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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**LAW ON**

**DETERMINING A CRITERION FOR LIMITING THE EXERCISE  
OF PUBLIC OFFICE, ACCESS TO DOCUMENTS AND PUBLISHING,  
THE CO-OPERATION WITH THE BODIES OF THE STATE SECURITY**

**(“LUSTRATION LAW”)**

**OF “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”**

**(revised translation)**

**LAW ON  
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COOPERATION WITH  
THE BODIES OF THE STATE SECURITY**

## **I. GENERAL PROVISIONS**

### **Article 1**

This Law determines the:

- criterion limiting the exercise of the public office;
- procedure for access, discovery and use of documents of the state security of the Republic of Macedonia and the civilian and army bodies of the state security of the SFRY, in the period after the adoption of the Declaration of Antifascist Assembly People's Liberation of Macedonia – ASNOM on basic rights of the citizens of Democratic Macedonia on the First session of ASNOM on 2nd August 1944 until the day commencement of the application of the Law on Free Access to Public Information.
- publishing the cooperation of persons – candidates for holders of public office or public authority, former and present holders of public office or former and present holders of public activity or public authority – **with** the bodies of the state security.
- the competence of the Commission on Verification of Facts (hereinafter: Commission);

### **Article 2**

As sources of information **in terms of this law are also considered** the original documents, which are kept by:

1. Persons or legal entities which have been turned over to the Commission;
2. State bodies regardless of the regulations and acts governing deadlines as it regards storage or destruction and classification.

### **Article 3**

(1) Persons subject of this Law are:

- 1) The President of the Republic of Macedonia;
- 2) MP, the President and a Vice President of the Assembly of the Republic of Macedonia;
- 3) The President and member of the Government (*comment: PM's Cabinet*) of the Republic of Macedonia
- 4) Mayor of a municipality and of the City of Skopje;
- 5) Chairman and members of the Municipal Council and the Council of City of Skopje;
- 6) Persons elected and appointed/nominated by the Assembly of the Republic of Macedonia;
- 7) Justice of the Constitutional Court of the Republic of Macedonia, Justice of the Supreme Court of the Republic of Macedonia, (*judges of*) the Appellate Courts, Administrative, Higher Administrative Court of the Republic of Macedonia and Basic Courts, a member of the Judicial Council of the Republic of Macedonia, the Public Prosecutor of the Republic of Macedonia, the Public Prosecutors and members of the Council of Public Prosecutors;

8) The Ombudsman, his/her deputies and managing/supervising state officials in this institution;

9) Holders of public office who manage independent bodies (Directorates, Agencies and Commissions), bodies within ministries (management office, bureau, duty office, archive, inspectorate and fleet), and holders of public office who run administrative organizations (institutes and bureaus) and other managerial state servants appointed and nominated by the Government of the Republic of Macedonia;

10) The General Attorney, his/her deputies and managerial state officials in this institution;

11) The Governor, Vice Governor, members of the Council of the National Bank and managers employed in the National Bank;

12) The Secretary General, deputies of the Secretary General and managerial state servants in the Assembly of the Republic of Macedonia;

13) The Secretary General and managerial state servants in the services of the President of the Republic of Macedonia;

14) General and state secretaries who are appointed in other institutions and bodies;

15) Secretary of a municipality and Secretary of the city of Skopje;

16) Military and civil persons, superiors and managers in the Army of the Republic of Macedonia, managerial (official) persons employed by the Ministry of Internal Affairs, employees in the correctional and penitentiary facilities, other police organizations (judicial, forestry and financial police), persons with special duties and authorizations employed in the Ministry of Defence, the Ministry of Internal Affairs, and the Intelligence Agency; authorized state auditors and persons that perform tasks and duties of state auditing in the State Audit Office, same as persons in the Civil Aviation Agency and also the professional personnel performing duties of importance for the security of and shareholders' company which provides services in the field of aviation traffic;

17) A Member of the Macedonian Academy of Sciences and Arts;

18) A person in charge within a domestic legal entity and natural person which is founding an institution for higher education; a person **elected** for scientific, educational, associate and professional engagement in a state or private higher educational institution;

19) Directors and members of an executive board and supervisory boards of a public enterprise founded by the Republic of Macedonia or the local self-government;

20) Directors and members of the executive board of a public company founded by the Republic of Macedonia or the local self-government;

21) Members of executive boards and Directors of state funds;

22) Members of a council, executive board, executive director, and **employed journalists** in a public broadcasting service;

23) Managerial civil servants in accordance with the Law on Civil Servants;

24) A holder of public office and manager in the bodies and organizations that are not subject to the Law on Civil Servants;

**25) Persons who have acquired more than 5% of the capital in state owned companies pursuant to the Law for transformation of companies which were state owned, and persons related to them. The term "persons related to them" means natural persons who are in kinship by marriage or adoption; parents and their children, brothers and sisters, half-brothers and half-sisters, grandmothers, grandfathers and grandchildren, or related by blood up to second degree, who have lived in the same household 5 years in relation parent – child, step-mother or step-father and step-daughter and step-son, daughter-in-law, son-in-law, and parents-in-law.**

26) Notary, enforcement agent, lawyer and mediator.

27) Members of chambers that are financed based on a law;

28) A Head of a diplomatic mission in a foreign country and an international organization, i.e. Consul;

29) Public officials in international organizations and institutions nominated by the Republic of Macedonia.

30) Incumbents of duties and authorizations in other public agencies and services of public character registered in compliance to the law.

(2) Persons also subject to this Law are:

1) Founders and holders of managerial positions in the organs and bodies and employees journalists in a commercial broadcasting company and non-profit broadcasting institution that have a licence to carry out broadcasting activities and founders, **holders of managerial positions in the organs and bodies, as well as** employees journalists in companies of printed media,

2) Presidents, Deputy Presidents, members of organs and bodies of the political parties;

3) Heads and members of the organs and bodies of religious communities and religious groups, and

4) Founders and members of organs and bodies of organizations of public character which are registered in accordance to the law.

#### **Article 4**

(1) A person subject to this law in respect of whom the Commission shall ascertain that in the period of the proclamation of the Declaration of the Anti-Fascist Assembly for the People's Liberation of Macedonia-ASNOM for the fundamental rights of the citizen of Democratic Macedonia on the First plenary session of ASNOM on 2 August 1944 until the day of the commencement of the application of the of the application of the Law on Free Access to Public Information has been registered in the dossiers of the bodies of state security of the Republic of Macedonia and civil and army bodies of the state security of SFRY as a secret collaborator or secret informer, through operative gathering notices and data (hereinafter: information) that were subject of processing, safe-keeping and exploitation by the bodies of the state security in form of a mechanically or handwritten addition of data and files, formed and kept on certain persons, thereof resulting in violations or limitations of the fundamental rights and freedoms of the citizens for political and ideological reasons during the Communist regime and because of political, **ideological** and party reasons from 17 November 1991 until the day when the Law on Free Access to Public Information enters into force, meets the additional criterion limiting the candidacy for or the exercise of public office.

(2) The Commission adopts a decision by which it determines the cooperation with the state security services and the legal consequences deriving thereof in respect of the persons subject to this law.

**(3) The Commission determines noncooperation with the state security organs of persons subject to this Law, if on the basis of data obtained from the organs of Article 20 of this Law, it cannot determine conscious, secret, organised and continuous cooperation and activity, determined by a document with the organs of state security, in terms of this Law.**

## **II. COMMISSION FOR VERIFICATION OF FACTS**

#### **Article 5**

(1) The Commission is autonomous and independent body that is in charge of the procedure for access, discovery and use of documents from the bodies of the state security, publishing the cooperation of persons – candidates for public offices or office providing exercise of public authority, of former and present holders of public office or of former and present holders of public activity or public authority – with the bodies of the state security service;

(2) The Commission **has legal personality** and is situated in Skopje.

(3) The necessary resources required for the Commission are provided from the Budget of The Republic of Macedonia

#### **Article 6**

(1) The Commission is comprised of 11 members, i.e. a President, Deputy President and nine members who are elected and removed by the Assembly/Parliament of the Republic of Macedonia with two third of majority of vote of the total number of MPs, from the ranks of persons with high personal and professional integrity. The Commission members are elected to a five year term of office.

(2) Should the election of members to the Commission fail, the procedure is repeated.

(3) In a repeated procedure for election of members to the Commission, the Assembly/ Parliament of Republic of Macedonia elects the members with a majority vote of the total number of MPs.

(4) In a repeated (election) procedure the MPs Group of the opposition political party with largest number of MPs in the Assembly/Parliament of Republic of Macedonia, proposes a candidate to the Commission within two working days after the closure of the repeated announcement for election of members to the Commission.

(5) In case the MPs Group of the political party in the opposition largest numbers of MPs in the Assembly/Parliament of Republic of Macedonia fails to propose a candidate within the prescribed deadline in paragraph (4) of this Article, the candidate for President of the Commission proposes is proposed by the Commission on elections and appointments.

(6) The members of the Commission are removed with majority vote by which they were elected.

#### **Article 7**

(1) The Assembly/Parliament of Republic of Macedonia announces advertisement for election of members to the Commission **in the** "Official Gazette of Republic of Macedonia" and at least in two newspapers out of which in one newspaper which is published in Macedonian language and in newspapers that are published in the official language which is spoken at least by 20% of citizens which is different to the Macedonian language.

(2) The announcement from paragraph (1) of this article lasts for 15 days from the day it is published in "Official Gazette of Republic of Macedonia".

(3) During the selection of the members of the Commission the provision for equitable and just representation is applied.

(4) The candidates for members of the Commission submit written statement to the Committee on Election and appointment issues of Assembly/Parliament of Republic of Macedonia by which conscientiously and responsibly assert that they did not collaborate with state security organs.

(5) Committee on Election and appointment issues of Assembly/Parliament of Republic of Macedonia prepares a draft list of as many candidates as are selected, and the same is delivered to Assembly/Parliament of Republic of Macedonia.

#### **Article 8**

(1) Assembly/Parliament of Republic of Macedonia, from the order of members of the Commission, by proposal of Committee on Election and appointment issues, selects the president and deputy president of the Commission in a timeframe of six months.

(2) Assembly/Parliament of Republic of Macedonia latest 15 days prior to expiry of the mandate of the president and deputy president of Commission selects the next president and deputy president of Commission.

(3) Procedure for determining the collaboration with state security organs of a member of Commission should be initiated by the Commission in its constitutive session.

#### **Article 9**

(1) The office of member of Commission is performed professionally.

(2) The office of member of Commission is incompatible with carrying out of another public office, as well as with carrying out another profession, activity or duty. The president, deputy president and members of Commission may not be members of organs and bodies which are selected or appointed by Assembly/Parliament of Republic of Macedonia or by Government of Republic of Macedonia.

(3) President of Commission represents the Commission.

(4) The ratio for determining of salary of president, deputy president, and members of Commission is determined by Committee on election and appointment issues of Assembly/Parliament of Republic of Macedonia.

#### **Article 10**

(1) Commission works through sessions which are attended by more than two thirds of the members of Commission.

(2) Commission brings its decisions with majority of votes from the total number of members of Commission.

(3) Session of Commission is convened by president upon his/her own initiative, or by written proposal of at least three members of the Commission.

(4) Internal arrangement of work of Commission, manner of assigning of cases and work in sessions of the Commission is determined by Rulebook of Commission which is adopted by the Commission.

(5) Members of Commission act (work, deal) with classified information in compliance with the law.

#### **Article 11**

(1) The capacity of member of Commission ceases prior to expiration of period of time member is selected:

- By adoption of written resignation by Assembly/Parliament,
- In case the Assembly/Parliament asserts abuse during carrying out the office of member of Commission,
- In case the Commission asserts that the member of Commission was a collaborator with state security organs,
- By permanent loss of working ability for carrying out the work of member of Commission,
- In case is released from duty due to unjustified absence at three consecutive sessions,
- In case is convicted by a final court judgment for committed criminal act with an unconditional imprisonment sentence of at least six months,
- In case he is pronounced a sentence for ban on carrying out his profession, activity and duty, and
- In case of death of member of Commission.

(2) The capacity of member of Commission does not cease by meeting the criteria for old-age pension.

(3) For the seat of member of Commission whose capacity ceased prior to the time period he/she was selected, is selected a new member whose mandate lasts till the expiry of the time of mandate of member of Commission for the seat of whom he is **elected**.

(4) President of Assembly/Parliament of Republic of Macedonia is required to place in the session's agenda the **election** of new member of Commission within 30 days of the day of closure of the announcement for appointing a member of Commission.

## **Article 12**

(1) Member of Commission shall not be a person who is a member of organ or political party, or a person convicted by a final court verdict for committed crime with an unconditional imprisonment sentence of at least six months, or by a pronounced sentence for ban on carrying out profession, activity, and duty.

(2) Member of Commission shall not be a person who during the period determined in Article 4 of this Law was a president of the state, president or deputy president of Assembly/Parliament, president and member of Government, employed in state security organs, or elected persons who previously worked or currently work in institutions which in accordance with this Law are required to cooperate with the Commission.

## **Article 13**

A procedure for removing a Commission member , who failed to attend three consecutive sessions for no valid reason, may be initiated by the President of the Commission or by at least three members of the Commission.

## **Article 14**

The Commission has the following competencies:

- collects, searches, analyzes, and reviews documents containing information about activities in compliance with Article 4 of this Law.
- publishes names of persons, candidates for holders of public office or public authorization, former and current holders of public activity or public authorization whose collaboration with state security organs is confirmed,

- enables access for physical entities (**natural persons**) to collected information about them in terms of this Law, upon their request, upon request of their relatives, immediate and distant (**up to second degree**), including persons authorized by them with a notary verified authorization.

- issues documents for collaboration with physical persons with state security organs in terms of this Law,

- initiates a procedure upon third parties' initiative,

- informs the competent organs on further procedures,

- adopts Rulebook for work,

- Prepares six-months report for the work and submit it to Assembly of Republic of Macedonia

- keeps cooperation with similar international institutions,

- keeps a registry in compliance with Article 15 of this Law, and

- performs other work as stipulated by this Law.

### **Article 15**

(1) The Commission keeps a registry of persons found to meet the criterion limiting the exercise of of carrying out a public office.

(2) The content, form, and manner of keeping of registry from paragraph (1) of this article are regulated by the Commission.

(3) Registry from paragraph (1) of this article is published at webpage of the Commission.

(4) Upon the expiry of this Law, the Commission is required to submit the registry from paragraph (1) of this Article to State Archive of Republic of Macedonia.

### **Article 16**

The Commission provides the organs listed in Article 18 of this Law with lists of persons - holders of public offices or of public authorizations, former and current holders of public activity or public authorities.

### **Article 17**

During carrying out of competencies deriving from this Law, Commission requests and receives information at no cost from:

- State security organs;

- State organs and organs of local self-government

- Physical and legal entities

### **Article 18**

(1) Organs of state security with which the Commission cooperates are the following: Directorate for security and counterintelligence within Ministry of Internal Affairs, Military Service for security and intelligence within Ministry of Defense and Agency for Intelligence.

(2) Other organs with which the Commission cooperates is the Stated Archive of Republic of Macedonia.

(3) Organs of state security as it concerns the cooperation defined in Article 4 of this Law are the following: Directorate for security and counterintelligence within Ministry of Internal Affairs, Military Service for security and intelligence within Ministry of Defence and



Agency for Intelligence, and their legal predecessors in Republic of Macedonia and former SFRY, in the period of adoption of the Declaration of Antifascist Assembly People's Liberation of Macedonia – ASNOM on basic rights of the citizens of Democratic Macedonia on the First session of ASNOM on 2nd August 1944 to the day of beginning of implementation of Law on free access to information of public character.

(4) Cooperation, in terms of this law, is defined as conscious, secret, organized and continuous cooperation and activity, confirmed by a document, with state security organs, in the capacity of secret collaborator, operational liaison, or secret informant (hereinafter in the text: secret collaborator) during operational collection of information which were subject to processing, keeping, or using by state security organs, in the form of automated or manual collections of data and files, shaped and kept for particular persons by which are violated or limited the basic rights and freedoms of citizens on political or ideological reasons in the communist regime, and of political, ideological and party reasons from 17th November 1991 to the day of beginning of implementation of the Law on free access to information of public character, and by which is realized material benefit or favour during employment or promotion in service.

(5) A conscious, secret, organized and continuous collaboration with the state security bodies, determined by a document, in terms of this Law, exists even if the person determined by this Law has acted as in official duty in a court proceeding or a proceeding before a state body or organization that performs public authorizations, by which another person is deprived of certain rights, or his/her rights are limited or when certain obligations to do, not to do or to endure something are being imposed, or result in an order for a certain punishment or another compulsory measure, if the person in question knew or had to know that the proceedings were solely based on the application of ideological-political and party stances and measures, and which were openly or covertly portrayed as legal rules or measures.

(6) In terms of this Law, an official person shall be accounted as the person that issued an order, who while performing his/her office ordered through a written document or approved an action, which violates or limits the fundamental freedoms and rights of the citizens in terms of this Law.

(7) As user of the information provided by the secret collaborator is considered a person for whom there is a written document showing that he/she has received information from the state security bodies based on which he/she has reached or participated in the reaching of decisions violating or limiting the fundamental rights and freedoms of the citizens for ideological-political reasons, or a person that has used the information provided by the secret collaborator to obtain certain personal and material gain or benefits for the purpose of employment or promotion in the service.

#### **Article 19**

The specialized, administrative and technical matters of the Commission shall be handled by a Secretariat as the specialized service of the Commission headed by the Secretary General of the Commission, appointed by the Commission, for a time period of five years.

### **III. OBLIGATION OF THE STATE SECURITY BODIES AND OTHER STATE BODIES**

#### **Article 20**

(1) The Directorate for Security and Counterintelligence within the Ministry of Internal Affairs, the Military Service for Security and Intelligence within the Ministry of Defense, the Counterintelligence Agency and the State Archive of the Republic of Macedonia are required

to submit to the Commission all relevant data, scripts and other documents (hereinafter: data) for their inspection in terms of this Law.

(2) The competent bodies from paragraph (1) of this Article shall act upon the requests of the Commission within the timeframes determined with this Law, however, when the requests relate to candidates for holders of a public office within a timeframe of 24 hours.

(3) Third parties also can submit original data, initiatives and complaints to the Commission.

(4) For the purpose of reviewing certain issues, the Commission may seek an opinion from professional domestic and foreign experts and other persons and may invite them to participate at a session of the Commission.

#### **Article 21**

(1) The bodies from Article 20 of this Law with which the Commission cooperated shall organize the preparation and submission of data, in terms of this Law, to the Commission.

(2) The bodies from paragraph (1) of this Article shall submit the following to the Commission:

- the data pertaining to the persons that are candidates for holders of public offices or public authorizations, former or current holders of public offices or former and current holders of public activities or public authorizations that have collaborated with the state security bodies in terms of this Law, and
- Other materials as requested by the Commission.

#### **Article 22**

(1) The bodies from Article 20 of this Law are required to submit the requested data to the Commission, within a timeframe no longer than 30 days from the day of receiving the request from the Commission.

(2) If the bodies from Article 20 of this Law do not act within the timeframe stipulated in paragraph (1) of this Article, the Commission is required to immediately, and within a timeframe of three days, inform the body in charge of electing and appointing the person in charge of the bodies from Article 20 of this Law.

(3) If the bodies from Article 20 of this Law do not act upon the request of data by the Commission within 30 days of the day the Commission has submitted the information to the body in charge of electing and appointing of the person in charge of the bodies from Article 20 of this Law, the Commission is required to immediately, and the latest within a timeframe of three days, inform the Assembly of the Republic of Macedonia.

### **IV. OBLIGATIONS OF THE CITIZENS AND INSTITUTIONS**

#### **Article 23**

(1) When summoned, the officials and the citizens are required to appear before the Commission within a timeframe of seven days with a purpose of submitting the information and documents that have been requested from them.

(2) The bodies that watch over the databases and keep a registry of the persons – former or current holders of public offices or former or current executors of public activities or public authorizations are required, after a submitted request by the Commission, to submit the full name, father's name and last names, personal identification number, and the position of these persons in the body, as well as to secure the information on any personnel changes within a period determined by this Law.

(3) The bodies from paragraph (2) of this Article shall submit the requested data to the Commission within a timeframe of 15 days from the day of receiving the request from paragraph (2) of this Article.

#### **Article 24**

(1) The physical persons and legal entities and institutions that possess original documents of the state security bodies are required to hand them over to the Commission.

(2) The documents from paragraph (1) of this Article may be handed over personally, by mail or in any other way.

#### **Article 25**

The physical persons and legal entities and institutions are not allowed to publish or disclose or in any other way make public documents or part of them, which determine the collaboration of the person's subject to this Law with the state security bodies.

### **V. PROCEDURE FOR DETERMINING AND PUBLISHING COLLABORATION WITH THE STATE SECURITY BODIES**

#### **Article 26**

A procedure to determine collaboration with the state security bodies shall be carried out for:

- Persons who are candidates for holders of a public office or public authority
- Persons who are already holders of public offices and public authority;
- Persons who have been holders of public offices and public authorizations within a period determined by this Law.

#### **Article 27**

(1) The State Election Commission, within 24 hours upon having issued the irretrievable written statement for candidature as foreseen in the Electoral Code, shall submit the list of candidates to the Commission for a check. The results from the check of the persons, immediately, and the latest by the following day, from the day of receiving the data by the bodies from Article 20 of this Law shall be submitted to the State Election Commission.

(2) The organ or the body responsible for proposing candidates or opening a public call or public official in charge of the organ responsible for conducting a procedure for electing and appointing holders or public office shall submit the list of candidates to the Commission for verification within 24 hours. The results from the verification of the persons shall be sent back to the organ or the body responsible for within seven days from the day of receiving the data by the bodies from Article 20 of this Law.

(3) The results from the verification of the persons in question shall be published on the website of the Commission as well.

(4) The election bodies, after receiving the decision of the Commission determining collaboration with the state security bodies of a person candidate for a holder of a public office as listed on the submitted list of candidates, shall act in the manner same as with respect to handling an irregularity that should be eliminated in the procedure for candidature, as foreseen in the Electoral Code.

(5) Another organ or bodying charge of candidature, or an official in charge of that body, after receiving the decision of the Commission, which determines collaboration with the state security bodies of a person who is a candidate for a holder of a public office or for executing of public authorizations shall act in the same manner as if handling an unfulfilled criterion in the procedure for candidature or competition.

## **Article 28**

(1) Person holder of public office or public authority, in respect of whom the Commission after the verification procedure shall ascertain that he/she has collaborated with the organs of the state security in the period as determined in Article 4 of this law, meets the criterion limiting his/her right to exercise public office or public authority in the period while this law is applicable.

(2) The Commission shall immediately and no later than three days after accomplishing the procedure for checking and informing the person as in paragraph (1) of this Article that there exists evidence for collaboration with the organs of the state security, the decision which verifies the organs of the state security that is published on the webpage of the Commission and the same is submitted to the Parliament of the Republic of Macedonia, Government of Republic of Macedonia, State Election Commission and to the organ and the body for competing and candidature of the person to become a bearer of public office or public authorizations, for the purpose of initiating a procedure for a dismissal.

(3) The decision with which it is being verified that there was a collaboration with the organs and the bodies of the state security, the Commission adopts this within a period not longer than 15 days from the day when the information has been received from the organs as in Article 20 of this law.

## **Article 29**

(1) Person - holders of public office or of public authority whom the Commission, after conducting the verification procedure, finds responsible of collaboration with the organs of the state security in the period stipulated in Article 4 of this law, shall be deprived of their right to exercise public office or public authority during the validity of this law.

(2) The Commission shall immediately and no later than three days after completing the procedure for verification and informing the person stipulated in paragraph (1) of this Article that there is evidence showing collaboration with the organs of the state security, publish the decision which verifies the organs of the state security on the webpage of the Commission and the submit to the Parliament of the Republic of Macedonia, Government of Republic of Macedonia, State Election Commission and to the organ and the body for competing and candidature of the person to become a holder of public office or public authority.

(3) The Commission enacts decision verifying collaboration with the organs of the state security no later than 15 days upon receiving the information from the organs listed in paragraph 20 of this law.

### **Article 30**

(1) The Commission verifies collaboration with the organs of the state security also upon a written request is submitted by:

1) Commercial broadcasting company, nonprofit broadcasting institution which are licensed to conduct broadcasting activity and the printed media, in terms of their founders, holders of managerial offices and their employed journalists:

2) Political parties in respect to their Presidents, Deputy Presidents, members of organs and bodies and their members;

3) Religious communities and religious groups in respect of their heads and members of the organs and bodies;

4) Public organizations registered in line with law in respect of their founders, holders of managerial offices and members in the organs and in the bodies.

(2) The request envisioned in paragraph (1) of this Article shall be signed by the representatives of the legal entity as envisioned in paragraph (1) of this Article. A written consent of the person in respect of whom verification is required is enclosed to this request.

(3) The verification results shall be submitted in a writing to the applicant requesting the information envisioned (1) of this Article no later than 15 days from the day the application was submitted. The person who was a subject of verification shall be informed in case there is evidence for collaboration with the organs of the state security, and the decision shall be published on the Commission's webpage, no later than three days from the day of receipt of the results obtained from the verification.

### **Article 31**

(1) Decision verifying collaboration with the state security services shall contain: full name and surname, Personal Identification Number, date and place of birth, alias (pseudonym) names which were used and the documents which were used as evidence for persons' collaboration with the organs of the state security services; public office or public authority for which the person is candidate to perform this, is performing or that has performed it.

(2) Personal data of the persons - collaborators with the state security service, are not considered as being a personal data in terms of the Law for Protection of Personal Data.

(3) Person subject to verification shall be informed by the Commission of the results obtained. The decision envisioned in paragraph (1) of this Article shall be posted on the Commission's webpage, no later than three days from the day of receipt of the verification results.

(4) In addition to posting the decision envisioned in paragraph (1) of this Article on the Commission's webpage, the documents used as evidence while verifying of the collaboration of the person with the state security service shall also be posted.

(5) The Commission's decisions can be appealed before the competent court within 8 days from the day of service, based on the principles of priority and urgency.

(6) If a procedure is not initiated within the prescribed deadline as in paragraph (5) of this Article, the Commission's decision becomes final.

(7) Once the decision of the Commission becomes final, there is no right of appeal.

**Article 32**

(1) The competent Court within five days (*upon receiving the appeals*) shall initiate priority based-procedure to decide on the request for determining non-collaboration with the organs of the state security service.

(2) Applicants inform the Commission about the initiation of a procedure before a competent Court.

(3) Final decision of the competent court upholding Commission's decision, makes the decision of the Commission become final.

(4) Final decision of the Commission cannot be subject of appeal.

**Article 33**

(1) The data about the persons shall not be published only in the following cases;

1. The person is already deceased;
2. The person shall withdraw his/her candidacy for public office or public authority or tender a resignation notice as a holder of public office or public authority three days prior to receiving the written notice informing him/her of the verification procedure results.

(2) The provisions of paragraph (1) of this Article shall not be applied in respect of for persons who are listed in the list of candidates list for holders of public offices in accordance to the Electoral Code. If it is ascertained that there has been collaboration with the state security service, the name of that person shall be mandatorily published on the Commission's webpage and also submitted to the State Election Commission.

**VI. ACCESS TO THE DOCUMENTS OF THE STATE SECURITY BODIES****Article 34**

(1) Every person has the right to access the information collected for him/her in terms of this law with a purpose of determining the collaboration with the state security bodies.

(2) The right from paragraph (1) of this Article shall be exercised by submission of a written request to the Commission by the concerned person or by his/her proxy representative (Lawyer) with a power of attorney letter verified by Notary. The request shall be accompanied by a signed annex for non-disclosure of the data the claimant had obtained thereof.

(3) The Commission shall respond in writing to the request from paragraph (2) within a 15 days and shall inform the claimant of the time and place where the verification of the documents will take place.

(4) The access pursuant to paragraph (1) shall include:

1. Personal check of documents;
2. Making copies of the document;
3. Revealing of the identity of the person/s – secret collaborator in terms of this Law.

(5) In cases where the content of the documents may result in serious violation of rights and interests of third parties, whose names are mentioned in the documents and no written consent has been obtained from them or their successors, a copy of the documents shall be made without the data about the third party.

(6) In the case of paragraph (4) of this Law, the person requesting the documents shall sign a statement for not publishing (*disclosing*) the data he/she has come to know.

(7) The person who has been determined as collaborator of the state security has the right to be informed of the documents proving his collaboration.

### **Article 35**

(1) Every person has the right to:

1. Access the documents, in terms of this law, of the state security bodies as archived in the State Archive of the Republic of Macedonia, for scientific research and educational activities, pursuant to the provisions of the Law on Free Access to Information of Public Character and the regulations and bylaws on the work of the State Archive of the Republic of Macedonia.

(2) The right listed in paragraph (1), item 1 of this Article shall be exercised by submitting a written request to the State Archive of the Republic of Macedonia. The annex to the request shall be a signed written statement for not publishing (*non-disclosure of*) the data which the claimant has found out.

(3) The State Archive of the Republic of Macedonia shall respond in a writing to the request from paragraph (2) within a timeframe of 15 days and shall inform the claimant on the time and place where the verification of the documents will take place.

### **Article 36**

(1) Documents, the disclosure of which or publishing of which may endanger state security or endanger or deteriorate the interests of the Republic of Macedonia in terms of its International relations, or would maybe cause serious danger to the life of a certain person shall not be disclosed and/or publicly published.

(2) The appropriate security service shall submit a proposal to the Commission to disable any documents from being disclosed or publicly published. The Commission shall reach a Decision, which is final and there is no right to complaint.

(3) The documents from paragraph (1) of this Article, which should not be disclosed or publicly published, shall be kept in the State Archive of the Republic of Macedonia, pursuant to the regulations and bylaws on the work of the State Archive of the Republic of Macedonia.

## **VII. PENAL PROVISIONS**

### **Article 37**

(1) A person that shall conceal, replace, delete, add to, destroy or publish data pertaining to the collaboration of the persons with the state security bodies in an unauthorized manner shall be fined or punished with imprisonment up to one year.

(2) In case the act from paragraph (1) of this Article is performed by an authorized person while performing official duties, he/she shall be punished with imprisonment of at least four years.

### **Article 38**

(1) A person that shall urge concealing, replacing, deleting, adding up, destroying or unauthorized publishing of data pertaining to collaboration of persons with the state security bodies shall be fined or punished with imprisonment up to one year.

(2) In case the act from paragraph (1) of this Article is performed by an authorized person while performing official duties, he/he shall be punished with imprisonment from three months to three years.

## **VIII. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 39**

(1) The Commission on Verification of Facts established pursuant to the Law on Determining an Additional Criterion for Exercise of a Public Office ("Official Gazette of the Republic of Macedonia", no.14/2008, 64/2009 and 24/2011) shall continue to work according to the provisions of this Law.

(2) The mandate of the elected members of the Commission pursuant to the Law on Determining an Additional Criterion for Exercise of a Public Office ("Official Gazette of the Republic of Macedonia", no.14/2008, 64/2009 and 24/2011) shall cease when the time period they were elected for pursuant to the Law on Determining an Additional Criterion for Exercise of a Public Office ("Official Gazette of the Republic of Macedonia", no.14/2008, 64/2009 and 24/2011) shall expire.

### **Article 40**

The commenced proceedings on determining collaboration with the state security bodies, commenced pursuant to the Law on Determining an Additional Criterion for Exercise of a Public Office ("Official Gazette of the Republic of Macedonia", no.14/2008, 64/2009 and 24/2011) shall be concluded in accordance with the provisions of this Law.

### **Article 41**

This Law shall enter into force on the eighth day of the day of its publishing in the "Official Gazette of the Republic of Macedonia", and shall be applied for ten years from the day of the election of the composition of the Commission on Verification of Facts pursuant to the Law on Determining an Additional Criterion for Exercise of a Public Office ("Official Gazette of the Republic of Macedonia", no.14/2008, 64/2009 and 24/2011).

### **Article 42**

On the day this Law shall enter into force, the Law on Determining an Additional Criterion for Exercise of a Public Office ("Official Gazette of the Republic of Macedonia", no.14/2008, 64/2009 and 24/2011) shall cease to be valid.