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## **Conference Services**

At the request of the OSCE Delegation of the former Yugoslav Republic of Macedonia the attached response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security, is being distributed to all delegations.

ПОСТОЈАНА МИСИЈА  
НА РЕПУБЛИКА МАКЕДОНИЈА  
ПРИ МЕЃУНАРОДНИТЕ  
ОРГАНИЗАЦИИ  
ВО ВИЕНА



PERMANENT MISSION  
OF THE REPUBLIC OF  
MACEDONIA  
TO THE INTERNATIONAL  
ORGANIZATIONS IN VIENNA

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The Permanent Mission of the Republic of Macedonia to the International Organizations in Vienna presents its compliments to all Permanent Delegations and Missions of the participating States of the Organization for Security and Co-operation in Europe and to the OSCE Conflict Prevention Centre and, in accordance with Decision 02/09 of the Forum for Security Co-operation, has the honor to transmit herewith the reply of Republic of Macedonia to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security.

The Permanent Mission of the Republic of Macedonia to the International Organizations in Vienna avails itself of this opportunity to renew to the all Permanent Delegations and Missions of the participating States of the Organization for Security and Co-operation in Europe and to the OSCE Conflict Prevention Centre, the assurances of its highest consideration.

Vienna, 10 April 2018



To:

All Delegations and Missions to the OSCE in Vienna

The Conflict Prevention Center

# **Republic of Macedonia**

## **Information Exchange on the Code of Conduct of Politico-Military Aspects of Security**

**April 2018**

## **Section I: Inter-State elements**

### **1. Account of measures to prevent and combat terrorism**

#### **1.1 To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing and combating terrorism is your State a party?**

The lists of multilateral and bilateral agreements the Republic of Macedonia is a party to are given in Annexes 1, 2 and 3.

#### **1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?**

Pursuant to Article 118 of the Constitution of Republic of Macedonia, international agreements ratified in accordance with the Constitution are a part of the internal legal order and cannot be changed by law.

The Criminal Code of the Republic of Macedonia sanctions the following:

- International terrorism (Article 419),
- Association for enemy activity (Article 324),
- Punishment for preparation (Article 326),
- Punishment for the most severe forms of crimes (Article 327),
- Terrorist organization (Article 394-a),
- Terrorism (Article 398-b) and
- Financing of terrorism (Article 394-c).

In addition to the criminal offences foreseen in the above-mentioned articles, the following criminal offences from the Criminal Code are also applied in cases of individual acts of terrorism:

- Unauthorized procurement and possession of nuclear materials (Article 231 and 394);
- Unauthorized production and release for trade of generally dangerous materials (Article 295),
- Attacking an aircraft, ship or fixed platform (Article 302);
- Endangering air traffic safety (Article 303 and 394)
- Assassination of representatives of the highest state authorities (Article 309);
- Kidnapping of representatives of the highest state authorities (Article 310);
- Violence against representatives of the highest state authorities (Article 311);
- Terror threat to the constitutional order and security (Article 313);
- Diversion (Article 314);
- Sabotage (Article 315);
- Participation in Foreign Army, Police, Paramilitary or Parapolice formations (Article 322-a)
- Sheltering and assisting an offender after a crime has been committed (Article 325);
- Misuse of chemical or biological weapons (Article 407-b);
- Endangering persons under international protection (Article 420 and
- Taking hostages (Article 421)

In relation to these criminal offences, the following articles of the Criminal Code may be applied: Intent (Article 13); Negligence (Article 14); Attempt (Article 19); Joint perpetration (Article 22); Conspiracy to commit a crime (Article 393) and Criminal association (Article 394).

Pursuant to the Strategy for reform of criminal legislation of 2008, amendments to the Criminal Code were adopted in 2008, 2009, 2013, 2014 and 2015.

The aim of the amendments was to implement international standards and to improve the legal framework regarding a number of issues, among which the confiscation of property and proceeds, criminal liability of legal persons, crimes of terrorism, economic crimes and cyber crime.

In relation to the crimes of terrorism, the amendments were made primarily with the goal of harmonizing the national legislation with the following: the Convention of the Council of Europe for the Prevention of Terrorism, the Convention for the Prevention of Financing of Terrorism, the Framework Decision for fighting terrorism (2202/475/JHA) of June 13, 2002, the Framework Decision of the Council of Ministers of the European Union by 2005 and the Council Framework Decision 2005/212/JHA of February 24, 2005 for the confiscation of income, assets and property related to crime.

Specifically, the amendments further upgrade the crimes in Article 394-a: Terrorist organization and two new criminal offences were introduced: Article 394-b: Terrorism and Article 394-c: Financing of terrorism.

In accordance with article 5, 6 and 7 of the Council of Europe Convention on the Prevention of Terrorism, acts of public provocation to commit a terrorist offence, and recruitment and training for terrorism, were included within the above mention amendments: Article 394-a: Terrorist organization, Article 394-b: Terrorism and Article 394-c: Financing of terrorism.

Pursuant to the provisions (of 2009) on the confiscation of property and proceeds and the removal of objects, the “perpetrator shall be subject to confiscation of the indirect property gain, consisting of the following:

- the property into which the proceeds of crime have been transformed or converted,
- the property acquired from legitimate sources if proceeds of crime have been intermingled, fully or partially, with that property, up to the estimated value of the intermingled proceeds of crime, and,
- the income or other benefits derived from the proceeds of crime, from property into which such proceeds of crime have been transformed or converted or from property with which such proceeds of crime have been intermingled, contains the proceeds from a crime, up to the estimated value of the intermingled proceeds of crime.”

Moreover, it is provided that: “The proceeds from crime shall be also confiscated from family members of the perpetrator to whom the proceeds were transferred, if it is obvious that they did not provide compensation that corresponds to the value of the obtained proceeds or from third parties, if they fail to prove that they paid an amount corresponding to the value of the proceeds for the item or property.”

Furthermore, extended confiscation has been introduced and it has particular application to crimes related to terrorism. The provisions provide for confiscation of property which “was acquired within a certain period of time before the court conviction, which the court establishes according to the circumstances of the case, but not longer than 5 years before committing the crime, when based on all circumstances the court is reasonably convinced that the property surpasses the lawful income of the perpetrator and it originates from such an act.”

In accordance with international standards, criminal liability for legal persons was introduced in the 2008 amendments and supplements to these provisions of the Criminal Code were made with the 2009 amendments.

Namely, in accordance with Article 28-A and B, in the cases determined by law, the legal entity is responsible for the offence committed by the responsible person in the legal entity, on behalf or for the benefit of a legal person.

The legal entity is responsible for a crime committed by his employee or agent of the legal entity, which has acquired significant property benefits or has inflicted considerable damage to another, under the conditions specified in Article 28-C.

Liability of a legal person does not exclude criminal liability of a natural person as the perpetrator of the offence.

The following legislation has also been adopted: Amendments to the Law on Criminal Procedure, Law on the Interception of Communications and Law on the Prevention of Money Laundering and other Proceeds from Crime and Financing of Terrorism.

**The most relevant articles of the Criminal Code relating to terrorism are given below:**

**Terrorist organization  
Article 394-a**

- (1) Any person who organizes a group, gang or other criminal enterprise to commit the criminal offences of murder, corporal injuries, abduction, destruction of public facilities, transport systems, infrastructure facilities, information systems and other facilities of general use, hijacking of airplanes or other means of public transport, production, possession or trade in nuclear weapons, biological, chemical weapons and other types of weapons and hazardous materials, dispersal of hazardous radioactive, poisonous and other dangerous substances or arson or causing explosions, destruction of plants and facilities for supply of water, energy and other fundamental natural resources, with an intention to endanger the lives and bodies of the citizens and create a feeling of insecurity and fear, shall be sentenced to imprisonment of at least eight years.
- (2) The member of the group, gang or other criminal enterprise, as well as the person, who assists in any possible manner, shall be sentenced to imprisonment of four, up to ten years. The sentence as referred to in paragraph (2), shall be also imposed to any person who publicly calls for, instigates or supports the establishment of a terrorist organization.
- (3) The perpetrator of the crime as referred to in paragraph (1), who, by discovering the organization, or in any other manner prevents the execution of the planned crimes, shall be sentenced to imprisonment of 3 months, up to 3 years, or he or she may be acquitted.
- (4) The perpetrator of the crime as referred to in paragraph (2), who discovers the organization before committing one of the crimes referred to in paragraph (1) as its member or for its benefit, shall be acquitted.
- (5) Any real estate used, and the items and objects intended for preparation of the crimes referred to in paragraphs (1), (2) and (3) shall be seized.

**Terrorism  
Article 394-b**

- (1) Any person who threatens, orders or commits one or more crimes of murder, corporal injuries, abduction, destruction of public facilities, transportation systems, infrastructure facilities, computer systems and other facilities of general use, hijacking of airplanes or other means of public transportation, production, possession, transportation, trade, procurement or use of nuclear weapons or nuclear materials, biological, chemical weapons and other types of weapons and hazardous materials, bombing, or placement of other explosive devices in public places, as well as research in the direction of development of biological and chemical weapons, release of dangerous radioactive, poisonous and other dangerous substances or causing fire or an explosion, destruction of facilities for water supply, energy supply or other basic natural sources, with the intention to create a feeling of insecurity or fear among citizens or to force a natural or a legal person, international organization or state to carry out or to refrain from carrying out certain actions, shall be sentenced to imprisonment of at least ten years or life imprisonment.
- (2) Any person who seriously threatens to commit the crime referred to in paragraph (1) of this article directly or indirectly, by using electronic means or other ways, with the intention to endanger human life and body and to create feeling of insecurity or fear among citizens, shall be sentenced to imprisonment of at least eight years.
- (3) Any person who publicly calls for, by spreading a message or making it publicly available in any other manner, with an intention to instigate some of the activities referred to in paragraph (1) of this article, when the appeal itself creates a danger of committing such a crime, shall be sentenced to imprisonment of four to ten years.
- (4) The sentence referred to in paragraph (1) of this article shall be also applied for a person who forces someone to perform the crime specified in paragraph (1) of this article by force or serious

threat upon the person's life and body or upon the life and body of the person's closely related people.

(5) The sentence referred to in paragraph (2) shall also be imposed to any person who shall agree with another person to commit the crimes referred to in paragraph (1), or shall invite another person to join an enterprise or a group with an intention to commit the crime referred to in paragraph (1).

(6) Any person who organizes manufacture, prepares, produces, sells, buys, transports or holds explosives, firearms or other types of weapons or hazardous substances intended to commit the crime as referred to in paragraph (1), as well as any person who conducts training, or in any other manner prepares another person to commit the crime referred to in paragraph (1), shall be sentenced to imprisonment of at least four years.

(7) A person who performs a grand larceny in order to obtain the necessary objects to commit any of the crimes referred to in paragraph (1) of this article, shall be sentenced to imprisonment of at least four years.

(8) If the crime has been committed by a legal entity, it shall be punished with a monetary fine.

(9) Any real estate used, and the items and objects intended for preparation or committing the crimes shall be seized.

### **Financing of terrorism**

#### Article 394-c

(1) A person who in any way directly or indirectly gives, provides or collects money or other property however acquired, with the intention to use them or with knowledge that they will be used completely or partially for committing crime of Unauthorized acquiring and disposing with nuclear materials from Article 231, Hijacking an airplane, a ship or fixed platform from Article 302, Endangerment of air traffic security from Article 303, Terroristic endangerment of the Constitution and safety from Article 313, Terrorist organization from Article 394-a, Terrorism from Article 394-b, Crimes against humanity from Article 403-a, International terrorism from Article 419, Endangerment of persons under international protection from Article 420 and Taking hostages from Article 421 or other act of terrorism provided by this law or other crime committed with the intention to cause death or serious body injury of citizens or other persons who are not included in a conflict with the character of an armed conflict according to international law, with the intention to create a feeling of insecurity or fear among the citizens or to force any state or international organization to carry out or to refrain from committing certain acts shall be sentenced to imprisonment of at least ten years.

(2) A person who in any way directly or indirectly gives, provides or collects money or other property however acquired with the intention to be used or with knowledge that they may be used, fully or partially, to prepare committing the criminal offence from paragraph (1) of this Article, regardless if the money or other property are used or utilised for committing such crime shall be punished with imprisonment of at least eight years.

(3) The person who publicly calls, by sharing or otherwise makes a message available to the public, with the intention of encouraging to commit any of the crimes under this Article, when the calling itself represents a danger from committing such crime, shall be sentenced to imprisonment of at least five years.

(4) With the punishment from paragraph (3) of this Article shall be punished the person who with another person agrees to commit a crime under this Article or invites another person to join an organization or group with the intention to commit crime under this Article.

(5) The person who will create a group or gang with the purpose of committing a crime under this Article shall be sentenced to imprisonment of at least ten years.

(6) The member of the group or the gang from paragraph (5) under this Article shall be sentenced to imprisonment of at least five years.

- (7) The member of the group or gang who will reveal the group, or the gang before it commits a crime in its capacity or its name can be liberated from punishment.
- (8) Official, person responsible in a bank or other financial institution or person who performs activities of public interest, who pursuant to a law is authorized for undertaking measures and activities to prevent financing terrorism, who consciously will fail to undertake the measures provided by law and thus will allow executing the crime under this Article, shall be sentenced to imprisonment of at least three years.
- (9) The punishment under paragraph (8) under this Article shall be applied to an official or responsible person who without authorization will reveal data to a client or unauthorized person regarding the proceeding for examining suspicious transactions or undertaking other measures and activities to prevent financing terrorism.
- (10) The person who will commit the crimes from paragraphs (8) and (9) under this Article, although was not aware of the possibility of the occurrence of harmful consequences, and according the circumstances and his/her personal properties has been obliged and could have been aware of that possibility shall be sentenced to imprisonment from one to ten years.
- (11) If the crime under this Article is committed by legal person, it shall be punished with fine and termination of the legal person.
- (12) The money and property intended for preparation and execution of the crimes under this Article shall be seized.

#### **Article 322-a**

- (1) All who contrary to law shall establish, organize, recruit, transport, organize the transportation, provide equipment, train or prepare in another manner another person or a group of persons for participation in a foreign army, police, paramilitary or parapolice formations, in organized groups or individually, outside the territory of the Republic of Macedonia, shall be sentenced to imprisonment of at least five years.
- (2) All who contrary to law, in any manner, directly or indirectly, offer, deliver, provide, request, collect or conceal money, funds, assets or equipment, which are fully or partially intended for perpetration of the crime referred to paragraph (1) of this Article shall be sentenced to imprisonment of at least five years.
- (3) Nationals of the Republic of Macedonia who contrary to the law participate in or are trained by a foreign army, police, paramilitary or parapolice formations, in organized groups or individually, outside the territory the Republic of Macedonia, shall be sentenced to imprisonment of at least four years.
- (4) All who contrary to the law, at a gathering, in a written text, or using audio and video recordings, social networks or in any other form of communication call upon, by disseminating or making available a message to the public in any other manner, or who recruit or incite another person to perpetrate the crimes referred to in paragraphs (1), (2) or (3) of this Article, shall be sentenced to imprisonment of at least four years.
- (5) If crimes referred to in paragraphs (1), (2), (3) or (4) of this Article are perpetrated against a child, the perpetrator shall be sentenced to imprisonment of at least five years.
- (6) All who harbour the perpetrator of crimes referred to in paragraphs (1), (2), (3), (4) or (5) of this Article or who aid and abet in preventing the detection of a crime or of a perpetrator of a crime, by concealing the means using which the crime has been perpetrated, or by concealing the evidence, or in any other manner, shall be sentenced to imprisonment of one to five years.

- (7) The perpetrator of a crime under this Article who shall reveal the perpetrators of crimes referred to in paragraphs (1), (2), (3), (4) or (5) of this Article, may be acquitted.
- (8) A person who has committed a crime under paragraph (3) of this Article shall not be punished provided that the concerned person holds the nationality of the state in the regular military or police formations of which the person participates, or provided that the concerned person is a member of military or paramilitary formations or police forces under the control of internationally recognized governments or international organizations.
- (9) The attempt to perpetrate a crime shall be punished.
- (10) The means and the items used for committing the crimes shall be confiscated.”

On 21 September 2005 Parliament adopted the Law on Export Control of Dual-Use Goods and Technologies. Following the adoption of Council Regulation (EC) No 428/2009 of May 5, 2009, which sets up and expands the scope of the Community regime for the control of exports, transfer, brokering and transit of dual-use items, the Republic of Macedonia amended its Law on Export Control of Dual-Use Goods and Technology (Official Gazette of the Republic of Macedonia No. 158/2010). These amendments include more precise provisions and expanded scope of export control (transit, brokering).

In 2006 Parliament adopted the Law on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons.

In 2005, Republic of Macedonia obtained the status of candidate country for EU membership. Since 2005, on yearly basis, the Government adopts the National Program for Adoption of the Acquis Communautaire (NPAA). The area concerning the fight against terrorism is comprised within the section Ability to Assume the Obligations Arising from Membership, Chapter 24- Justice, Freedom and Security.

The activities envisaged in this area of the NPAA are systematized in order of the following priorities: harmonization of the legislation in the area of the fight against terrorism, advancement of the cooperation and exchange of data with EUROPOL and EUROJUST regarding terrorist acts investigations and strengthening the institutional capacities for the fight against terrorism.

The Republic of Macedonia actively follows the measures and initiatives of the EU in the fight against terrorism. In order to enhance international efforts in this area, the EU Declaration on Combating Terrorism (March 2004) and the EU Strategic Objectives to Combat Terrorism contained therein, envisage, inter alia, inclusion of a counter-terrorism clause in all agreements with third countries.

Following the established practice of adhering to the instruments of the EU Common Foreign and Security Policy, the Republic of Macedonia adhered to the Common Position 2001/931/CFSP on the Application of Specific Measures to Combat Terrorism, as well as to the subsequent Common Positions on Updating the Lists of Individuals, Groups and Entities which the aforementioned Common Position refers to.

The Republic of Macedonia supports the work of, and actively cooperates with the Counter-Terrorism Committee of the United Nations Security Council. The last follow-up visit of the Counter-Terrorism Committee was carried out from 12 to 14 October 2011.

In the framework of co-operation with the Council of Europe, the country fully supported the establishment of the Multidisciplinary Group on Terrorism (GMT) and its activities in criminal, civil and administrative matters as well as the past work of the Reflection Group on developments international co-operation in criminal matters. Participation in the work of the Committee of Experts on Terrorism (CODEXTER) should also be mentioned.

Macedonia has been part of the Proliferation Security Initiative from its inception in 2003. On 19 March 2007 the Republic of Macedonia adhered to the Statement of Principles of the Global Initiative to Combat Nuclear Terrorism.

Since 2011 the Republic of Macedonia takes an active part in the European Union Chemical Biological Radiological and Nuclear Risk Mitigation Centres of Excellence Initiative as part of the

CBRN Centers of Excellence) for South East and Eastern Europe. Following a decision by the Government, a National CBRN coordination body was established on June 19, 2012, consisting of representatives of all competent authorities. This body is headed by a National CBRN Coordinator coming from the Ministry of Foreign Affairs of the Republic of Macedonia.

### **1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?**

In conformity with the Law on Internal Affairs, the Security and Counter-Intelligence Directorate in the framework of the Ministry of Internal Affairs is, among other things, in charge of combating and preventing terrorism.

The Intelligence Agency is tasked with collecting data and information of importance to the security and defense of the Republic of Macedonia, including the issue of terrorism.

The Military Security and Intelligence Service is, *inter alia*, responsible for detecting and preventing all forms of terrorist activities directed against the defense of the Republic of Macedonia.

In accordance with Article 137 paragraph 1 subparagraph 4 of the Defense Law, the Military Police participates in the combat against diversion, terrorist and other armed groups.

Moreover, in accordance with the above-stated Article, the Minister of Defense approves detailed regulations on the activities of the Military Police (Rulebook on the operational procedures of the Military Police, Official Gazette of the Republic of Macedonia no.136/2016).

In March 2016, the Government of the Republic of Macedonia adopted the National Strategy for Combating Terrorism for the period 2016-2020 as a follow up to the previous National Strategy for Combating Terrorism (2011-2015). The Strategy sets a general framework for actions of the Republic of Macedonia in the fight against terrorism. It contains guidelines for improving existing measures and establishing new mechanisms and instruments for preventing and combating terrorism. The strategy also builds on the of National concept for Defense and Security, adopted on 23 June 2003 which defined the need for taking a range of specific measures and activities, promoting and developing procedures and mechanisms to combat terrorism, illegal migration, drug trafficking, trafficking with weapons, people and strategic materials and the need for better coordination and development of common operating procedures, especially with the armed forces in the fight against terrorism and border security.

In July 2017 the Government of the Republic of Macedonia adopted a decision on the appointment of the National coordinator for prevention of violent extremism and fight against terrorism and two Deputies, one for violent extremism and the other for terrorism, as well as on the establishment of the National Committee for the Prevention of Violent Extremism and Fight against Terrorism (whose members were formally appointed in August 2017). The new structure is tasked to prepare a new National Strategy and two accompanying action plans to be adopted in 2018, as part of the new Government's priority reforms and activities.

### **1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:**

#### **- Financing of terrorism;**

In addition to the relevant Articles of the Criminal Code presented under 1.2, the new Law on the Prevention of Money Laundering and Financing of Terrorism was adopted in September 2014(Official Gazette 130/14).

For the purposes of alignment with the provisions of the Law on misdemeanors, the Law on prevention of money laundering and financing of terrorism has been amended. Law on Prevention of Money Laundering and Financing of Terrorism was published in the Official Gazette br.192 / 15 and entered into force on 12 November 2015.

The Law on the Prevention of Money Laundering and Financing of Terrorism has been harmonized with the Convention for the Suppression of the Financing of Terrorism, the FATF recommendations, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism of 2005 (Warsaw Convention), the EU III Directive, Moneyval recommendations, and other relevant international instruments in this area.

The Law defines measures and activities for disclosure and prevention of money laundering and financing of terrorism, to be undertaken by obligated entities, sets out the competence of the Financial Intelligence Office (FIO), monitoring modalities and misdemeanor provisions etc. According to the AML/CFT Law, all AML/CFT measures are obligatory for all entities.

For the purposes of implementation of IV EU Directive and revised FATF recommendations, a draft AML/CFT Law was prepared and currently a process of inter-institutional consultations is ongoing.

To address the shortcomings identified under FATF SR III, a Draft Law on restrictive measures, harmonized with UN Security Council Resolutions, was prepared with expert's assistance through EU TAIEX Instrument and with the legal opinion of the Moneyval Secretariat. The Opinion and comments of the Secretariat and all relevant institutions in the Republic of Macedonia were adequately incorporated in the draft Law on restrictive measures.

The Law on restrictive measures was adopted by the Parliament on 22<sup>nd</sup> December 2017 (published in the Official Gazette no.190/2017). The law regulates the procedure for introducing, amending and terminating the validity of restrictive measures, implementation, coordination, record keeping, supervision and other issues relating to restrictive measures.

The FIO prepared the guidelines for entities for the application and acting upon financial measures, including the financial measures against terrorism and/or proliferation, the manner of reporting and cooperation, in accordance with the Law on restrictive measures.

The National Strategy for Combating Money Laundering and Financing Terrorism with Action Plan was adopted by the Government on 28<sup>th</sup> November 2017. The National Strategy for Combating Money Laundering and Financing Terrorism is a medium-term strategic document that defines the basic strategic goal for the period 2017-2020, ranks the priorities and defines the activities to be undertaken in order to improve the AML/CFT system in the Republic of Macedonia through realization of 13 specific goals. The measures and activities elaborated in detail in the Action Plan of the National Strategy by the Council for Combating Money Laundering and Financing of Terrorism are defined in accordance with the conclusions and findings of the Report on the conducted national risk assessment of money laundering and financing of terrorism, adopted by the Government of the Republic of Macedonia in August 2016.

The FIO is in charge of collecting, processing, analyzing, keeping and submitting data to the competent authorities with the aim of disclosing and preventing money laundering and financing of terrorism.

For the purpose of raising awareness in respect of timely and effective implementation of measures against money laundering and financing of terrorism, in 2010 the Administration against Money Laundering and Financing of Terrorism published and disseminated the Guidelines for implementation of measures and actions aimed at preventing money laundering and financing of terrorism.

In 2015, FIO has updated the indicators for recognize of suspicious transactions related with financing of terrorism.

FT indicators are regularly updated. All initiatives of the FATF concerning FTF are supported by the Macedonian authorities and risk indicators are delivered in timely and secured manner to obliged entities and competent authorities.

The FIO continuously conducts trainings and has issued several guidelines for obliged entities.

The Project “Action against economic crime in the Republic of Macedonia” funded by EU and the Council of Europe, implemented by the Council of Europe, was officially launched on 26<sup>th</sup> October 2016. The project addresses needs of the Macedonian institutions shaped in accordance of the results of the Moneyval and GRECO reviews and evaluations. In this context this project covered the following themes: National Strategy design and strategy, legislative review, interagency cooperation, international cooperation, strengthening of the capacities of all stakeholders in the AML/CFT system and other needs related to the institutions involved in AML/ CFT system.

In line with the project plan and in order to accomplish program’s specific objectives several activities were finished:

- preparation of AML/CFT National Strategy and Action Plan
- analysis of the AML/CFT Law and harmonization with FATF Recommendation
- preparation of tactical and strategic analysis of ML/FT red flag indicators
- preparation of ML/ FT typologies
- roadmap for establishment of BO Register and
- preparation of Guidelines for identification of BO.

The following activities are ongoing:

- improvement of the supervisory authorities cooperation and authority procedures for supervision, especially in the part of off-site control over the entities that should impose measures and activities according to the AML/CFT Law,
- preparation of guidelines for entities obliged to implement financial restrictive measures on the basis of the newly adopted Law on restrictive measures.

#### **- Travel document security;**

The Ministry of Interior issues personal documents with high level of security, and in accordance with ICAO standards. In accordance to the Law on travel documents, the deadline for

replacement of the old passports expired on 27 February 2012. On 27 April 2011 the process for implementation of fingerprints in the biometrical travel documents began.

## **- Security of radioactive sources**

The Republic of Macedonia is a State Party to the Convention on the Physical Protection of Nuclear Material, as amended. The basic legal document on the safety and security of radioactive and nuclear materials is the Law on Ionizing Radiation Protection and Safety. Under the Law, the Radiation Safety Directorate was established to, inter alia perform the following activities: conduct the sign up procedure, licensing and control of the ionizing radiation sources, in accordance with the law and regulations adopted pursuant to the law, establish the intervening levels and radiation protection and safety requirements, issue and withdraw license for practice with ionization radiation sources, undertake intervention measures in case of emergency, define exposure levels that are excluded with a general act adopted pursuant to the law and exemptions of the ionizing radiation sources of low activity, as prescribed by a general act adopted pursuant to the law, maintain the National Registry on ionizing radiation sources and occupational exposed workers, as well as register on nuclear materials, supervise, through authorised professional institution, the professional activities of legal persons which work with ionizing radiation sources, cooperate with other governmental authorities and institutions on matters within the competence of the Directorate, ensure training of the radiation protection officers and persons working with ionizing radiation sources, initiate researches on radiation protection, on radiation safety and nuclear security, establish appropriate mechanisms for informing the population on the radiation protection, maintain records and control of total nuclear material in the Republic of Macedonia, prepare a Plan on protection of the population in case of radiological emergency in the Republic of Macedonia, verify certificates for presence of radionuclide in products, plan and conduct the international cooperation in the field of ionizing radiation, conduct supervision and undertake any other activities related to radiation protection. The Government of the Republic of Macedonia has made a political commitment to the Code of Conduct on the Safety and Security of Radioactive Sources and its supplementary Guidance on the Import and Export of Radioactive Sources and thus, endeavours to follow the guidance in the Code and its accompanying Guidance. In that regard, national contact points have been nominated for the purpose of facilitating export and/or import of radioactive sources in accordance with the Code of Conduct on the Safety and Security of Radioactive Sources and the Guidance on the Import and Export of Radioactive Sources. The Law on Ionizing Radiation Protection and Radiation Safety covers safety and security issues as well. Furthermore the regulations adopted by the RSD (25 in total) covers to a great extend interfaces between safety and security. The scope of the Law covers system of control of all ionizing radiation sources and establishment measures of radiation safety and nuclear security. In accordance with the provisions of the Law, the Law regulates the system of control of all ionizing radiation sources, as well as the protection of population and the environment against the exposure or potential exposure to ionizing radiation. The Law regulates also the management of radioactive and nuclear material, as well as the establishment of the measures of radiation safety and nuclear security. Additional provisions related to nuclear security are contained in the Regulation on premises, equipment and devices, as well as, the workers who might work with ionizing radiation sources and in the National radiation emergency plan (Plan on protection of the public in case of radiation emergency), which was adopted by the Government.

## **- Legal co-operation including extradition**

The Republic of Macedonia has ratified all relevant international instruments containing provisions on international legal assistance in criminal matters.

The Law on International Cooperation in Criminal Matters was adopted in 2010. The main purpose for adoption of the Law on International Cooperation in Criminal Matters is to accomplish a transnational, unified cooperation between countries in the prevention of crime, which will correct many traditional principles on which the international cooperation was based. Current extremely slow and expensive procedures will be replaced with simple, effective and less costly procedures. The Law on Criminal Procedure regulates the procedure for providing international legal assistance in criminal matters.

On the Session of the Parliament of the Republic of Macedonia, held on 12 April 2011, the Amendment XXXII of the Constitution of the Republic of Macedonia was adopted, thus allowing for signing of Agreements for extradition of Macedonian citizens to other states, with the aim of conducting criminal procedures for perpetrated criminal acts in the area of organized crime and corruption. A citizen of the Republic of Macedonia cannot be extradited to another country, unless on the basis of a ratified international agreement, and with a court decision.

## **2. Stationing of armed forces on foreign territory**

### **2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law**

The participation of the Armed Forces of the Republic of Macedonia outside the national territory is regulated by Articles 41-44 of the Defense Law

Pursuant to Article 41 paragraph 1 of the Defense Law (Official Gazette of the Republic of Macedonia no. 42/01, 5/03, 58/06, 110/08, 51/11, 151/11 and 215/15), "In accordance with the ratified international agreements, the active and the reserve Armed Forces, as well as military officers and civilians employed in the Armed Forces and Ministry of Defense may participate in exercise and training activities as well as humanitarian and peacekeeping operations outside the territory of the Republic. (Article 41 paragraph 1)

The decision for deploying units outside the territory of the Republic for participation in exercise and training activities and humanitarian operations is made by the Government. (Article 41 paragraph 2).

The decision for deploying units outside the territory of the Republic for participation in peacekeeping operations is made by the Parliament of the Republic. (Article 41 paragraph 3)

The decision for deploying Ministry of Defense employees outside the territory of the Republic in cases of Paragraph 1 of this Article is made by the Minister of Defense. (Article 41 paragraph 4).

Pursuant to the Law on amending the Defense Law, published in the Official Gazette of the Republic of Macedonia no. 110 dated 2 September 2008, the new Article 41-a has been added, which reads, "excluding Article 41 paragraph 3 of this Law, the decision for deployment of Army units outside the territory of the Republic of Macedonia for participation in NATO-led peace operations and execution of the individual and collective self-defense in accordance with the ratified international agreements is made by the Government."

According to Article 42 of the Law, conscripts during their service in the Armed Forces may not be assigned to active units of the Armed Forces deployed outside the territory of the Republic for participation in exercising and training activities, humanitarian or peacekeeping operations.

According to Article 43, the members of the reserve units of the Armed Forces may be assigned in the units of the Armed Forces outside the territory of the Republic if they express their consent. While being assigned outside the territory of the Republic, the members of the reserve

units of the Armed Forces have a status of professional soldiers or military officers or NCOs from the active units of the Armed Forces.

Pursuant to Article 44, the rights and obligations of the members of the reserve units as well as of the employees of the Ministry of Defense who have been sent outside the territory of the Republic in cases from Article 43 of this Law, are regulated by a contract, signed with the Ministry of Defense.

Based on the amendments to the Defense Law, in accordance with a ratified international agreement, the Government of the Republic of Macedonia, once the state becomes a NATO member, will make decisions for sending army units for participation in peace operations and in NATO-led operations for collective defense outside of the territory of the Republic of Macedonia. For the time being, the decision on sending troops to operations abroad is made by the Parliament.

### **3. Implementation of other international commitments related to the Code of Conduct**

#### **3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.**

Arms control, disarmament, confidence- and security-building measures, along with their continued implementation, remain among crucial elements of Euro-Atlantic stability and security. The Republic of Macedonia fully complies with the obligations arising from the Vienna Document 2011, the Code of Conduct on Politico-Military Aspects of Security, and all disarmament and arm control treaties it is a party to.

The Republic of Macedonia is not a party to the Treaty on Conventional Armed Forces in Europe but it has expressed interest in joining it once the adapted CFE enters into force. The Republic of Macedonia is not a party to the Open Skies Treaty.

#### **3.2 Provide information on how your State pursues arms control, disarmament and Confidence- and security-building measures with a view to enhancing security and stability in the OSCE area**

Within the MoD there is an organizational unit that deal with the supervision of arms control, disarmament and confidence and security building measures (Arms Control and Verification Center).

The Republic of Macedonia participates in activities aimed at arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area, in particular given its focus on the countries in our region and close neighborhood. The Republic of Macedonia is a party to a number of bilateral, multilateral and regional agreements aimed at further enhancing security and stability in the OSCE area such as:

- Agreement on the Multinational Peace Force South-Eastern Europe, signed in Skopje on 26 September 1998, by Albania, Bulgaria, Macedonia, Greece, Romania and Turkey;
- Charter on Good-Neighborly Relations, Stability, Security and Cooperation in South-Eastern Europe, 12 February 2000, signed by Albania, Bulgaria, Greece, Macedonia, Romania and Turkey;
- Declaration on Small Arms and Light Weapons. (Stability Pact, Working Table III on Security Issues), 18 Nov 1999, participating states: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, Macedonia, Moldova, Romania, Slovenia and Turkey;

- Agreement on Co-operation to Prevent and Combat Trans-Border Crime (SECI), signed in Bucharest on 26 May 1999 by Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Greece, Hungary, Moldova, Romania, Slovenia and Turkey.

The Republic of Macedonia undertakes a number of activities aimed at full fledged membership in the Wassenaar Arrangement.

Representatives of the Republic of Macedonia take part in courses, seminars, workshops on arms control, disarmament and confidence and security building measures, especially those held in RACVIAC and in the other OSCE countries.

## **Section II: Intra-State elements**

### **1. National planning and decision-making process**

#### **1.1 What is the national planning and decision-making process in determining/approving military posture and defense expenditures in your State?**

##### **(a) The military posture**

In accordance with Article 17 of the Defense Law, the Parliament of the Republic of Macedonia has the following role in the area of Defense:

- Performs supervision on the realization of the authorities of the Government in the Defense area and follows the preparations of the Republic for Defense;
- States an immediate military threat to the Republic;
- Declares beginning and termination of the state of war;
- Decides on the extent of funds necessary for Defense;
- Approves the wartime budget of the Republic;
- Decides on joining and resigning from the collective security and Defense systems;
- Ratifies international agreements which pertain to entering, transiting through or presence of armed forces of foreign countries on the territory of the Republic of Macedonia for exercise and training activities, participation in peacekeeping and humanitarian operations, as well as participation of the units of the Armed Forces of the Republic in similar activities abroad;
- Approves a national security and Defense concept of the Republic;
- Passes resolutions regarding the Defense system, plans for Defense development, equipping and combat readiness of the Armed Forces.

The Government submits a report on the documents from the last serial of this Article, on request by the Parliament or on two-year basis.

In order to introduce herself/himself to the activities within the Armed Forces, a Parliament member may ask for a visit to units, command posts and headquarters organized by the Ministry of Defense.

According to Article 20 of the Defense Law, the Ministry of Defense has the following role in the area of Defense:

- Creates a Defense Strategy of the Republic;
- Makes assessment of possible military and other threats which threaten the sovereignty, independence and territorial integrity of the Republic as well as of threats to the territory of natural disasters and other accidents;
- Organizes and prepares the Defense system and proposes measures for its development and improvement;
- Creates the Defense Plan of the Republic;
- Organizes and supervises transfer and execution of the order for taking readiness measures;
- Organizes and carries out Defense planning;
- Plans the Defense needs and develops financial plans and programs for the Defense needs;
- Allocates funds for the Defense in accordance with the Budget of the Republic;
- Performs control over execution of the funds allocated for the needs of the defense;

- Plans material reserves for the needs of the defense in a state of war;
- Plans and organizes materiel support for the needs of the defense;
- Organizes and performs health care for the needs of the defense;
- Proposes the organization and the formation of the Armed Forces;
- Performs manning of the Armed Forces;
- Organizes and performs mobilization of the Armed Forces;
- Performs control and evaluation of the combat readiness of the Armed Forces;
- Approves the annual plan for exercising activities of the Armed Forces;
- Approves the annual plan for education and advanced training of the employees in the Armed Forces and the Ministry of Defense as a portion of the general training plan;
- Carries out expert and managing activities regarding construction of military and other facilities of importance for the defense as well as investment facilities for the needs of the Armed Forces;
- Organizes and accomplishes exercising activities of the agencies of the Government, local self-management units, trade companies and public enterprises, institutions and services;
- Performs equipping of the agencies of the Government for work in a state of war;
- Plans and organizes arranging of the territory for the needs of the defense;
- Organizes and prepares command communications for the needs of the defense in state of war and a state of emergency;
- Organizes, prepares and accomplishes crypto-protection of secret data in the area of the defense;
- Performs frequency management in radio-communications for the needs of the defense;
- Organizes and provides functions of integrated communication and information system;
- Maintains records of citizens who have served as conscripts, and mans the reserve forces of the Army;
- Organizes intelligence and counter-intelligence activities for the needs of the defense;
- Organizes and carries out prevention and detection of criminal activities in the military units, in military units camping sites, exercise training areas, and facilities and areas designated by the Government of the Republic of Macedonia;
- Controls accomplishing the protection of the secrecy of data of importance for the defense;
- Organizes and carries out defense training;
- Creates curriculums and programs for defense training;
- Organizes functions of the Defense Training Center;
- Carries out administrative procedures which regulate carrying out rights and duties of citizens in the area of defense;
- Makes personnel policies;
- Takes care of the ethnic structure of the key leaders and other personnel in the Armed Forces with maintaining the necessary expert level;
- Organizes and carries out public relations activities;
- Organizes and carries out publishing activities;
- Establishes standards and other documents for standardization for the needs of the defense , in accordance with a law;
- Controls the application of this Law and other regulations in the area of defense;
- Provides expert assistance to the Ministries and other state administration bodies and institutions in the defense preparations;
- Organizes scientific research for the needs of the defense;
- Organizes scientific and technological cooperation in the area of defense with institutions outside the Republic;
- Plans accomplishing international cooperation in the area of defense;
- Organizes visits of Parliament Members to the Ministry of Defense and the Armed Forces;

- Approves regulations for recruiting and manning of the active component of the Armed Forces, education and advanced training of the employees of the Armed Forces and other regulations which pertain to the service in the Armed Forces;
- Approves regulations regarding the education and advanced training for the MOD employees;
- Approves instructions in the area of defense.
- Organizes preparations of the system of the Ministry of Defense for crisis management, and provides assistance to the Crisis Management System of the Republic;
- Organizes and manages the national codification system for the needs of the defense and the specialized industry in line with the standards for quality assurance;
- Organizes the military healthcare system and ensures the implementation of the health care in accordance with this law and performs healthcare pursuant to the healthcare license pursuant to the healthcare regulations;
- In a state of war, the Ministry of Defense performs staff and other duties for the needs of the President of the Republic.

**(b) Defense expenditures**

According to the Law for Budgets, the Ministry of Finance determines the mid-term macroeconomic policy and the mid-term fiscal strategy, referring to a period of three years. The Government of the Republic of Macedonia defines the governmental priorities for the following budget year. These activities run no later than April during the current year when the Ministry of Finance and the Government of the Republic of Macedonia define the indicative amounts/limits for the resources allocated to the Ministry of Defense for the following budget year. The Government is committed to finance defense with up to 2.00% of GDP.

The Ministry of Defense, in the period from April until 15 June, prepares a draft budget and submits it to the Ministry of Finance until 15 June the latest. The Ministry of Defense and the Ministry of Finance harmonize the draft budget until September and the Ministry of Finance submits the harmonized budget to the Government of the Republic of Macedonia at the beginning of October. The Government submits the Defense budget, after having it reviewed, to the Parliament of the Republic of Macedonia for its adoption.

The Parliament of the Republic of Macedonia, through parliamentary commissions and sessions reviews the draft budget, with members of parliament having the right to amendments, and adopts the Defense budget by the end of the current year. The adopted budget is then published in the Official Gazette.

Within the framework of a long term defense development plan, the budget program has been prepared until 2018.

**1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?**

According to Article 122, Chapter VII of the Constitution of the Republic of Macedonia: “The Armed Forces of the Republic of Macedonia protect the territorial integrity and independence of the Republic”.

Furthermore, Chapter III of the 2010 Defense Strategy of the Republic of Macedonia, i.e. Strategic Missions of the Defense System, states the following missions for the armed forces:

- defense and protection of the territorial integrity and independence of the Republic of Macedonia;
- participation in the NATO collective self-defense;
- contribution to operation in the overall UN, NATO and EU spectrum;

- protection of the wider interests of the Republic of Macedonia

In addition, the Republic of Macedonia participates in a number of successful bilateral and multilateral regional initiatives and organizations, i.e. SEDM (SEEBRIG), US-Adriatic Charter, B9 Balkan Chiefs of Defense (CHODS) Forum, Western Balkan Defense Cooperation Forum, Regional Cooperation Centre, RACVIAC –Centre for Security Cooperation, where all security questions, concerns and possible solutions are discussed among the States.

## **2. Existing structures and processes**

### **2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?**

Civil democratic control of the Armed Forces is regulated by the Constitution of the Republic of Macedonia and the Defense Law. These two documents clearly define the role and responsibilities of the civilians and military officers in the national Defense structure.

Civilian control of the Armed Forces in the Republic of Macedonia is enforced through:

- The President of the Republic and Supreme Commander of the Armed Forces approves the Defense Strategy and the Defense Plan of the Republic, issues measures for readiness and orders their execution, issues the organization and formation of the Armed Forces, approves documents for use of the Armed Forces and orders their deployment, approves documents for development of the Armed Forces, determines measures for increase of the combat readiness and orders their execution, orders mobilization of the Armed Forces, issues rules for commanding in the Armed Forces, approves regulations regarding combat readiness, armed combat and mobilization. Furthermore, the President chairs the Security Council.

- The Parliament as a representative body of the citizens performs supervision on the realization of the authorities of the Government in the Defense area and follows the preparations of the Republic for Defense, states an immediate military threat to the Republic, declares beginning and termination of the state of war, decides on the extent of the funds necessary for the Defense and approves the wartime budget of the Republic.

- The Security Council of the Republic of Macedonia, chaired by the President of the Republic of Macedonia as Supreme Commander of the Armed Forces according to Article 86 of the Constitution of the Republic includes the President of the Republic, the President of Parliament, the President of Government, the Ministers of Defense, Interior and Foreign Affairs and three members appointed by the President of the Republic and who appropriately represent the composition of the population of the Republic of Macedonia. The Council considers issues related to security and Defense of the Republic and submits proposals to the Parliament and Government.

- The Minister of Defense who heads the Ministry of Defense according to Article 97 of the Constitution of the Republic of Macedonia is a civilian, who, in addition, has been a civilian for three years prior to his/her appointment to this function. In the area of civil democratic control, the Ministry of Defense headed by the Minister of Defense accomplishes the following activities: reviews the realization of funds allocated to the Army needs, plans Defense reserves in a state of war, proposes organization and formation of the Army, performs manning of the Army, organizes and executes mobilization of the Army, controls and evaluates the combat readiness of the Army, approves the annual plan for exercise activities of the Army, approves an annual plan for education and expert training and advancement of Army members and Ministry of Defense employees, as part of the training development plan, promotes military officers into initial ranks, assigns, promotes and discharges military officers to duties envisaged for military ranks from major to colonel, takes care of the composition of Army leadership personnel and other persons engaged in the Army from the aspect of their ethnicity without misbalancing the criteria of professionalism and expertise,

approves regulations on recruiting and manning the active component with conscripts, education, expert training and advancement of ARM personnel and other regulations for the military service.

The civilian oversight of the Armed Forces stems from the Constitution, which was adopted after a national referendum, and was amended and supplemented with the Constitutional amendments of 16 November 2001 and the Defense Law adopted in May 2001 and amended in 2003, 2006, 2008 and 2011 (Official Gazette of the Republic of Macedonia 5/2003, 58/2006, 110/2008, 51/2011, 151/2011 and 215/2015).

These two documents precisely define the responsibilities and relations among the Parliament, the President of the Republic, the Government and the Minister of Defense in the area of security and Defense of the country in peace, crisis and a state of war. These documents furthermore, explicitly define the role of the President as Supreme Commander of the ARM.

## **2.2 How is the fulfillment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?**

See 2.1.

## **2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?**

Articles 22-28 of the Defense Law clearly define the role and missions of the Armed Forces of the Republic of Macedonia:

Article 22: The Armed Forces are armed force of all citizens of the Republic. There are Active Forces and Reserve Forces.

Article 23: The Armed Forces are organized, prepared and capable of conducting armed combat and combat and other activities for the purpose of performing its constitutional function of Defense of the Republic.

Article 24: The Armed Forces structure elements are: units, commands, staffs and institutions. The organization of the units, commands, staffs and institutions as well as their size, structure, number, composition and purpose are determined by the organization and formation of the Armed Forces.

Article 25: Operational and expert activities for organizing, preparing and commanding the Armed Forces, in the Ministry of Defense, are accomplished by the General Staff being the highest expert body within the Ministry of Defense, on issues related to the Armed Forces.

For the purpose of accomplishing the activities from Paragraph 1 of this Article, the General Staff proposes to the Ministry of Defense:

- Organization and formation of the Armed Forces;
- Plan for deployment of the Armed Forces;
- Measures for increase of the combat readiness of the Armed Forces;
- Annual financial plan for the needs of the Defense;
- Annual program for equipping the Armed Forces;
- Annual plan for exercise activities of the Armed Forces;
- Appointing, promoting and discharging officers on positions for which a rank of a major or higher is planned;
- Annual plan for education and advanced training of the employees in the Armed Forces;
- List of names for education and advanced training of the employees in the Armed Forces;
- Decisions on decorating and awarding for special results of members of the Armed Forces in the area of Defense.

Article 26: For the purpose of accomplishing the activities from Article 25, Paragraph 1 of this Law, the General Staff of the Armed Forces accomplishes the following:

- Accomplishes the annual financial plan for the requirements of the Armed Forces approved by the Ministry of Defense and supervises the efficiency and the execution of the funds in accordance with the regulations approved by the Minister of Defense;
- Supervises the combat readiness of the Armed Forces and takes measures for improvement;
- Organizes and supervises taking measures for readiness of the Armed Forces and takes measures for their execution;
- Performs mobilization of the Armed Forces;
- Performs exercise and other activities for making the Armed Forces capable, in accordance with the annual plan;
- Carries out logistic support for the Armed Forces;
- Accomplishes personnel management in the Armed Forces in accordance with the personnel policy of the Ministry of Defense;
- Plans, organizes and accomplishes training activities for the Armed Forces;
- Organizes and accomplishes communications for the command and control in the Armed Forces;
- Plans and accomplishes activities for crypto-protection of the secret data of importance for the Armed Forces;
- Organizes and accomplishes activities for anti-electronic security;
- Organizes and accomplishes reconnaissance, control and security of the sovereignty of the air space of the Republic;
- Organizes and accomplishes intelligence and counter-intelligence activities in the Armed Forces;
- Organizes and accomplishes activities for protection of forces in the Armed Forces;
- Organizes and accomplishes detection and prevention of criminal activities in the Armed Forces;
- Arranges the territory for the needs of the Armed Forces;
- Accomplishes cooperation with the armed forces of foreign countries in accordance with the plan of the Ministry of Defense;
- Appoints, promotes and discharges military officers and NCOs up to a rank of a senior captain;
- Points NCOs to initial rank;
- Approves instructions and rules for use of the military units, order and relations in the service and other instructions and rules of importance for the service in the Armed Forces;
- Accomplishes other activities in accordance with this Law and Lists of Regulations for service in the Armed Forces.

Article 27: The Chief manages the General Staff of the Armed Forces, who is appointed and discharged by the President of the Republic with a mandate of three years.

The Chief of the General Staff reports to the President of the Republic and to the Minister of Defense.

The same person may be appointed as Chief of the General Staff of the Army for no more two consecutive mandates.

Article 28: The President of the Republic is Supreme Commander of the Armed Forces.

The President of the Republic carries out command through the Minister of Defense in accordance with the Constitution and this Law.

Immediate command with the Armed Forces is carried out by the Chief of the General Staff and commanders of the military units and institutions in accordance with the regulations approved by the President of the Republic.

Command in the Armed Forces is based on the principles of unity of command, subordination and a single chain of command in the use of forces and assets.

Orders issued by a superior commander are not to be carried out if their execution represents a criminal activity.

### **3. Procedures related to different forces personnel**

#### **3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?**

With the amendments to the Defense Law in May 2006, all citizens of the Republic of Macedonia, assessed as capable for military service, may, on their own request, apply for military service after reaching the age of 18.

The citizen (applicants) will be called up for military service in accordance with the needs of the army.

The invitation for military service is submitted to the citizen no later than 30 days before the start of the military service.

Regarding the affirmation of the military profession for serving in the ARM, we use the electronic media, i.e. MoD and ARM web pages. Moreover, we organize open days in the military barracks for the civilian population, and we cooperate with other state institutions, i.e. we hold presentations on the affirmation of the military profession in the primary and secondary schools accords the Republic.

Voluntary military service runs for three months and is carried out in the Army.

#### **3.2 What kind of exemptions or alternatives to military service does your State have?**

There is no compulsory military service in the Republic of Macedonia. With the adoption of the Law for amending and supplementing the Defense Law, the civilian military service was abolished from 2006.

#### **3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?**

For the purpose of protecting rights during military service, the persons engaged in the Army are provided with two-degree procedures of protection of service rights, i.e., and established work post rights.

Rights protection for officer, NCO, Voluntary service soldiers and civilian personnel engaged for service in the Army is regulated by the Military Service Law. They are entitled to the right of appeal to a secondary Government commission, within timelines determined by law.

Namely, a military and civilian person may appeal against a work contract decision to the Second instance state commission on deciding upon administrative and employment cases, within 8 days after receiving such a decision (Article 223).

A military officer may appeal to the s Second instance state commission on deciding upon administrative and employment cases against an order issued by the Minister of Defense, i. e. to the Minister of Defense against an order for production of a non-commissioned officer into a starting rank, reached by the Chief of the General Staff (Article 14).

A military and civilian person may send an appeal against the ruling by the Minister of Defense for the appointing, promoting, releasing, sending, representing and other relations in the service of officers with the rank of major to colonel, and the appeal must be handed to the Second instance state commission on deciding upon administrative and employment cases within 8 days, while the short-term volunteers, the non-commissioned officers and the officers to the rank of a captain, within the same timeline can appeal to the Minister of Defense regarding the orders reached by the Chief of the General Staff of the Armed Forces (Article 14).

A military and civilian person can appeal a decision for use of the annual leave and other leaves from service, within eight days, to the superior officer of the officer that has reached the decision. (Article 115).

A military and civilian person in the service of the Army may carry out their right in methods where responsibility is established for the compensation of damage and for harming military discipline. The military and civilian personnel are entitled to appeal against the decision for material responsibility and liability to the superior officer of the officer who adopted the decision, i.e. to the Minister of Defense, if the decision was adopted by the Chief of the General Staff of the Army, or to the second instance government commission, if the decision was adopted by the Minister of Defense, or by a person authorized by the Minister (Article 123).

An appeal may be sent against a ruling where disciplinary measures are taken against military and civilian persons, or an announcement of a statement recorded in a book of daily reports of the unit. The person must appeal to the superior officer of the officer who ordered the disciplinary measures or made the announcements. This appeal must be handed over within 8 days after the finding was received. An appeal against the ruling by the Chief of General Staff will be decided by the Minister of Defense, and an appeal against the ruling by the Minister of Defence will be decided by the Second instance state commission on deciding upon administrative and employment cases (Article 138).

The military and civilian persons serving in the army can appeal against the decision for release from duty or service, within eight days, to the superior officer of the officer that has reached the decision (Article 218).

Military and civilian persons may send an appeal against the ruling by the Minister of Defense regarding payment, compensation and other forms of compensation where expenses for using vehicles for personal use, migration expenses, meal expenses, funeral expenses in case of death of family member from natural disasters are used. This appeal must be handed to the Second instance state commission on deciding upon administrative and employment cases within 8 days after the finding is received (Article 170).

An appeal may be sent against decisions, rulings, reached by the Minister of Defense, i. e. the Chief of the General Staff of the Armed Forces, which refer to the right of the military person regarding the health ability for service in the Armed Forces, in accordance with Article 14 of this Law (Article 205).

An appeal may be sent to the Second instance state commission on deciding upon administrative and employment cases, within eight days, against decisions for receiving military-flying, military air-technical, military-parachutist and military-diving title (Article 14).

An appeal may be sent against a ruling by the Minister of Defense or a person authorized by him regarding the termination of a working contract. This appeal must be submitted to the Second instance state commission on deciding upon administrative and employment cases within 8 days after receiving the finding. (Article 223).

A civilian person may appeal to the Minister of Defense, within eight days, against ruling for appointing on service, representing and other service relations (Article 14).

The military and civilian persons, who are not satisfied with the final judgments made after their appeals, have the right to seek protection of their rights in front of a magisterial court (Article 17).

In relation to the protection of rights for the remaining members in service of the Army, conscripts, soldiers and military obligors in the reserves, the two-degree protection of rights is also used.

The Ministry of Defense has an Ombudsperson authorized to act upon requests and petitions filed by the military and civilian personnel employed by the Army of the Republic of Macedonia and the Ministry of Defense.

#### **4. Implementation of other political norms, principles, decisions and international humanitarian law**

#### **4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?**

In the cooperation realized hereof between Macedonia and the International Committee of the Red Cross-ICRC and within activities at regional level, the following references and manuals in Macedonian language have been developed and incorporated in the ARM Training Program:

- Geneva Conventions and their Additional Protocols.
- Publications issued by ICRC:
  1. Collection of Hague Conventions,
  2. Rules on the use and protection of the RC emblem,
  3. European Convention on Human Rights

In the scope of education and training of instructors and officers (officers and NCOs):

- Military Law Manual.

Materials as basic literature and integral part of the Training Program in the Training Centers and ARM units:

- Manual of “Armed Conflict Law” (ACL) with a compact CD-catalogue “ACL” and CD – project ACL
- Combat Conduct Rules.

Literature in the form of pocket manuals designed for special training on ACL of company commanders, platoon commanders, section commanders and soldiers:

- Pocket Manual for company commander training,
- Pocket Manual for platoon commander training,
- Pocket Manual for section commander training,
- Pocket Manual for soldier training

Primary obligations on cooperation with the ICRC are as follows:

- Development of the ACL Training Program,
- Completing a library on ACL.

#### **4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?**

Regardless of the rank, every member of the Macedonian Army has personal responsibility to comply with the law. Commanders must ensure that the law is complied with by others and must take action in case of violations. Orders issued by a superior commander are not to be carried out if their execution represents a criminal activity.

The International Humanitarian Law is a part of compulsory training and education of all military personnel regardless of the rank and position.

In addition, it should be noted that prior to each deployment of the military and civilian personnel to international peace missions, the entire personnel is trained in the area of International Humanitarian Law.

#### **4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives neither of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?**

The Republic of Macedonia ensures that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights based on the provisions of the Constitution, the Defense Law, Military Doctrine and other relevant regulations of the Army of the Republic of Macedonia.

In accordance with the Consitution and Law on Defense, the Army of the Republic of Macedonia can be used only in states of war and emergency.

#### **4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?**

Under Article 47 of the Defense Law, political parties and associations of citizens may not be organized in the Army. In performing their duties, members of the Army may not be governed by their political beliefs nor may they express it in their work and influence others. Membership in a political party shall not influence promotion, evaluation, schooling, technical training, rewards and other rights of military and civil members working for the Army. Military staff may not attend and take part in political gatherings and rallies in uniform, nor may they display party symbols and other signs of political parties.

Under the Defense Law and Service Law of the Army of Republic of Macedonia, individual service members can participate in union organizations and exercise all rights arising from their participation in such organizations (including the right to strike).

#### **4.5 How does your State ensure that its defense policy and doctrine are consistent with International law?**

The alignment of the defense policy and doctrine with international law has been ensured by incorporating provisions of international law into the Macedonian legislation.

The Macedonian Armed Forces respect the Protocol Additional to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977, and the obligations under Article 82.

### **Section III: Public access and contact information**

#### **1.1 How is the public informed about the provisions of the Code of Conduct?**

There are no particular arrangements for informing the public about the provisions of the Code of Conduct.

#### **1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?**

See 1.3

#### **1.3 How does your State ensure public access to information related to your State's armed forces?**

The Parliament of the Republic of Macedonia passed the Law on Free Access to Information of Public Character (Official Gazette of the Republic of Macedonia No. 13 of 1 February 2006). This law regulates the conditions, manner and procedure of realizing the right to free access to information of public character available from state institutions. (including the Ministry of Defense).

This law provides free availability and openness in the work of the information holders. For carrying out this law, a Commission for protection of the right for free access to information of public character has been formed.

The Commission for protection of the right for free access to information of public character publishes (to the media services) a list of holders of information of public character and of their responsible persons, once a year.

The Ministry of Defense of the Republic of Macedonia is on the list of holders of information of public character. For this purpose, a person has been chosen, holder of information, obligated to fulfill the obligations foreseen with the law.

The interested persons for access to information of public character contact the Ministry of Defense through regular mail, electronic mail or fax.

The security aspects of the defence matters have been continually present in the public and the non-governmental sector. It is important to note the increased involvement and interest of independent experts, scientific institutions and the academic circle. This transparent approach has resulted in numerous works and publications that affirm our security policy, and especially the strategic interests of the Republic of Macedonia for participation in the collective security systems.

The transparency and relevance of the defense policy have also been increased through the access to the internet web page of the Ministry of Defense. The defense and security institutions provide appropriate answers to defense issues of interest to parliamentarians and other security subjects, related to the evaluation and assessment of the security and political situation in the Republic of Macedonia. In the forthcoming period, the strategic goals incorporated in the Strategic Defense Review envisage an increased level of openness and involvement of the civilian sector in order to achieve the democratic goals of defense and security transparency and affirmation.

The concrete forms of public information are not just a constitutional and legal obligation, but they are subject of the Strategy of the Government of the Republic of Macedonia for transparency and public relations regarding the area of security and defence. The accessibility to information and the civilian participation in the development of defence and security policy is regulated by the Classified Information Law, and under procedure is the creation and adoption of supplemental legal acts in order to create a final distinction between the classified and non-classified information, defining thus the regime of its accessibility, utilisation and transfer. The legal framework therein is the new Law on Classified Documents adopted in March 2004. The issue of information accessibility remains to be predetermined by the fulfilment of the requirements set forth in the normative acts for information accessibility to the Parliament and the public.

The activities of the Ministry of Defense in the area of public relations are directed at the national and international public and community, as well as at the employees of the Ministry of Defense and the members of the Armed Forces. The transparency of these activities bolsters the confidence in the security and defense policy of the Republic of Macedonia and clarifies the link between the defense subjects and their defense activities and society on the basis of the need for ensuring unhampered conditions for development and protection of the free democratic values guaranteed by the Constitution. The defense preparations, thus, make public relations important and available to the public, encouraging at the same time interest for active participation of the citizens in creation, organization, accomplishment and control of the defense tasks. On the other side, public relations activities contribute to the strengthening of the motivation and professional attitude of the Ministry of Defense employees and the members of the Army of the Republic of Macedonia within their determination towards the defense tasks.

## **2. Contact information**

### **2.1 Provide information on the national point of contact for the implementation of the Code of Conduct**

The Ministry of Foreign Affairs, Directorate for Multilateral Affairs is the national contact point for the implementation of the Code of Conduct.

#### **Answer to Attachment 1, FSC.DEC/2/09**

#### **Implementation of the 2004 OSCE Action Plan for the Promotion of Gender Equality in accordance with Ministerial Council Decision No. 14/04 as well as Ministerial Council**

**Decision No. 14/05 on Women in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation — aimed at enhancing the implementation of UN Security Council Resolution 1325 (2000).**

The 2012-2015 Action Plan of the Republic of Macedonia for the implementation of the UN Security Council resolution 1325 Women, Peace and Security was adopted by the Government in January 2013.

**Answer to Attachment 2, FSC.DEC/2/09**

**2. Democratic political control of private military and security companies**

There are no private military and security companies in the Republic of Macedonia to undertake tasks during operations.

## Annex 1 UN Treaties

UN International Legal Instruments to counter terrorism	Date of entry into force on the legal instrument with regard to the Republic of Macedonia
Convention on the Offences and Certain Other Acts Committed on Board Aircrafts,	Succession  In force as of 17 November 1991
Convention for the Suppression of Unlawful Seizure of Aircrafts	Succession  In force as of 17 November 1991
Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation	Succession  In force as of 17 November 1991
1988 Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation – supplementary to the Montreal Convention	Succession  In force as of 17 November 1991
International Convention against the Taking of Hostages	Succession  In force as of 17 November 1991
Convention on the Physical Protection of Nuclear Material;  2005 Amendment to the Convention on the Physical Protection of Nuclear Material	Succession  In force as of 17 November 1991  Ratification  Entry into force on 8 May 2016
Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents	Succession  In force as of 17 November 1991
Convention on the Marking of Plastic Explosives for the Purpose of Detection	Accession

	Entry into force on 20 November 1998
International Convention for the Suppression of Terrorist Bombings	Ratification Entry into force 30 August 2004
International Convention for the Suppression of the Financing of Terrorism	Ratification Entry into force on 30 August 2004
International Convention for the Suppression of Acts of Nuclear Terrorism	Ratification Entry into force on 19 March 2007
Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation	Accession Entry into force on 7 August 2007
Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf	Accession Entry into force on 7 August 2007
Protocol Additional to the Safeguard Agreement with the IAEA	Entry into force 11 May 2007
Revised Small Quantities Protocols	Letter sent on 12 April 2006 Amended on 9 July 2009

## Annex 2 Council of Europe Treaties

Title	Opening of the treaty	Signature by the Republic of Macedonia	Ratification	Entry into force
European Convention on the Suppression of Terrorism (ETS 90)	Strasbourg, 27/01/1977	08/11/2001	29/11/2004	01/03/2005
Protocol amending the European Convention on the Suppression of Terrorism (ETS 190)	Strasbourg, 15/05/2003	15/05/2003	14/11/2005	
European Convention on Extradition (ETS 24)	Paris, 13/12/1957	28/07/1999	28/07/1999	26/10/1999
Additional Protocol to the European Convention on Extradition (ETS 86)	Strasbourg, 15/10/1975	28/07/1999	28/07/1999	26/10/1999
Second Additional Protocol to the European Convention on Extradition (ETS 98)	Strasbourg, 17/03/1978	28/07/1999	28/07/1999	26/10/1999
European Convention on Mutual Assistance in Criminal Matters (ETS 30)	Strasbourg, 20/04/1959	28/07/1999	28/07/1999	26/10/1999
Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS 99)	Strasbourg, 17/03/1978	28/07/1999	28/07/1999	26/10/1999
Second Additional Protocol to the European Convention on Mutual Assistance in				

Criminal Matters (ETS 182)	Strasbourg, 08/11/2001	08/11/2001	16/12/2008	01/04/2009
European Convention on the Transfer of proceedings in criminal matters (ETS 73)	Strasbourg, 15/05/1972	08/11/2001	29/11/2004	01/03/2005
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141)	Strasbourg, 08/11/1990	14/12/1999	19/05/2000	01/09/2000
Convention on Cybercrime (ETS 185)	Budapest, 23/11/2001	23/11/2001	15/09/2004	01/01/2005
Additional Protocol concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems (ETS 189)	Strasbourg, 28/01/2003	14/11/2005	14/11/2005	01/03/2006
Council of Europe Convention on the Prevention of Terrorism, Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198)	Warsaw, 16/05/2005	17/11/2005	27/05/2009	01/09/2009

### Appendix 3 Bilateral Agreements

Bilateral agreements	Signature	Entry into force
Agreement between the Government and the Council of Ministers of the Republic of Albania on cooperation in combating terrorism, organized crime, illicit trafficking in narcotic drugs, psychotropic substances and precursors, illegal migration and other illegal activities	17 June 2004	20 May 2005
Supplementary Protocol to the above mentioned Agreement	14 September 2007	14 October 2007
Agreement between the Government and the Government of the Republic of Bulgaria on cooperation in the fight against terrorism, organized crime, illicit trafficking in narcotic drugs, psychotropic substances and precursors, illegal migration and other crimes.	26 February 2002	26 February 2003
Agreement between the Macedonian Government and the Egyptian Government for cooperation in the fight against organized crime	22 November 1999	27 January 2000
Strategic agreement between the Government of the Republic of Macedonia and EUROPOL	16 January 2007	29 January 2008
Operational agreement between the Government of the Republic of Macedonia and EUROPOL	Concluded by the exchange of letters in September 2011	28 December 2011

Agreement between the Government of the Republic of Macedonia and the Government of the Italian Republic on police cooperation	1 December 2014	14 April 2015
Agreement on cooperation in preventing and combating crime between the Ministry of Internal Affairs and the Ministry of Public Security of the People's Republic of China	14 April 2014	14 April 2014
Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Moldova on police cooperation	18 October 2013	28 July 2015
Agreement between the Ministry of Internal Affairs and the Federal Service of the Russian Federation for control trafficking in narcotic drugs, psychotropic substances and precursors	25 August 2011	25 August 2011
Agreement between the Republic of Macedonia and the Swiss Confederation for cooperation in the fight against crime	20 September 2005	19 January 2009
Agreement between the Republic of Macedonia and the Czech Republic for cooperation in the fight against crime	February 2010	1 March 2011
Agreement between the Government of the Republic of Macedonia and the Government of Montenegro regarding police cooperation	16 March 2012	1 April 2013

Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Croatia regarding police cooperation	28 May 2012	20 August 2013
Protocol on cooperation in the field of security between Ministry of Interior of the Republic of Macedonia and the Ministry of Interior of the Republic of Turkey	19 May 1992	10 March 1993
Protocol on cooperation in the field of security between Ministry of Interior of the Republic of Macedonia and the Ministry of Public Order and National Information Service of the Republic of Albania	5 June 1992	27 March 1998
Agreement between the Government of the Republic of Macedonia and the Government of the French Republic for cooperation regarding internal security	8 March 2003	1 September 2006
Agreement between the Ministry of Internal Affairs of the Republic of Macedonia and the Federal Minister of the Interior of the Republic of Austria on police cooperation	25 January 2008	1 January 2009
Agreement between the Government and the Government of the Republic of Poland on cooperation in combating organized crime and criminal activities	16 June 2008	21 February 2009
Agreement between the Government of the Republic of Macedonia and the	3 November 2011	4 January 2014

Government of the Republic of Serbia regarding police cooperation		
Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Slovenia regarding police cooperation	16 April 2014	1 January 2016
Agreement between the Macedonian Government and the Belgian Government on police cooperation	21 November 2013	1 May 2017