



# MAPPING OF INSTITUTIONS IN THE AREAS OF **JUSTICE, FREEDOM AND SECURITY**

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# INTRODUCTION

Chapter 24 is important for the European Union because it provides freedom, security and justice on its whole territory, without internal borders' control and on which territory, both citizens of the EU and others are able to enter, commute, live and work, bring new ideas, knowledge, capital and innovations to enforce markets' rules<sup>1</sup>.

Chapter 24 is important for The Republic of North Macedonia, because the sovereignty of the state and its mechanisms for the protection of the national identity emerge from it. The instruments which procure freedom, security and justice have a strong influence over the citizens' interest and care for the rule of law, borders control, the fight against organized crime, terrorism, human trafficking and other serious forms of crime. Each progress and increased efficiency in conducting the rule of law is an imperative for the citizens of Macedonia, representing improvement of personal and collective security, making of healthy social relations which affect the creation of well-being and an improved representation of the country, in front of both the European family and International community. The importance of Chapters 24 and 23 represents a significant political investment for our country, which was greatly included in the non-existing consensus between EU member countries, for agreeing on a start date for accession negotiations in October 2019, and also for reaching a decision on starting the accession negotiations in March 2020.

The new concept maintains the previous approach and projects the start of the negotiations by opening and closing Chapters 23 and 24. In the meantime, if the negotiation process does not always adhere to an increasingly positive direction and the agreed responsibilities do not meet the expectations for quality or are not being implemented at all, the EU can reverse the negotiation process and stop negotiations in other chapters as well and the situation can be maintained as such, all until Macedonia implements the necessary activities and reaches the conditions for negotiation conducting or completion in these two chapters. In other words, this means dedication to and adoption of action plans, until they are fully implemented.

What is important to bear in mind is that, the closure of negotiations in these two chapters can only occur after closure has been achieved in all other chapters. More simply put, good performance in these two chapters will grant the opportunity for new chapters to be opened and vice-versa, poor performance and not implementing the action plan will be a step backwards without an opportunity to open new chapters, until all weak points have been removed.

## **INSTITUTIONAL CONFIGURATION ON CHAPTER 24 – JUSTICE, FREEDOM, SECURITY**

*The Ministry of Internal Affairs of the Republic of North Macedonia has the most of jurisdictional responsibility related to Chapter 24, which can be clearly seen in the annual reports by the EU on Macedonia, which follow the progress in this area, and from the Ministry's participation in international activities related to Chapter 24. The involvement and jurisdictional responsibility of other institutions related to Chapter 24 is of equal importance and their inclusion in the negotiation process is of utmost importance.*

*According to the afore mentioned, the MIA has a key part in the negotiations process on Chapter 24 – Justice, Freedom and Security, with the EU. This lead role holds the highest responsibility on subjects which are to be negotiated and fall under the jurisdiction of the MIA, as well as the coordination and management of national teams, negotiating on specific subjects.*

*The MIA's part, involves support of the main negotiating team which deals with the EU, planning and devising the methodology which will give the framework of the Action plan on Chapter 24 to be later actualized with projected and secured personnel, material and financial resources.*

*The EU resources which will alleviate the negotiations process for the Macedonian side, need to be carefully planned and put into practice, as well as obtaining the relevant expertise from the EU (quite often by using the TAIEX instrument).*

*During these negotiations, the European Commission has a key advisory role, in terms of the reforms' content.*

<sup>1</sup> <https://europarl.europa.eu/topics/treaty/pdf/amst-en.pdf> The Amsterdam Treaty of 1997 expresses freedom, security and justice:

- Freedom in the EU is explained as the securement of free commuting and movement of people, their settling on EU territory, protection of basic rights and the fight against all forms of discrimination.
- Security represents protection of EU citizens from hard crime, terrorism in particular, trafficking of people, weapons and drugs, as well as protection against corruption and fraud.
- Justice represents the securement of equal access for all EU citizens to the Union (its courts and other institutions) as well as the cooperation of the authorities of member countries, in civic matters and agreement on the minimal joint rules, which extend over criminal actions, criminal processes and punishment, as well as extending of cooperation in the judicial system.

The experiences from other countries, which have started accession negotiations states that, the adopted action plans for Chapter 23 and 24 negotiations must be carefully conveyed and rated by the government institutions, while a mechanism for regular updating is put into place.

From the aspect of methodology, the first step of the negotiations is alignment of the domestic judicial legislature with the one of the EU. The second step is the making of prerequisite conditions for its integral implementation. Alongside these two steps is the creation of capacities within the government institutions, so they are able to manage the processes of integration, to observe and grade them as well as remove any imperfections, as learned from experience.

The role of the civic society in the negotiations is to carefully observe the integrations process in the areas of the judicial system and internal affairs, and to contribute in a constructive manner to the creation of sustainable solutions. One has to bear in mind that, the challenges related to the implementation of complex tasks coming out of Chapter 24 are dynamic and change continuously, depending on global movements but also, depending on the internal cohesive structure of the negotiating country. They have an attached risk of newly developing, transnational crime which is generally accompanied by violence, but sometimes, by atypical manifestations of disaster as well, such as pandemics. There is also a risk on the degree of credibility development in the government institutions, which should preserve the rule of law, a danger from corruptive eroding, as well as minimization of their accountability and transparency. On the other hand, the existence of political will and sincere readiness for reform-enforcement and acceptance of newly occurred situations, which need to be integrated and actualized is a very important indicator as well.

## AREA STRUCTURE OF CHAPTER 24

Chapter 24 consists of areas of public politics which are significant for the sovereignty of the country. Most of them are situated in the domain of internal affairs, on which security and access to justice depend. These are key factors for the securement of the founding democratic values.

Internal Affairs are an area which has recorded fast progress and development in the countries of the European Union. The reforms in this area are identified as a possibility for the Union to speed up the integrative process and to enforce legislation in a singular way, by which it can demonstrate greater efficiency and economical approach in the prevention and suppression of classic threats and moreover, the new class of challenges and endangerment, whether man-made, coming from climate change or cyber-threats. Countries which are candidates for EU accession are faced with fulfilling conditions and demonstrating sufficient capacities that, they are able to secure justice, freedom and security and to be compelling enough, proving that their future membership in the EU will contribute to further enforcement of these values.

The Civil Society and the specialized associations have an essential importance for a proper and thorough approach to the negotiations. Caring for civic values and the need for a system to function with integrity, makes the role of the civic sector a constitutional part in the process of the negotiations with the EU. In the Serbian negotiations, the nongovernmental sector was recognized as a constitutional part of the process and for each advancement, an opinion from the nongovernmental association is necessary. In Monte Negro, the nongovernmental sector is a respected partner by the governmental institutions and acts as an initiator and mediator in a great number of organized debates on current topics.

In Macedonia, the Civil Society is expressing a high degree of interest in its active position in the upcoming negotiations. This sector is initiating projects which include government institutions, as well as representatives of the opposition and the expert domain<sup>2</sup>. The NGO sector is helping government institutions in the organization of debates on popular topics, providing domestic and foreign expertise. Nonetheless, there is still a responsibility left on the civic organization in which they must make their role clearer in the upcoming negotiations on Chapter 24, while establishing a network of collaboration and understanding amongst each other.

Chapter 24 has a vast dimension and stretches over more areas<sup>3</sup>:

- Migration
- Asylum
- External borders and Schengen
- Visa policy
- Fight against organized crime
- Cooperation in the field of drugs
- Fight against terrorism
- Human trafficking
- International police cooperation
- International customs cooperation
- Prevention of counterfeiting the Euro
- Judicial cooperation in civic and criminal cases

The structure of Chapter 24 contains the so-called “Hard law”, hence the negotiated questions demand specific knowledge in a sphere which has not been widely discussed in the past. The experience gathered from the past enlargement wave states that, monitoring of the negotiations in this area represents a particular challenge for the civic society. In accordance with the new approach to legislative alignment with the European legislatures in Chapter 24’s framework, the beginning consists of an explanatory screening. The desired standards which need to be reached in this chapter are in their majority defined by numerous international instruments (conventions, protocols, directives) which are either signed or ratified by the Republic of North Macedonia. Responsibilities have been undertaken for their implementation, foremost in the area of fight against organized crime, terrorism and human trafficking. A vast number have been specifically arranged through a series of documents of the EU (regulations, directives, etc.) specifically in the sections for asylum, migration, visas and external borders. The achievements, responsibilities, challenges and shortcomings in this field are established in the reports of the EC for Macedonia, as well as in the report of the expert group, spearheaded by Reinhard Priebe (2015)<sup>4</sup>, in the reports for alignment with the recommendations by GRECO<sup>5</sup>, in the reports of the European Council<sup>6</sup> and other relevant institutions, which are founded upon different national and international sources.

<sup>2</sup> One of the projects supported by the Government of the Republic of Slovakia and UNDP is the “National Convention on the EU in the Republic of North Macedonia” which was started in 2017 and is promoting the European movement in Macedonia; <https://nkeu.mk/>

<sup>3</sup> Further reading on: <https://eu.org.mk/chapters/poglavje-24#sodrzina>, viewed on 01.04.2020.

<sup>4</sup> [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news\\_corner/news/news-files/20150619\\_recommendations\\_of\\_the\\_senior\\_experts\\_group.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news_corner/news/news-files/20150619_recommendations_of_the_senior_experts_group.pdf)

<sup>5</sup> <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/16808cc85f>

<sup>6</sup> <https://www.coe.int/en/web/cpt/-/cpt-publishes-highly-critical-report-on-prisons-in-the-former-yugoslav-republic-of-macedonia->

## MAPPING OF INSTITUTIONS IN AREAS OF CHAPTER 24

The Secretariat for European Affairs (SEA) is the responsible institution in the Republic of North Macedonia, which coordinates the process of euro-integration, since the adoption of the strategic goal for accession to the EU and later on, with the signing of the Stabilization and Association Agreement (SAA) (2001). SEA has the role of a strategic body, responsible for state politics in the process of euro-integrations. At the same time, it provides coordination and supports activities in all chapters for which the Republic of North Macedonia will conduct negotiations with the European Union.

Chapter 24 consists of numerous activities which result from or are related to the terms: Justice, freedom and security. Considering the fact that these terms themselves are vital to human growth and survival, but at the same time, they are difficult to define, we analyze the content which results from this chapter through reports devised by the EU, concerning our country. For the needs of this document, we are using information from reports done by other European institutions, as well as analysis, research and factual documents. We have also used the expertise of domestic researchers and practitioners, which have been included and/or are included in reformation projects, related to Chapter 24. We are confident that this approach will provide a starting foundation through which activities could be specified and measurable indicators could be formed, to indicate either progress or stagnation in each area, respectively. Therefore, we choose to adhere to the cluster approach in the areas of Chapter 24, which we encounter in the reports and documents of the EU. While we are establishing which national institutions are responsible for implementation of tasks related to Chapter 24, which will represent a type of mapping of their jurisdictional responsibilities in this area, we choose to present the most relevant institutions in each area monitored and assessed by the EU.

### Migration

Migration and its forms of manifestation are closely analyzed in developed countries, while at the same time, measures are planned for acting upon the effects of the afore mentioned. The 2015 migration wave, set new standards in its detection and management of migration paths. The Republic of North Macedonia historically lays on the “Balkan Route” which has an importance even in the aspect of global migration currents.

Traditionally, migration is a subject dominantly under the jurisdiction of the police and social services. The reforms of the police and public security in our country have proven the connection with migration. In greater detail, migration responsibility lies with the Border Police. This approach is verified by the partner policing agencies from member EU members, who took part in the Police reforms in Macedonia (from 2002 and ongoing).

The founding responsibilities in management of the social aspects of the migration paths, fall under the Ministry of Labor and Social Policy of Macedonia, in particular in the domain of conducting social components related to migrants.

Other responsible institutions are: The Ministry of Foreign Affairs (MFA) – in the domain of signing and ratification of international instruments; The Ministry of Justice (MJ) – by proposing and harmonizing sustainable legislative projects; The Public Prosecutor’s Office (PPO), the Courts as well as the local government.

The Ombudsman, established as an institution in 1998, represents a new instrument in the judicial order of the Republic of North Macedonia, in protecting of the constitutional and legal rights of its citizens. The Ombudsman, through the National Preventive Mechanism, plays a significant role in the guarantee of legal standards, regarding the implementation of legislature focused on human rights and liberty. The mandate and jurisdictional responsibilities of the Ombudsman are derived from the Constitution of the Republic of North Macedonia (art. 77) and from The Law on the Ombudsman (Official Gazette of the Republic of North Macedonia” 60/03, 114/09 and 181/16).

The jurisdiction for establishing the legislation lies with The Assembly of the Republic of North Macedonia.

### Asylum

The right to Asylum represents a category in International law, defined in art. 14, item 1 of the Universal Declaration of Human Rights (UDHR) from 1948<sup>7</sup>: “Everyone has the right to pursue and be granted asylum in other countries”. The United Nation’s Convention Relating to the Status of Refugees from 1951<sup>8</sup>, which is a founding international instrument, does not contain an explicitly defined right to asylum, rather it has a stated principle of non-refoulement: “No Contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his (or hers) life or freedom would be threatened on account of his (or hers) race, religion, nationality, membership in a particular social group or political opinion”.

7 Universal Declaration of Human Rights from 1948 [https://mk.wikipedia.org/wiki/%D0%A3%D0%BD%D0%B8%D0%B2%D0%B5%D1%80%D0%B7%D0%B0%D0%BB%D0%BD%D0%B0\\_%D0%B4%D0%B5%D0%BA%D0%BB%D0%B0%D1%80%D0%B0%D1%86%D0%B8%D1%98%D0%B0\\_%D0%B7%D0%B0\\_%D1%87%D0%BE%D0%B2%D0%B5%D0%BA%D0%BE%D0%B2%D0%B8%D1%82%D0%B5\\_%D0%BF%D1%80%D0%B0%D0%B2%D0%B0](https://mk.wikipedia.org/wiki/%D0%A3%D0%BD%D0%B8%D0%B2%D0%B5%D1%80%D0%B7%D0%B0%D0%BB%D0%BD%D0%B0_%D0%B4%D0%B5%D0%BA%D0%BB%D0%B0%D1%80%D0%B0%D1%86%D0%B8%D1%98%D0%B0_%D0%B7%D0%B0_%D1%87%D0%BE%D0%B2%D0%B5%D0%BA%D0%BE%D0%B2%D0%B8%D1%82%D0%B5_%D0%BF%D1%80%D0%B0%D0%B2%D0%B0) viewed on 01.04.2020.

8 <https://www.unhcr.org/1951-refugee-convention.html> viewed on 01.04.2020.

The right to asylum is an international protection, which the Republic of North Macedonia, under specific conditions and procedures, grants to the following categories<sup>9</sup>:

- A recognized refugee (Under the Convention Relating to the Status of Refugees, 1951 and the Protocol Relating to the Status of Refugees, 1967) and
- Persons under subsidiary protection.

The Republic of North Macedonia has decided to empower an organizational structure within the MIA (Asylum Seekers Sector in the Office for Civilian Matters), which has the deciding role in the primary procedure<sup>10</sup>. The secondary procedure is conducted in the Administrative Court.

In the securing of opinion on the matter of asylum seeking, The Bureau for Public Security of the Republic of North Macedonia has jurisdiction as well, giving an assessment on possible security risks. The MLSP has jurisdiction over the social aspect of the asylum seeker. The Ministry of Justice (MJ) has jurisdiction over the harmonization of the legislature related to the asylum. The Ombudsman has jurisdiction over the guarantee for conducting the asylum procedure, in agreement with a protocol defined by law. In this domain, it is especially useful to bear in mind the jurisprudence of the European Court for Human Rights (ECHR), which has already acted upon complaints for violations in the rights to seek asylum.

## External Borders and Schengen

This subtitle is denominated as a matter of priority to the European Union. Having in mind the shared European policy for free movement of people, vehicles and goods, as well as safeguarding of the external borders of the EU, this matter is of extreme importance for our country as well, since our economic networks are dominantly connected to the countries of the EU. The Republic of North Macedonia will continuously adopt the European values through harmonization of its own legislation, will integrate European directives into the national legislature, will devise and act upon plans and programs to educate and form expert police and administrative capacities and will take part in the European bodies in charge of external borders security of the EU.

The institution responsible for the matters of External borders and Schengen is the MIA and especially, the Department of Border Police. Herein, the role of the Bureau for Public Security (BPS) is of a high importance as well in relation to other police jurisdictions (having in mind that the Border Police is a part of BPS), followed by the Sector for EU and International Cooperation, the Sector for International Police Cooperation, The Center for Education of the Personnel for the Police and other organizational units.

The Border Police is a specialized organizational unit in the MIA. It is a part of the BPS, where it is represented on a strategical level. This sector is constituted of four regional centers: East, based in Delchevo, West, based in Ohrid, North, based in Skopje and South, based in Kavadarci. Each regional center manages the police stations in the area in charge of green border and border area security, and by having control on cross-border points.

The legal framework for actions of the Border Police is largely aligned with European standards. The Strategy for Integrated Border Management of 2015 – 2019 is based on the founding document of the EU for integrated border management of 2006. The 2008 Action plan for Schengen must be continuously upgraded and aligned; a recognizable role related to the Action plan for Schengen falls unto the National Coordination Center for Integrated Border Management, which acts as an independent government agency in the Republic of North Macedonia. The EU assessments on this center state that it needs to further improve coordination, data exchange and information sharing. As a priority, the Information Technologies (IT) and technical expertise have to be immediately strengthened<sup>11</sup>.

As of this moment, the Border Police, Customs and other bodies do not share joint access to data bases and there is no formal, security protocol for exchange of information with the relevant security services. What remains to be defined is a protocol for discovery, investigation and prosecution of cross-border crime<sup>12</sup>.

Singular roles in the matter have the MFA, from the aspect of evaluation of international documents and their transposing into domestic legislature and the MJ, in harmonizing the legislature, the Assembly in the domain of adopting legislature and the SEA, by coordinating the process of euro-integrations.

<sup>9</sup> T.Stojanovski: Right to access to Asylum, Skopje, November 2016, p. 15.

<sup>10</sup> This organizational solution has been adopted in the countries of the former Yugoslavian Federation, as well as in a great number of other European countries. Still, a small number of countries exists, in which the asylum procedure has been delegated to independent government agencies, considering that it will bring a higher degree of unbiased procedure. Practice has shown that, there is no ideal solution in preventing the influence of governments on the asylum policy (T.S)

<sup>11</sup> 2019-north-macedonia-report.pdf, North Macedonia 2019 Report, p. 43.

<sup>12</sup> Ibid; p.43

Based on bilateral agreements, starting from 2016, the Republic of North Macedonia is a host for border police officers from Austria, Slovenia, Croatia, the Czech Republic, Slovakia, Hungary, Poland and Serbia, with a common goal of more efficient management of migration paths. The number of foreign police officers ranges from 140 to 190, having a continuous rotation.

The MIA has a close cooperation with FRONTEX, which involves inclusion of police officers – observers in joint operations. The Border Police takes part with regular information and data sharing, following a pre-determined methodology for all countries in the region. In return, the MIA and the Border Police receive analysis, information and training, which is of high importance in efficient execution of their responsibilities. This cooperation will be further upgraded with the upcoming signing of a treaty for bilateral cooperation, upon which it is expected for representatives of FRONTEX to be located in our country.

Acting on the provisions of the Police Cooperation Convention for Southeast Europe, the Border Police has joint patrols, which act upon adopted plans for protecting state borders with the Border Police units from Albania, Serbia and Kosovo.

In order to make this cooperation more efficient, joined border centers have been established with Bulgaria, Albania and Serbia. Following the example of some European states, mutual border crossings points have been initiated and maintained with Albania and Serbia, where the border control is done with one stop control. This model will be continuously used and expanded over multiple border crossings.

The MARRI regional center<sup>13</sup>, based in Skopje, has a pivotal role in the improvement of the regional cooperation in migration matters, where the regional cooperation between the airport border police and border police is of a high importance. This initiative has managed a number of regional projects through which, expertise was secured from FRONTEX, EUROPOL, IOM and other partner services from Europe and the USA.

## Visa Policy

The Visa policy is important in the aspect of managing migration and security which result from it. This policy is an important instrument for the Republic of North Macedonia, as well as for the European Union, which sets this issue as a Union priority – development and implementation of a unified visa policy, related to all aspects of living in the Union.

Our country has the longest preparational period for the accession negotiations with the EU. The visa policy was identified as a high priority even in the period that preceded the visa liberations, and the Republic of North Macedonia (along Serbia and Monte Negro) was positively assessed by the EU, while the decision for visa liberation was brought into force in 2009. Our country has established a sustainable concept of operative inclusion between diplomatic and consular representative bodies, The National Visa Information Center and The Sector for Visa Center with the MFA. This concept contributes to the prevention of asylum requests without grounds in the Schengen countries and the accompanying countries as well – out of 505 applications for asylum, this number decreased to 285 over a course of six months (the report refers to the period between March 2018 and March 2019)<sup>14</sup>.

The authoritative institutions in the field of visa policy in the Republic of North Macedonia are: MFA with its Sector for Visa Center and its diplomatic and consular bodies in foreign countries, The National Visa Information Center, related to the MIA, the Department for Border Police which facilitates the Sector for Foreign Citizens, followed by the Asylum Sector and the MLSP.

The National Visa Information Center<sup>15</sup> is founded in 2007 with a purpose to establish the standards needed for efficient order control on the cross-border points, which at the same time, was one of the conditions for the visa liberation.

The whole visa regime in Macedonia functions through the National Visa Information System, within the Visa Center in the MFA<sup>16</sup>. The Visa Center is connected with the majority of the diplomatic and consular representative bodies, where the visas are issued through the N-VIS System. This system is operatively connected to the data base from the Sector for Foreign Citizens and readmission of the MIA. This Visa Center has the purpose to coordinate the procedure between the diplomatic and consular representative bodies of Macedonia abroad, where the application requests of foreign citizens which need a visa to enter the Republic of North Macedonia are received. These requests are forwarded to The National Visa Information Center where the central registry is located and subsequently, sent out to relevant responsible units in the MIA, BPS and MLSP.

13 <http://marri-rc.org.mk/> viewed on 11.04.2020.

14 Ibid; p. 43.

15 "Official Gazette of the Republic of Macedonia"; is. 71 on 07.06.2007 viewed on 01.04.2020.

16 Further reading on: Resolution on Migration Policy of the Republic of Macedonia 2009 – 2014, <https://sobranie.mk/WBStorage/Files/3predlog-30-c.pdf> viewed on 21.04.2020

In exceptional cases, a request for asylum from a foreign citizen can be submitted on entry on the border crossing point by the Border Police<sup>17</sup>.

In the procedure lead by the National Visa Information Center, an assessment is being conducted to determine existence of grounds for a visa request, fulfillment of legal conditions for issuing a visa and risk-assessment as well, all of which are paramount in the decision whether or not a visa will be issued to a foreign person with intent to travel to our country. Upon the completion of this procedure, a consular clerk issues the visa in the applicants' travel document.

The Ministry of Justice has jurisdictional responsibility over the legal text contents and the follow-up on the visa material. The Assembly has the authority to discuss the legal text contents and adopt the afore mentioned in a previously established procedure. The Ombudsman has the authority to monitor the legality of the procedure, in relation to upholding the basic human rights and liberties. The visa policy has an influence on the country's security. Respectively, the state organizations in charge of security have an interest in the way this visa policy is being managed. Regardless, the access to personal information must have legal grounds.

## **Fight Against Organized Crime**

This is one of the crucial sections in Chapter 24. The latest reports from the EC on North Macedonia conclude that: "the country has a certain level of readiness in the area for fighting organized crime". This legislature is significantly aligned with European standards. Nonetheless, a further implementation of strategies against organized crime is being suggested, with the establishment of measurable indicators. The EC greets the passing of the new law for the Public Prosecutor's Office (2020). However, the main challenge is its implementation, having in mind the numerous remarks from experts, which were put forward in a public debate before the law was passed and which reflect on solutions proposed by political parties, thus infringing the rules of the trade.

On the operational level, a further involvement of the National Coordinative Center for Fight against organized crime is needed and its inclusion in mutual activities with partner centers from neighboring and EU countries, while putting emphasis on the fight against money-laundering and financial crime as a priority.

The authoritative institutions in the field of fighting against organized crime are: Sector against Organized Crime in the Office for Public Security with the MIA, which acts against any and all forms of organized crime. The jurisdiction of the MIA and BPS comes out of the Law for Internal Affairs and the Law for the Police, which delegate a responsibility to the police to fight the crime, which is one of its priorities. As the criminal groups grew more specialized, it incited a need for specialization in the state institutions, in prevention and suppression of financial crime, especially when in part, it occurs through legal financial flows. The Financial Police was formed for this exact purpose, which is a part of the Ministry of Finance and it monitors suspicious financial transaction through legal financial channels. The Directorate for Financial Crime adds on to this concept, which is a part of the Customs department, discovering and pursuing crime related to customs activities. In cases where there is an act against criminal activity that involves the jurisdiction of other relevant institutions, all of those institutions are included in mutual cooperation.

The completed reforms which followed the report of Reinhard Priebe (2015) denoted as emergency reforms, promoted the Operative Technical Agency (OTA) in 2018 which was integrated in the security community with the least of difficulties and is highly functional. It acts as an operative mediator who, following court orders gives approval for interception of communication, between telecommunication operators and the authoritative government bodies.

It is a general remark that the government insisted on keeping the set deadlines while preparing the new legal solutions, as well as their promotion as fulfillment of state responsibilities, as defined by the Priebe report, which was fully achieved. But, the suggestions by the NGO sector and a significant number of experts on the addition of mechanisms for more efficient internal and especially external control, over the newly formed agencies were left out.

The harmonization of legislature in this domain, refers to changes in the Law for Weapons, which will provide a more efficient control and monitoring of small arms and light weapons (SALW), as well as the Law for Prevention of Money Laundering and Financing Terrorism, made in 2018.

The Law on Freezing, Confiscation and Dealing with Confiscated Criminal Values, needs to undergo changes and harmonization with the Strategy for Enforcing the Capacities for Financial Investigation and the Confiscation of goods. Significant progress is expected from the existing jurisdictions of the Agency for Management of Confiscated/Seized Goods, whose capacities need to be largely enforced.

The European Commission pointed out the need for the domestic agencies to adopt and implement the EUROPOL methodology, which refers to threat assessment of serious and organized crime, as well as informing on future priority decisions on organized crime.

<sup>17</sup> Guidelines rulebook for issuing visas to foreigners, extension, annulment, recall and retraction of visas as well as the visa form in the evidence registry, art. 30, "Official Gazette of the Republic of Macedonia", iss. 71 from 07.06.2007, viewed on 01.04.2020.

The Strategy for Enforcing the capacities for financial investigation and the confiscation of goods (2018 – 2020) along with the Action Plan, was adopted and passed by the Government of the Republic of North Macedonia in February 2019<sup>18</sup>. A significant impulse in this priority implementation, is the completion of a separate organizational unit for financial investigations within the Public Prosecutor's Office (PPO), the MIA, Financial Police and Customs, and it is based upon the Strategy for Prevention of Money Laundering and Financing Terrorism (2017 – 2019) and the National Strategy Against Drugs (2014 – 2020). At the same time, there are high expectations for the formation of four investigative centers within the PPO, which are constituted in the Law for the Public Prosecutor's Office, and have been announced as an important tool in detecting and documenting the criminal acts for quite long.

The Republic of North Macedonia has a National Strategy for Cyber-Security (2018 – 2022), based upon the appropriate EU strategy for cyber-security, as well as on NATO documentation related to this type of security. It will be a challenge to see the intensity with which this national strategy will be implemented, after Macedonia joined NATO and with the upcoming start of accession negotiations with the EU. In the period covered by the report<sup>19</sup>, 105 criminal acts involving cyber-crime, 2 cases of production and distribution of children's pornography and another 2 cases of showing pornography to a child have been discovered<sup>20</sup>. It is the EC's assessment that Macedonia needs to enforce its capacities and that Law Enforcement in particular, must have a much higher response to detect, monitor, document and prosecute the cyber-crime.

An important tool, which was missing for quite a long period in the national mechanisms of control and which the EC had pointed out as a crucial instrument, is the external control over law enforcement, which should prevent malpractice while conducting the law and informing the public with transparency and integrity. The laws for the concerned institutions are harmonized in the parts they have as mutual, thus enabling the operability of the procedure. The new law for the PPO has adopted provisions which decrease the independence of the specialized department, which acts in cases of overstepping police authority. At the same time, the annual presentation of a separate report for these types of cases in the Assembly was abolished, transferring it over to a general report by the PPO.

The case with the integration of the civic body of experts in the office of the Ombudsman is suspended at this time, because of a narrow-sighted view of the Ombudsman that, the representatives of the civic society should be transformed into clerks, who will be acting on directives by the Ombudsman. In order for this situation to move forward and for the concept of external control over the Police to be correctly understood and implemented, the support from the Council of Europe – who has stood behind this project since the beginning – will be greatly needed.

The National Coordinative Center for Fight Against Organized crime is fully functional and is continuously improving its operational capacity. The MIA, Customs, the Unit for Financial Intelligence and the Public Revenue Office have their designated representatives, connected to this body. Each representative has direct access to their native institution's data-base. In absence of their own databases, the PPO and the Financial Police conduct their correspondence and information exchange via email<sup>21</sup>. This Center is showing the capacity to efficiently gather, exchange and analyze information. All of the undertaken activities have resulted with evidence for 316 private entities and 57 legal ones<sup>22</sup>.

Institutions possessing jurisdiction over the prevention and suppression of organized crime are: The Ministry of Internal Affairs via the organizational units in the Office for Public Safety; The Public Prosecutor's Office via the Sector Against Organized Crime as well as regional offices of the Public Prosecutor; The Ministry of Finance, via the Public Revenue Office, Customs Office and the Financial Police; The Agency for Management of Confiscated/Seized Goods and The National Committee for Prevention of Violent Extremism and Fight Against Terrorism.

18 This strategy has not yet been made available to the public, T.S.

19 The report of the EC refers to the period March 2018 – March 2019.

20 Ibid, p. 38.

21 Ibid, p. 36.

22 Ibid, p. 36.

## Cooperation in the Field of Drugs

Illegal drug trafficking is one of the heaviest forms of organized crime in the world, which puts many people in danger. It is precisely because of these reasons that quite often, this form of crime is transnational. The EU has responded to these threats from illegal drug trafficking with the EU Drugs Strategy 2013 – 2020, with a sole purpose to decrease demand and supply of drugs in the EU. This strategic approach is based on complementary policies of all member countries, which provides coordinated and joint actions. The countries aspiring to join the EU are preparing themselves for this mutual EU policy.

In 2018-2019, progress has been evident in the harmonization<sup>23</sup> of the legislature for control of drugs and psychotropic substances, in alignment with the EU *acquis*. The new changes should enable a more efficient discovery of psychoactive substances, by creating an early-warning system.

The National Drug Strategy 2014 – 2020<sup>24</sup> has been adopted and passed and it has been harmonized with the EU Drug Strategy and the new action plan 2018 – 2020.

2018 has been assessed as successful in discovery and suppression of illegal drugs and organized crime groups. There have been 673 raised criminal acts for the “illegal production and trade of narcotics, psychoactive substances and precursors” (467 in 2017), which involved 782 perpetrators (532 in 2017) and 116 acts of enabling narcotics use (88 in 2017) with 124 perpetrators (97 in 2017). In total, 1.538 kilos of various narcotics have been seized, which is more than 4 times the quantity seized in 2017<sup>25</sup>.

The cooperation with neighboring countries and partner services is assessed as good. It is being conducted in a bilateral manner, but also in the framework of international criminal investigations.

The European Commission has assessed that the capacity of the National Drug Observatory needs to be increased, so it can be able to properly observe conducted tasks during drug manufacture. The analysis, data-collection and reporting on those issues according to the standards of the European Monitoring Center for Drugs and Drug Addiction, needs further enforcement and improvement. The lack of a secured location for storage of drugs and precursors before they are destroyed has been assessed as a problem. According to the legislature, just a small sample can't be kept as material evidence, instead, the whole quantity is needed. An appropriate procedure for destruction of precursors is yet to be established<sup>26</sup>.

Institutions possessing jurisdiction over the prevention and suppression of organized crime are: The Ministry of Internal Affairs via the organizational units in the Bureau for Public Safety; The Public Prosecutor's Office via the Sector Against Organized Crime as well as regional offices of the Public Prosecutor; The Ministry of Finance, via the Public Revenue Office, Customs Office and the Financial Police and The Ministry of Health.

Small arms and light weapons (SALW) are an important factor which affects the security of all citizens. The military conflicts which took place on European territory in the end of the last and beginning of this century, as well as the continuous demand, are keeping a high-value price for this type of weapons. On the other hand, SALW are included in other dangerous forms of crime, such as illegal drug trafficking, people trafficking, violent criminal acts and forms of radicalism. The armed conflict in Macedonia in 2001, as well as the culture of owning weapons and their abuse, are the reasons why the government has put in place a strict sanctions policy. Competent non-governmental organizations have given an estimate that there are over 100.000 units of illegal weapons in Macedonia. The disarmament actions, organized by the UNDP and other agents for voluntary collection of SALW, had only resulted in a symbolic decrease in this quantity of illegal weapons.

Recognizing the universal threat of SALW, the EU has established strict rules for control of weapons, including the Firearms Directive for Control, Purchasing and Owning weapons, (2008/51/EC), which brings forward a complete ban on the sale of automatic weapons to citizens. The EU has a special concern for the system enabling control over the factories which manufacture the weapons, its transport and delivery to the target destination, all of which undergo strict control, especially when it concerns the seller and buyer.

In the EC report for Macedonia from 2019, it is stated that 129 firearm units have been seized. There is no recorded destruction of weapons in 2017. For 2018 we have recorded 590 units of nonfunctional, damaged or non-usable weapons. At the same time, there have been 187 criminal acts of illegal manufacturing, keeping, carrying or selling of weapons or explosive devices, involving 203 perpetrators with two legal entities being sanctioned.

23 Further reading: 2019-north-macedonia-report.pdf, North Macedonia 2019 Report p. 36.

24 <http://zdravstvo.gov.mk/wp-content/uploads/2018/03/mkd-strategija-za-opojni-drogi-2014-2020.pdf> пристапено на 1.4.2020

25 Ibid, p.38.

26 Ibid, p.38.

The last year has recorded an increase in discovery by 45% compared to the previous year; There have been 18 convictions against 20 persons. In 18 cases, the items used to commit the crime have been seized.

Traditionally, Macedonia has a proactive approach to the suppression of illegal weapons trade. In partnership with the UNDP in the post conflict period, many projects and activities have been organized, having a common goal of collecting SALW. Macedonia has also been an active participant to the SEESAC regional center, based in Belgrade, which has conducted a great number of regional activities in increasing the awareness for the danger of weapons, as well as in harmonizing the legislature and organizing numerous training activities. In the past year, Macedonia has been an active partner in the regional activities, organized by the European multidisciplinary platform against criminal threats for preventing illegal trade and smuggling of weapons, ammunition, illegal migration, illegal drug trade and document fraud<sup>27</sup>.

The institutions with jurisdiction over preventing and suppression of illegal SALW trade are: The Ministry of Internal Affairs via the organizational units in the Bureau for Public Safety; The Public Prosecutor's Office via the Unit to prosecute Organized Crime as well as regional offices of the Public Prosecutor; The Customs Office and the Ministry of Transport.

## **Fight Against Terrorism**

Terrorism poses a dangerous threat to all civilizational values. It is waged by individuals and groups which use spreading terror as means to completing their goals. Europe is especially sensitive to terrorist activities because it is founded on democratic values and on the respect of human rights. The established values in the EU, first and foremost the free movement of people, goods and services are particularly sensitive to the threats of terrorism. A growing concern is the tendency of more countries becoming targets for terrorist attacks.

In the latter years, a new form related to terrorism is young Europeans joining ISIS, which makes their return home a real threat to the security of the EU and other countries in the region<sup>28</sup>. This is why the EU has a special interest in Chapter 24 – Justice, Freedom and Security, equally important for member countries and the ones starting accession negotiations with the EU. The jurisdictions in the area of fighting against terrorism are mainly related to the national security services and the police, which have the capacities and resources to intercept and neutralize these threats. At the same time, the EU plays an important part by creating the projections for joint security and defense policies, as well as upgrading the policies for fighting terrorism more efficiently, in cases of prevention and security from terrorist attacks, to the dealing and managing of their consequences.

The EC's report for Macedonia from 2019<sup>29</sup> states that a National Committee for Prevention of Violent Extremism and Fight Against Terrorism has been established, within the government framework. The Committee is effective and continuously improving its capacities, through basic and specialist trainings. The cooperation with agencies enforcing the law, as well as with the intelligence community is assessed as good. The report puts an emphasis on increased and enforced cooperation with the local communities and the civic society.

The responsible body acting upon criminal acts of terrorism is the Office for Prosecuting Organized Crime and Corruption. The agency with authority over intercepting terrorist activities is the Agency for National Security. The Criminal Code of Macedonia, in its essence, contains the definition for terrorism as a criminal act.

Macedonia has a National Strategy for Fighting Terrorism 2018 – 2022 and a Strategy for Suppression of Violent Extremism 2018 – 2020, with their action plans, respectively. This is the foreground of a more organized and integrated approach, accompanied by numerous trainings which are meant to facilitate the implementation of strategic goals.

In October 2018, Macedonia signed the EU Joint Action Plan on Counter-Terrorism for the Western Balkans, which defines specific steps for the enforcement of the cooperation and prevention of radicalization in a period of two years. The Republic of North Macedonia is an active participant in the Western-Balkans Initiative for Counter-Terrorism.

<sup>27</sup> Ibid, p. 38.

<sup>28</sup> It is estimated that from 2012 around 106 Macedonian citizens have left for the warzones in Syria and Iraq. Around 103 have come back, around 20 were still there (2019) and 30 have been killed; 2019-north-macedonia-report.pdf, North Macedonia 2019 Report, p. 40.

<sup>29</sup> 2019-north-macedonia-report.pdf, North Macedonia 2019 Report, p. 39.

## Human Trafficking

Traditionally, since 2002, the national capacities for prevention and fight Human trafficking have shown a high degree of mobility and organization. The last EC report (2019) assessed the legislature harmonized with European standards, defining the following aspects as criminal: Human trafficking, internet child pornography, cyber-crime and drug trafficking. The changes have been made in order to integrate no-contest claims for acts committed or resulted from Human trafficking<sup>30</sup>. Further harmonization of national legislature, such as Criminal Code, Law for Criminal Procedure, Law for Asylum, Law for Foreigners (CC, LCP, LA, LF) needs to be done in accordance with the provisions from the Istanbul Convention (2011).

A successful result from the National Strategy against Human Trafficking and Illegal Migration (2017 – 2020) is the creation of a Task force, consisted of two public prosecutors from the Public Prosecutors Office against Organized Crime and Corruption and representatives from the services of the MIA. The speed with which they are able to function and act, with real-time support from their native institutions and from all involved sides as well, provides results acclaimed with the community and international partners, respectively. There have been 21 persons arrested in 2019, from a higher number of criminal organizations for smuggling of migrants. The report of the EC notes a temporary freeze on 53 banking accounts of physical persons and 24 of legal persons, and measures have been undertaken for the confiscation of 13 items of real-estate. There were effective prison verdicts for smuggling of migrants against 11 persons, ranging from 1 to 6 years. Statistical indicators show that this type of crime has an upwards tendency, with 17 cases in 2017, to 58 in 2018. PPO had submitted 44 indictments, involving 73 persons<sup>31</sup>.

In accordance with the National Strategy against Human Trafficking and Illegal Migration (2017 – 2020), in the beginning of 2018, five mobile teams were formed, in Skopje, Bitola, Kumanovo, Tetovo and Gevgelija, with a task to identify potential victims of human trafficking, especially those in the vulnerable category of people. The mobile teams are consisted of members of the MIA, MLSP and the civic society. The justification for the teams' formation comes out of the number of confirmed cases, in comparison with the previous periods when 10 persons were found, out of which 6 were minors. Six criminal indictments were submitted regarding these cases, against 17 persons. In a singular case, three persons received prison sentencing ranging between 12 and 13 years<sup>32</sup>.

## International Police Cooperation

International police cooperation has emerged as an organized form of action in the beginning of the 20<sup>th</sup> century, as an attempt to prevent and sanction perpetrators of theft on an international level. This was the basis on which INTERPOL was formed, the first organization which allowed a cooperation between police organizations from different countries. This type of cooperation has evolved in new forms, appropriate to the development of the countries who needed to counter-act the threats of crime, which was reaching an expansion as a result of the industrial, technical and general progress of society. In the last century, the international police cooperation was under strong control of separate countries, each of them having as a priority their sovereignty of state and territory control. There are numerous cases in the bipolar world when, the political control over the police was more than often a limiting factor, rather than an effort for transparent cooperation against crime.

The conditions changed significantly with the creation of the European Economic Union, followed later by the European Union. The events of the Munich Olympics (1972), the fall of the Berlin Wall (1990) and the dissemination of the Eastern Block, initiated numerous forms of cooperation where the countries, facing the danger of organized crime abstained from a part of their national sovereignty, which in turn allowed them to exchange information and take part in activities concerning sensitive actions, all in the interest of mutual success against international crime. The dying-out of the block ideology in a high number of countries, as well as the acknowledgement of the European Union as the main alternative for economic growth, security and better quality of life, all had a positive effect and unlocked the mechanisms for an efficient, universal cooperation of the agencies involved in law enforcement cooperation.

The development of the European Union, especially in the end of the last century, identifies the domain of Justice, Freedom and Security as the key aspect for its survival, which from the treaties of Maastricht, Lisbon and Amsterdam and later on, only had a dramatic growth and improvement in structure. The police cooperation (and the wider one between the institutions of justice) continues on with unaffected pace through the migrant crisis period and the emergence of COVID-19, as well as future challenges, whether initiated by man or nature. The International police cooperation related to the Republic of North Macedonia is continuously a matter of assessment by the European Union, usually through the Annual Progress Report for the country and, in more detail, through an evaluation of specific cooperative areas in the current bodies and organizations. Macedonia is included in the main forms of cooperation, being admitted in INTERPOL in 1993 and maintaining an operational agreement with EUROPOL since 2007. Since 2015, Macedonia has its own police representative in EUROPOL.

30 Ibid, p. 37.

31 Ibid, p. 37.

32 Ibid, p. 37.

The Republic of North Macedonia strongly supports the regional cooperation and takes part in all regional initiatives and bodies which develop police cooperation, after the end of armed conflicts resulting from the dissemination of former Yugoslavia. Macedonia has its own representatives in the Regional Cooperation Council in Sarajevo<sup>33</sup>, the SELEC center in Bucharest<sup>34</sup>, the RACVIAC center in Zagreb<sup>35</sup>, MARRI Regional Center in Skopje<sup>36</sup>, the SALW control center in Belgrade<sup>37</sup> (SEESAC), the Regional Anticorruption Initiative in Sarajevo<sup>38</sup> (RAI), the Regional School of Public Administration in Danilovgrad<sup>39</sup> (RESPA), the Police Cooperation Convention for Southeast Europe Secretariat in Ljubljana<sup>40</sup>, as well as the regional bodies of Southeast Europe Police Chiefs Association<sup>41</sup> (SEPCA) and The Southeast European Prosecutors Advisory Group (SEEPAG). Some of these bodies have achieved their goal and are not active as in their start, but are instead integrated in other initiatives.

An essential police cooperation is established through bilateral cooperation. It was a priority for Macedonia to send its police representatives (attachés) in neighboring countries or in countries with which it already has established effective economic or another type of cooperation, which lays the grounds for a successful police cooperation as well. At this time, there are several dozens of accredited police representatives (police attachés or liaison officers) from the neighboring and other countries who are a part of the community of foreign police representatives, immensely contributing to a more efficient, international police cooperation.

Identified as a positive example is the intensive cooperation with Austria, Slovenia, Hungary, Poland, the Czech Republic, Slovakia, Croatia and Serbia, whereas based on bilateral contracts, about 140 to 190 police representatives are continuously present in the southern part of Macedonia and are working on preventive measures, securing the border area in cooperation with the Macedonian Border Police since 2016 up to this day.

Macedonia has a vast experience in welcoming European Police Missions, the OSCE, the Council of Europe, etc., especially in the period after the armed conflict, when the country made great efforts to maintain order across its whole territory, voluntary collection and destruction of SALW, neutralization of armed and criminal formations and suppression of violent, international criminal groups. Even so, the country has a need of further enforcing of its capacities and raising this type of cooperation to another level.

Important and useful for the country are the projects from the Justice and Home Affairs Program, initiated and supported by the EU, having the role of enforcers of police capacities and all other law enforcement agencies. The European Commission points out the need for adoption of the EUROPOL methodology, which refers to threat assessments from serious and organized crime, while putting that methodology in practice by the domestic institutions, as well as the need for reporting on future priority decisions, related to organized crime. The institutions with jurisdiction over international police cooperation are: The Ministry of Internal Affairs with its organizational units, the Public Prosecutor's Office, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Finance through the Financial Police, the Public Revenue Office, the Customs Office, the Secretariat for European Affairs and the appropriate national coordinative bodies under the Government's jurisdiction.

## **International Customs Cooperation**

The Customs Office of the Republic of North Macedonia has a tradition of international cooperation, going back to the time of the country's proclamation of independence. It actively takes part in the work of all international organizations in the area of customs: World Customs Organization (WCO), World Trade Organization (WTO), the working bodies of the UN, SELEC and others<sup>42</sup>.

In order to ensure development, enforcement and application of the customs policies, establishing priorities and strategies for future development and modernization, closer bilateral and multilateral relations, as well as the application of customs procedures compliant with international standards, conventions, recommendations and methodologies developed by the WCO, Macedonia is a signatory party to many international conventions.

The cooperation with foreign customs offices for the improvement of electronic exchange of information is considered of high importance, which allows the prevention of customs fraud, smuggling and criminal acts, as well as the improvement of the cooperation between customs officers. Efficient cooperation results with easier trade and has a positive effect on security, on both regional and global level. The bilateral agreements for mutual help on customs affairs have a great preventive value in avoiding customs abuse, and they help in documenting criminal acts which already happened in the domain.

33 <https://www.rcc.int/>, viewed on 21.04.2020.

34 <https://www.selec.com/>, viewed on 21.04.2020.

35 <https://www.racviac.org/>, viewed on 21.04.2020.

36 <http://marri-rc.org.mk/>, viewed on 21.04.2020.

37 <http://www.seesac.org/>, viewed on 21.04.2020.

38 <http://www.rai-see.org/>, viewed on 21.04.2020.

39 <https://www.respaweb.eu/>, viewed on 21.04.2020.

40 <https://www.pccseesecretariat.si/>, viewed on 21.04.2020.

41 <https://www.pccseesecretariat.si/>, viewed on 21.04.2020.

42 Further reading: <http://www.customs.gov.mk/index.php/mk/za-nas-mk/megunarodna-i-meguinstucionalna-sorabotka>, viewed on 01.04.2020.

A special position in the Customs Office agenda have the activities directed towards permanent harmonization and application of the customs legislature from the EU in the Republic of North Macedonia, fulfilling technical and organizational demands, developing administrative capacities, as well as expanding public awareness for the way the Customs Union works.

There are many completed and ongoing projects in the Customs Office, supported by the European Union and other foreign partners, which provide modernization of Customs working and future development of institutional and administrative capacities, such as IT systems development, improvement of the working conditions, implementation of modern customs and excise procedures, etc.

The Inclusion of the Customs Office in the national bodies (coordinative bodies, tasks forces, etc.) is of utmost importance. In this manner, we can secure the real-time exchange of information by the Customs Office, which is a key condition for a fast, timely and efficient decision in the documentation of a criminal act.

The Institutions with jurisdiction over international Customs cooperation are: The Customs Office, as a part of the Ministry of Finance; the MIA with the Bureau for Public Security and the Sector for International Police Cooperation; The Public Prosecutor's Office; The Ministry of Justice; The Ministry of Foreign Affairs; the Financial Police; The Public Revenue Office and the Secretariat for European Affairs.

## **Prevention of Counterfeiting the Euro**

High on the EU's and EUROPOL's agenda is the prevention of counterfeiting the Euro. Numerous activities are undertaken, so the institutions which are governing the financial and administrative processes will have the necessary capacities for recognizing risk in its early phase and exchange information in a timely manner, which will result with a high protection of the Euro. In the Republic of North Macedonia, the prevention against counterfeiting the Euro is a criminal act as described in the Criminal Code, art. 268<sup>43</sup>, counterfeiting currency<sup>44</sup>. The object of counterfeiting protection is all money as means of currency, including the euro. This protection against counterfeiting currency is also found in other legislations: The Criminal Code, The Law for the Police, as well as legislation that defines fiscal matters, such as: The Law for The National Bank of the Republic of North Macedonia and others.

A further and more detailed harmonization of the national legislature will be the result of the Directive COM2013/42, which will provide increased protection and more efficient measures in the fight against the counterfeiting of the Euro.

The Republic of North Macedonia for this purpose, will have to ratify the Geneva Convention for the Suppression of Counterfeiting Currency, which will be a step towards accepting the responsibilities for providing information to EUROPOL.

The Ministry of Finance is the institution which needs to initiate the start of a procedure for ratification of the Geneva Convention for the Suppression of Counterfeiting Currency.

The Ministry of Internal Affairs, through the Bureau for Public Security and the Sector Against Organized Crime, needs to assess the current organizational positioning, and if needed, to set appropriate framework to the organization, all in favor of securing the foundations for efficient actions against the counterfeiting of the Euro.

The National Bank of the Republic of North Macedonia shares jurisdiction in this matter, and is continuously observing, analyzing and reporting to the relevant institutions on the situation related to counterfeiting currency.

The Customs Office conducts supervision over the legality of incoming and outgoing currencies across state lines by private entities, and acts accordingly in cases of exceeding the legal limits.

<sup>43</sup> Counterfeiting money, art. 268

1. Anyone who manufactures counterfeit money with intent to circulate it as real or anyone who will alter real money with intent to circulate it or anyone who will circulate such money, will be punished with a prison sentence between one and ten years.
2. Anyone who obtains or keeps counterfeit money with intent to circulate it as real will be punished with the sanction from Article 1.
3. If any acts from Article 1 and 2 contributed to an economic disarray in the country, the perpetrator will receive a prison sentence not less than five years.
4. Anyone who will circulate counterfeit money they have received as real or anyone aware that counterfeit money has been made or circulated and not report the matter, will be punished with a monetary fine or a prison sentence not longer than three years.
5. The counterfeited money will be seized.

<sup>44</sup> "In the first years of adopting the Euro in Macedonia (beginning of the millennium) there was a registered criminal activity related to a larger criminal group, acting from Bulgaria and in the region, which counterfeited more than one million euros. This was a high-profile case which involved more European Police departments. Many foreign partners expressed interest for this case." – Interview with a former member of the MIA.

## Judicial Cooperation in Civic and Criminal Cases

The judicial cooperation in civic and criminal cases has a long tradition in legislation, going back to the period of former Yugoslavia, but in reality, this is one of the most complex and limited areas for cooperation in the past period until today.

With the signing of the Stabilization and Association Agreement between Macedonia and the European Union (2001), began new paths in the harmonization of the national legislature and in the judicial cooperation in civic and criminal cases. Worth noticing is the positive step forward in this domain during the Stability Pact for South-Eastern Europe and the first years in the forming of the Regional Cooperation Council (RCC) (2006 – 2012) when the rules for regional collaboration were established between the institutions in the countries of South-Eastern Europe, as well as the foundations of trust, so cooperation in this domain could start.

In these last years, the judicial cooperation in civic and criminal cases is regularly monitored by the European Commission, making it a constituting part of the Annual Report on the Republic of North Macedonia in Chapter 24<sup>45</sup>.

The Ministry of Justice is the main institution, responsible for monitoring the judicial cooperation in civic and criminal cases and it is responsible for the creation of the basis for more efficient cooperation, especially the Sector for International Legal Aid.

The authorized courts have a crucial part in acting in accordance with international documents, which relate to matters including cooperation in civic and criminal cases.

Important international documents which delegate responsibility in civic matters have still not been signed and ratified by the Macedonian side<sup>46</sup>. This step concludes the role of the Ministry of Justice, Ministry of Foreign Affairs and the Assembly of the Republic of North Macedonia. For further improvement of this regulative as well as its practical use, significant help can be gained from the Association for Criminal Law and the Association of Judges of Macedonia.

<sup>45</sup> 2019-north-macedonia-report.pdf, North Macedonia 2019 Report p. 44.

<sup>46</sup> 1996 Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for Protection of Children; 2005 Choice of Court Convention; and 2007 Convention on the International recovery of Child Support and Other Forms of Family Maintenance and its Protocol for the Law Applicable to Maintenance, North Macedonia 2019 Report, p. 44.

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