the next six months to 1 year.

Example 1. A businessman is approaching an MP with a request to vote against the amendment that will be submitted during the debate on the Draft-law, which refers to the strengthening of the mechanisms for supervision over the organization of games of chance. For this service the MP was offered monetary compensation and a luxury trip to Thailand. This is lobbying aimed at specific legislation. The MP should not accept the offer and should report the meeting and the subject of discussion.



Example 2. A research institute is conducting a research project gathering information on the dangers of pesticide use. Based on the collected and analyzed data, the institute publishes a report that presents the advantages, disadvantages and economic costs of current models of pesticide use and makes recommendations for reducing pesticide use. The report concludes that the costs outweigh the benefits and recommends legislation to control pesticide use. The Institute has a meeting with a MP with a request to initiate a discussion in the Assembly for the adoption of such a law and to ensure the support of the MPs for the adoption of the law. This is a complete and fair presentation of the facts in favor of the public interest and it is allowed.

The MP does not lobby for the duration of the mandate. MPs can take part in Parliamentary proceedings or in meetings and discussions with ministers, other MPs and public officials that can influence the definition of law, representing the interests of citizens. Members of Assembly may not initiate proceedings or meetings for a particular law for any organization or individual from whom they have received, are receiving, or expect to receive a reward or compensation. When an MP defends certain interests, represented by registered lobbyists and lobbying organizations, he is considered a supporter of lobbying or lobbyist. The MP's activity is considered as a support of the lobbyist even in cases where the initiative is publicly supported, or designed with the help or as part of projects of non-profit organizations with which the MP had a personal history of membership or leadership in the organization.

4.6.1 ACTIVITIES THAT ARE NOT CONSIDERED AS LOBBYING

Lobbying does not include the activities of persons invited to participate in the process of drafting, i.e. explanation / implementation of laws or other regulations by the legislative, executive or local government, regardless of whether they perform their activity with or without compensation.

The activities of citizens' associations when they refer to representing the interests of their members or certain target groups if they perform them free of charge will not be considered lobbying.

4.6.2 REPORTING ON MEETINGS WITH LOBBYISTS

The MP can have direct meetings with lobbyists. The MP can ask the lobbyist to present his / her views and opinions on the case he / she is lobbying for in the working bodies of the legislature at the central level. The MP reports on meetings with lobbyists or lobby organizations and contacts with third parties. The MP shall inform and provide information in writing on the subject of discussion and the degree of support he / she will provide for the requests submitted by the requesting entities / lobbyists. Information on meetings with lobbyists and lobbying organizations is documented and stored within the Register of Interests maintained by the Assembly.



4.6.3 REGISTER OF LOBBYISTS

The Register of Lobbyists is kept by the Secretary General of the Assembly of the Republic of Macedonia on the basis of Article 10 of the Law on Lobbying. The Register is public and it contains at least the following data:

- name and surname, personal identification number and residential address of the lobbyist;
- the name and the seat of the legal entity in which the lobbyist is employed.

The application for entry in the Register, in addition to the data, must also contain a certificate from the registration of the legal entity in which the lobbyist is employed or is registered as a sole trader.

5. ACCOUNTABILITY AND TRANSPARENCY

5.1 OPENNESS TO CITIZENS AND MEDIA

The Assembly has a key role in the democratic system as a bearer of the process through which the citizens will be able to more effectively monitor the work of the institutions. The Assembly and the MPs must be fully open to their work, and thus show political accountability and respect for the basic principles of democracy. The Assembly must allow unhindered insight into the work by providing all relevant information. It is necessary to constantly improve the level of culture of Parliamentary openness. The openness policy should be developed in accordance with information and communication trends, through the use of new technologies and the publication of data in a computer-readable format. The Assembly should be accessible to citizens and the media, which means that in addition to the possibility of establishing communication by telephone or e-mail, it is necessary to initiate innovative channels for two-way communication with citizens and the media.

The Assembly should regularly publish the agenda for the work of the plenary sessions and the working bodies, videos and transcripts of the sessions, the attendances and the manner of decision-making of the MPs, the contacts and biographies of the MPs, the annual reports, as well as their salaries and funds, reimbursements of travel expenses, which are always the subject of interest and criticism from the public and the media. The Assembly should pay special attention to the publication of the conclusions and minutes of the coordination that the President of the Assembly maintains with the Parliamentary groups. Additionally, the Assembly should transparently announce the draft state budget and the final budget. A link to the website of the State Commission for Prevention of Corruption should be published on the website of the Assembly, where the questionnaires for the property of the MPs are published, as well as a link to the national public procurement portal.



Example 1: A large and influential energy company invites all members of the Committee on Economic Affairs to visit the premises of the nuclear power plant where they would be informed about the nuclear facilities and how they work. All costs are covered by the host. The visit is held one day before the meeting of the Commission, which will discuss support for the use of renewable energy sources and upgrade the safety measures of existing power plants. The members of the Commission should either: a) reject the invitation and make public all relevant information regarding the invitation, including the names of the Members of Assembly who have accepted the invitation (if any). b) accept the invitation to visit the nuclear power plant, but to convene a press conference and give a detailed report on the visit and the talks that took place; c) to inform the President of the Assembly and the body responsible for monitoring the application of the Code and to seek advice from them how to act in this situation.

5.2 ASSETS

The MP respects the legal obligations for reporting and controlling his assets and interests and duly reports the changes of his assets, i.e. the assets of the members of his family, as well as the change of interests. The MP in an open and transparent way explains the legitimacy of the sources for acquiring assets or other material goods, such as the financial obligations that his family members have.

The MP does not conceal assets or interests and condemns such actions by other holders of public office and citizens.

Example 1: MP's wife inherits real estate. She is the sole owner, and the MP will inherit the property if his wife dies. The MP must disclose the property.

Example 2: The MP owns a weekend house, which he uses one month a year. The rest of the time the MP rents the property to other persons. The MP should report the income he receives for renting the property.

Example 3: The MP is the owner of a weekend house that he uses several weeks during the year. The rest of the time, he rents it. The MP must declare this property.

Example 4: The MP's home includes premises that he rents to a tenant for 40,000 denars per month. The MP who lives in the same house must also declare the rental income, in the same way as he declares the property he owns.

Example 5: The MP owns antiques worth 500,000 denars which are family inheritance. The MP never uses the case for commercial purposes, but only for the needs of the family. The MP should report the case.



5.3 OTHER INCOMES

In order to achieve full transparency and to strengthen the public's trust in the MPs, they must present their revenues openly and transparently. This is achieved by submitting a Conflicts of Interest and Asset Declaration in accordance with the Law on Prevention of Corruption and Conflict of Interest, which summarizes financial information concerning them, their parents, siblings, spouses and dependent children. Among other things, these declarations should disclose other incomes such as shares, stocks, copyrights, investments, business transactions and the like.

In order to ensure transparency, MPs will be personally responsible for submitting the declaration to the SCPC within 30 days of taking office. They will additionally notify the SCPC if there are any changes that affect their declaration within 30 days of each change.

***Example 6.** The MP has a portfolio of shares, managed by a stock broker. The MP must report all shares in the portfolio worth more than 61,500 denars at the end of the year or that generate more than 6,150 denars income during the year.*

***Example 7.** In the declaration on financial accountability, the MP shows shares worth 70,000 denars in the company X. During the next year, the company suffers losses due to which it does not approve a dividend during the year and the shares fall to a value of 50,000 denars by the end of the year. The MP should report the change in the status of his shares in Company X in the next declaration of financial accountability, although their value has decreased.*

***Example 8.** The MP sells shares in the company X for 200,000 denars, thereby realizing a capital loss of 50,000 denars. The MP must report the sale of 200,000 denars as a transaction. The MP can state that the sale is a loss, i.e. reduction of assets.*

***Example 9.** The MP has a 25% stake in a partnership that buys and sells real estate for investment purposes. The partnership buys a property for 60,000,000 denars. The MP must report the partner's purchase of the property, in the value category that reflects his share of 15,000,000 denars per transaction.*

***Example 10.** The MP opens a bank account in the name of his 10-year-old daughter to whom he deposits funds he has dedicated to pay for her university education. The MP must report the account.*



MPs must report the following:

- shareholder shares (individual or with, i.e., in the name of their spouse, partner or dependent children);
- interests for LLCs or other partnerships;
- income from other sources;

As a good practice, which contributes to the transparency of the MPs and the Assembly and which has a positive effect on strengthening the trust of the citizens in the MPs and in the Assembly, the MPs are expected to provide the following information:

- the name of the company or organization;
- description of the nature of his business activity;
- the date when the ownership was acquired, i.e., the share.

5.4 LIABILITIES AND LOANS

The MP has an obligation to publicly announce his debts and loans, as well as other obligatory relations that could potentially put him in a subordinate position or jeopardize the professional and objective performance of the function. In that regard, the MP is obliged to report the following:

- all relevant obligations / loans, i.e., obligatory relations with third parties that can potentially influence the actions of the MP; and
- the financial institution or a person to whom the MP has a loan / obligation.

The MP should provide the following information:

- nature of the loan / obligation, i.e., name of the donor;
- loan amount / obligation;
- the date when the loan / obligation was incurred.



6. USE OF PUBLIC ASSETS AND FUNDS

6.1 EXTRA-PARLIAMENTARY ACTIVITIES

During the term of office, the MP may participate in extra-parliamentary activities outside the performance of his / her official function, such as cooperation with international organizations, volunteering and participation in humanitarian events, if they are not contrary to the Constitution and laws. Activities within cultural, social or sports associations are also considered extra-parliamentary activities. Any extra-parliamentary activity of the MP, performed for the duration of the mandate, which may result in a combination of interests and / or implications for the performance of the function, must be immediately reported to the President of the Assembly, i.e. the competent service.

During the extra-parliamentary activity, the MP avoids contacts with persons or organizations that may undermine the trust in his / her work and performance of the function. During the performance of extra-parliamentary activities, the Member of Assembly may not accept any compensation or other financial benefit, except those provided by law.

Example 1: The MP is a member of the Rotary Club in the country and is actively involved in the implementation of humanitarian-donor program activities aimed at improving the conditions for residence and education in primary schools for children with special needs. Membership of the MP in the club is allowed, but it still should be reported to the competent services and registered in the Register of Interests to avoid the possibility of other members of the club to influence the MP and jeopardize his position.

6.2 TRAVELS

Travel is an integral part of the work of MPs. However, travel can be abused if not given enough attention to the way it is organized and financed. In order to avoid abuses and to be able to protect the MPs from possible suspicion of malfeasance, it is necessary to define the types of travel and to set the basic rules for acting in accordance with the provisions of the Code.

Travel can be classified as follows:

- Travel related to the official duties of the Member of Assembly financed by the Assembly or a state institution (official visits within the performance of the function);
- Travel related to official duties financed by another source (official visits in the framework of the performance of the function which are funded by an international organization or government of a foreign country);



- Own-funded private travel, including travel paid for by relatives or friends;

- Campaign trips, funded by a political organization.

In case the MP wants to continue the trip after the end of the business trip or to travel before the scheduled business trip, the part of the trip that is not directly related to the performance of the function should be organized independently and without using the Parliamentary service and to be financed from own funds. This type of combination of business and private travel is allowed, but it is extremely important to separate business from private travel both in time and financially. In exceptional situations, the Member of Assembly is allowed to use a return ticket (although he extended the trip at his own expense), but only if the amount of the cost is the same as the one provided for the business trip financed by the Assembly, i.e. the state.

***Example 1.** The Assembly is organizing an official five-day study visit for an official delegation of MPs in London. After the study visit, an MP wants to extend the trip for another four days of private vacation in Europe. The MP will be allowed to accept reimbursement of transportation and accommodation costs for the stay in London for the duration of the study visit and for the price of the plane ticket to and from London. The MP can then extend the trip at his own expense. If the resumption of the trip results in a higher return ticket, the MP must pay the difference in person.*

The MP can travel on different trips, sponsored by different organizations, but it is important to treat them as individual follow-up events.

***Example 2.** An MP receives an invitation from a corporation to participate in a conference on the Galicica National Park, for which he is scheduled to leave for Ohrid on February 1 and return on February 4. The MP also receives a special invitation from a research institute to attend a scientific conference in Athens from 4 to 7 February. The MP can accept these trips, but since they are not directly related to the performance of the function he/she should use days off.*

Travel expenses can only be accepted by entities that have a significant role in organizing and conducting the trip, and also have a clear and defined interest in the purpose of the trip or the location being visited. Expenses cannot be accepted from a source who only donated monetary value or in the form of travel support, but has no significant role in the organization and implementation of the trip.



Example 3. *A non-profit organization active in defense-related topics is holding a conference in Ohrid. An associate of the municipality in the field of defense finds out about the conference and believes that the MP will benefit from attending this conference and offers to cover his travel expenses to attend the event. The committee will not approve the MP to accept the offer of the associate to reimburse the travel expenses for the event, because he has no direct and immediate connection with the organization of the conference.*

MPs can accept reasonable expenses for transportation, accommodation and meals from a private source if they are related to a business trip, but they should not accept recreational activities or entertainment.

Example 4. *The MP participates in an international conference in Barcelona, where participants are offered free tickets to attend a sports match. The MP should not accept the offer because it is not directly related to the function he/she performs on that trip and if he/she wants to attend a sports or other cultural event he/she has to pay the equivalent of the ticket.*

An MP must not accept any one-day or multi-day trip that has been planned, organized, arranged and funded by a lobbyist or foreign agent.

MPs can accept a plane ticket or a business class train ticket only under limited conditions, in case: the price of such a ticket does not exceed the business class transport, the first class trip is required due to the passenger's disability, there are real security reasons or the flight is longer than 14 hours.

The MP who participates in an official trip can travel with a companion, but all expenses need to be covered by himself / herself.

Example 5. *The MP is invited to give a speech at an organized event as a representative of the Assembly of RNM in a foreign country. The sponsoring organization offers business class airline tickets to the MP and his wife. Even if the economy class tickets for the MP and the wife cost less than the business class MP ticket, the MP should not accept the ticket for his companion, but should pay for it from his own funds.*

Trips arising from private needs, other activities of the Member of Assembly that are not related to the performance of the Parliamentary function or activities related to the professional engagements of the spouse or close associates of the MP to whom the MP is a companion, should be treated with due care by MPs to avoid situations such trips to be interpreted as an attempt at corruption or a situation of conflict of interest.



There are certain restrictions associated with accepting this type of travel, which are related to the following:

- the benefits were not offered due to the function of the Member of Assembly, and
- the benefits are the same as those usually provided to other persons in similar circumstances.

Example 7. An MP's wife is a lawyer in a private law firm. Every year the company invites all its employees together with their spouses to a paid weekend in an exclusive hotel. The company offers this trip to all employees every year, regardless of the identity of the lawyer's husband. In this case, both the MP and his wife can accept the invitation.

Example 8. The MP has written a book and the publishing house offers him to organize a tour to promote the book in the country. The MP can accept the offer considering the duration of the tour and the fee to be in accordance with the regular fee that the publisher pays to other authors of books in the private sector. Of course, the promotion should be made outside the working hours of the MP.

A trip given to the MP as a gift by a family member, relative or close friend can be accepted, if the MP has no reason to believe that the gift was given because of his / her function and not because of family relations or personal friendship.

The MP may accept transportation, accommodation and other benefits provided by a political organization in connection with party duties or a party-sponsored campaign.

The MP may not accept any gifts, amenities, privileges, including travel from a foreign country without the consent of a competent service in the Assembly.

6.3. PARTICIPATION IN CAMPAIGNS

When participating in party activities as members and holders of positions in political parties, running or representing parties and candidates for local, parliamentary or presidential elections, the MP does not endanger the professionalism in performing the function. The MP clearly distinguishes between professional and party activities, taking care of the proper use of campaign funds and resources and campaign-related activities.



The official resources of the Assembly are used exclusively for the performance of the function of the MP; hence the resources cannot be used for campaigning or political purposes. Accordingly, resources that can generally not be used for campaigning or political purposes are Parliamentary premises and office equipment (including computers, telephones, scanners, printers, fax machines, etc.), office supplies, office vehicles, and human resources employed in the Parliamentary service. Among the specific activities that cannot be requested from employees of the Assembly are: preparation of speeches, statements for the media, promotional material, party publications or literature; preparation of reports; contacting voters; campaigning by mail (sending promotional material), etc.;

***Example 1.** In the past year, the MP has been very active on the topic of discrimination. The campaign wants to publish a brochure on this topic and an MP who is part of the campaign requests from the service of the Assembly a copy of all statements of the MP issued on the topic of discrimination. The Parliamentary Office can provide a copy of the requested campaign material.*

Materials from the archives of the Assembly should not be shared for the needs of the campaign. Members of Assembly do not use the resources of the Assembly Institute for campaign research or for the preparation of other campaigning materials.

***Example 2.** The MP has the right to send official holiday greetings to his associates and colleagues. The MP must not use this privilege in the campaign and send congratulations to family members, friends and potential voters on behalf of the office he holds.*

***Example 3.** An MP sends messages by mail for the needs of the campaign, while the printing costs and postage costs would be borne by the political party. The Member of Assembly must not use the working hours of the employees or other resources of the Assembly in the Parliamentary service for this purpose.*

The MP is allowed to use a party vehicle or a vehicle rented for the needs of the campaign by the political party of which he is a member. Funds intended for the political party campaign can also be used to pay for the costs incurred in driving the vehicle, such as insurance, registration, maintenance and repair. However, when a vehicle which is maintained with the funds of the campaign of the political party, is used for personal purposes, it is desirable for the MP to cover those costs from his own funds, which will show that he separates professional, party and personal activities.

***Example 4.** An MP wants to use a vehicle rented by a political party for the purpose of a campaign, for a private weekend trip in the country. Such use is allowed, but the reimbursement of travel expenses should be covered by the MP.*



6.4. ATTITUDE TOWARDS ASSETS ON DISPOSAL

The MP is careful in managing public funds to act properly and in accordance with the principles of thrift, economy and rationality, i.e. he / she uses public funds only for the needs of performing the function. The use of public funds should never lead to personal or financial gain for the MP or any other person.

The MP uses the premises, the inventory, financial, material and technical means that are made available to him/her, conscientiously and responsibly and exclusively for performing the function. If there is an abuse of property and material resources for personal gain (premises, vehicles, tools, equipment, office supplies, etc.), the competent service of the Assembly may decide to issue a request for reimbursement of expenses incurred by the MP.

***Example 1:** A Member of Parliament borrows a rare book on the history of political systems in Western Europe in order to prepare for a debate for the upcoming session of the Parliament where this topic will be debated. After using the book, the member of parliament does not return the book to the parliamentary library, but gives it to his son, who is a student at the Faculty of Law, to use. Such behavior is impermissible, due to the fact that the book is the property of the Parliament and it should be possible for other MPs to use it.*

Also, the information that the MPs receive in confidence during the performance of the function, should be used only in relation to the official duties. Such information may never be used for financial or any other benefit.

***Example 3:** The MP who lives outside the capital, spends his travel and accommodation expenses in the capital throughout his/her term, even though he owns an apartment in the capital that he did not report in his asset declaration. After discovering the case, the MP claims that he / she is entitled to these allowances because his / her official address of residence is elsewhere, not in the capital. The MP should always treat public funds with appropriate care and a rational approach. Such behavior is unacceptable.*

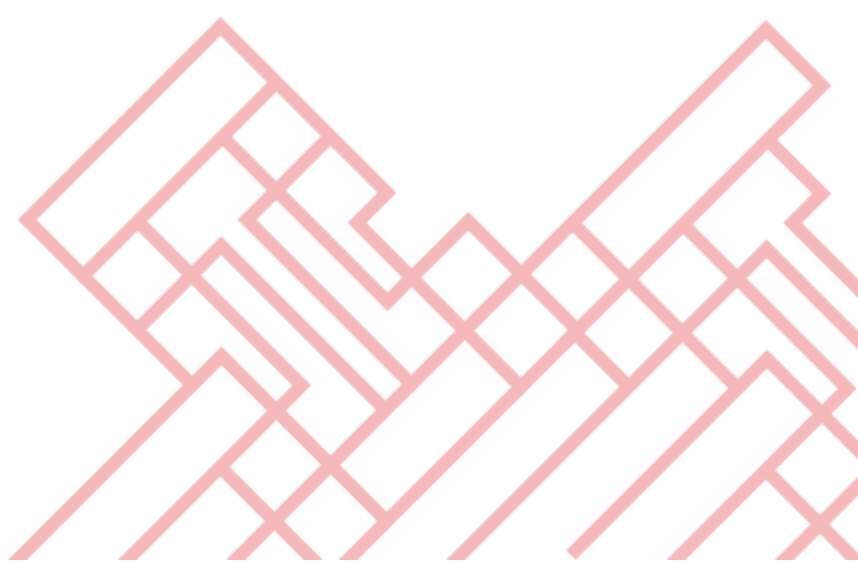


7. CONFIDENTIAL COUNSELING

With the adoption of the Code as one of the strongest systems of self-regulation, the Assembly sends a strong signal to the public about the commitment of MPs to achieve and maintain high standards of integrity. The Code establishes basic ethical principles and values, but also sets standards of conduct and helps to clarify the limits of Parliamentary discretion. The Code is an important resource for MPs that can be used in orientation and consultation in a huge number of cases regarding the proper performance of the responsibilities and duties of MPs. The Code also makes it easier for the Assembly to provide a basis for establishing and enforcing appropriate oversight and accountability mechanisms.

Unlike officials, judges and / or prosecutors, MPs are not formally trained to perform their duties. In this sense, the Code also helps new MPs with little or no experience to better understand their role and responsibilities and what is expected from them in terms of following the rules and procedures in regulating their own behavior.

Although the Code and these Instructions are the initial guide for the desired and expected conduct and behavior of MPs, confidential counseling is another tool given to MPs to be able to properly shape their activities by applying the norms defined in the Code. Even where the Code provides initial guidance, access to permanent advice and training to help MPs perform their duties and responsibilities professionally in a variety of situations, is considered a good practice which is also included in most of GRECO's recommendations. Confidential counseling is an instrument that MPs can use in cases where they have a particular moral dilemma about a particular procedure or conduct for which the recommended course of action is not clearly defined in the Code or the Instructions or they have ambiguities about how to interpret a particular norm. Confidential counseling takes place through a formal but confidential conversation between the MP and the body responsible for confidential counseling, and the subject of the conversation and its content remain secret. No minutes are kept for confidential counseling. The purpose of confidential counseling is to ensure consistent application of the Code. Confidential counseling is part of the broader integrity framework and is an adjunct to the institutional framework for implementing the Code, raising awareness of the intent and objectives of the norms contained in the Code, as well as an advisory tool that provides additional support in the application of the Code.





8. STRENGTHENING THE CAPACITIES FOR APPLICATION OF THE CODE OF ETHICS FOR MPs

For the effective application of the Code it is extremely important to provide introductory training on the norms and standards contained in the Code after its adoption in order to acquaint MPs with its content and purpose, as well as to encourage its consistent application by them. For these reasons, it is recommended to train the MPs to get acquainted with the content of the Code and the ways and standards for its consistent application, as well as the public expectations for the behavior of the MPs in performing their function. In addition, introductory training is recommended for all MPs at the beginning of their term, but also continuous updating of knowledge with short information sessions for certain areas covered by the Code, according to the needs of MPs. This will ensure systematic and continuous capacity building for the implementation of the Code, which will indirectly provide protection and principled attitude towards the fundamental ethical principles and values by MPs in situations when they face a certain moral dilemma.

This introductory training can be intended not only for MPs, but also for members of the Parliamentary service, members of the bodies responsible for monitoring the implementation of the Code, as well as representatives of the media and NGOs who are expected to play a significant role in oversight of the actions and behavior of the MPs.

For the proper setting and application of the systems of integrity, including the observance and application of the Code of Ethics, but also for the clear expression of political will to work systematically to eliminate inconsistencies in the actions and behavior of MPs, but also in the direction of building trust by the public in the office of Member of Assembly and the Assembly as an institution, the capacities for application of the Code should be constantly upgraded. This means creating an annual program for strengthening the capacities for application of the Code of Ethics, which in addition to the introductory training, will also contain specialized trainings for the individual areas covered by the Code, exchange of experiences for application and monitoring of the application of the Code in other countries, as well as mentoring sessions for MPs. This program would be prepared by the Parliamentary Institute, and would be implemented by the Parliamentary services and the Parliamentary institute, in close cooperation with the Committee on Rules of Procedure and Mandate - Immunity.

The training for the application of the Code of Ethics aims to demonstrate how bad behavior undermines the legitimacy of democratic systems, undermines citizens' trust, and encourages corruption and so on. Beside this, the training will also bring MPs closer to the internationally accepted standards of desired and expected behavior and behavior by citizens' representatives, will establish a strong system of self-regulation and will raise the standards of good governance and democratic governance.



ПРОГРАМА ЗА ПАРЛАМЕНТАРНА ПОДДРШКА
PROGRAMI PËR MBËSHTETJE PARLAMENTARE
PARLIAMENT SUPPORT PROGRAMME



СОБРАНИЕ НА РЕПУБЛИКА СЕВЕРНА МАКЕДОНИЈА



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Swiss Agency for Development
and Cooperation SDC

Mentoring sessions, which can be held as needed, can also contribute to the quality and effective application of the norms contained in the Code. At these mentoring sessions, the Parliamentary services could present the most common situations for which MPs had doubts or needed additional clarification on the application of the Code, but also a great opportunity for more experienced MPs to share with new colleagues, their own experience in starting the mandate for the first time, as well as specific moral dilemmas they have faced in the past.

In addition to training sessions, mentoring sessions or short information sessions, MPs will always be able to seek answers to their questions and dilemmas in these Instructions which will be available in electronic form and will provide easy access from any type of electronic device.

These Instructions and the Code of Ethics also should be subject to regular revision and should be constantly improved and updated, taking into account the best international practices and standards in the field.



Information about the project

The Swiss Program for Parliamentary support (PSP) will support the efforts of the Assembly of the Republic North Macedonia for independence through building consensus, structural reforms and building of capacities in institutional development the Assembly; in its legislative and supervisory roles and in his institutional transparency and accountability. PSP are implemented by the National democratic institute, the Institute for democracy "Societas Civilis" - Skopje and the Center for Change Management, for support of the strategic planning of The Assembly; for reforms in the management of human resources; for improved assessment the impact of regulation and processes for procurement; for commitment to open data and through the measurement of public opinion and the monitoring of efforts for reforms, including for greater civil engagement in the processes of creation policies.

Information about CCM

The Center for Change Management (CCM) is a think tank, non-governmental organization that believes that strengthening the capacities of public administration, the civil sector, the business community, Euro-integration and investing in people are the main agents for change in society. This document was prepared by the CCM in cooperation with NDI, OSCE Mission in Skopje, ODIHR and Commission on Rules of Procedure and Mandate and Immunity Issues and representatives from the parliamentary groups in the Parliament, which refer to the application of the Code of Ethics for Members of Parliament in the Parliament of the Republic of North Macedonia, and in the direction of improving the system for ethics in the RNM Assembly.

Contact details for CCM

Address: str. Rajko Zinzifov no. 44/1,
1000 Skopje
Tel. no.: +389 2 6092 216,
e-mail: info@cup.org.mk