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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
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(VENICE COMMISSION)

NORTH MACEDONIA

DRAFT LAW ON THE PUBLIC PROSECUTOR'S OFFICE

LAW ON THE PUBLIC PROSECUTOR'S OFFICE

1. BASIC PROVISIONS

Article 1

This Law shall regulate the establishment, competence, organization, functioning, and abolishment of the Public Prosecutor's Office, the rights and obligations of public prosecutors and the evaluation of the performance of public prosecutors, the grounds and procedure for appointment and dismissal of the Public Prosecutor of the Republic of North Macedonia, the grounds for termination of the function of the Public Prosecutor of the Republic of North Macedonia, the grounds for the election, dismissal and disciplinary procedure of public prosecutors, the grounds for termination of the function of public prosecutors, as well as other matters related to the operation of the Public Prosecutor's Office.

Article 2

The Public Prosecutor's Office is a unique and autonomous state authority that prosecutes perpetrators of criminal offences and other punishable offences as defined by law and performs other duties established by law.

Article 3

- (1) The Public Prosecutor's Office shall be organized according to the principles of hierarchy and subordination.
- (2) The Public Prosecutor's Office shall be an autonomous state body.
- (3) Compliance with the principles referred to in paragraph (1) of this Article must not jeopardize the independence and responsibility of each public prosecutor in the performance of their function.

Article 4

- (1) The Public Prosecutor's Office shall perform its functions based on the Constitution and laws and the international agreements ratified in accordance with the Constitution.
- (2) In the performance of its functions, the Public Prosecutor's Office shall also apply the provisions of the Law on the Use of Languages accordingly.
- (3) In its actions, the Public Prosecutor's Office shall apply final and enforceable decisions of the European Court of Human Rights, the International Criminal Court or any other court whose jurisdiction is recognized by the Republic of North Macedonia.
- (4) In its actions, the Public Prosecutor's Office shall apply the views expressed in the final judgments of the European Court of Human Rights.

Article 5

The function of the Public Prosecutor's Office is exercised by the Public Prosecutor of the Republic of North Macedonia and the public prosecutors.

Article 6

The function of the public prosecutor is incompatible with the exercise of any other public office or profession, except in cases determined by law, or with membership in a political party or participation in the activities of a political party.

Article 7

(1) A public prosecutor shall perform the function lawfully, impartially, and objectively, while respecting and protecting the freedoms and rights of individuals and citizens, as well as the rights of other legal entities, and within their competences, shall ensure the efficiency of the criminal prosecution.

(2) In the performance of their function, the public prosecutor shall ensure equality of all citizens before the law, regardless of race, skin colour, origin, national or ethnic background, sex, gender, sexual orientation, gender identity, belonging to a marginalized group, language, citizenship, social origin, education, religion or belief, political belief, other belief, disability, age, family or marital status, property status, health condition, personal capacity and social status, or any other basis stipulated by law or a ratified international agreement.

(3) No one may influence the lawful, impartial, and objective exercise of the function of the Public Prosecutor's Office.

Article 8

(1) Observing the principles of presumption of innocence, the right to private life and dignity, the right to information and freedom of the media, the right to a fair trial, the right to defence, the integrity, efficiency and confidentiality of investigations, as well as the principle of transparency, the Public Prosecutor's Office shall inform the public about individual cases it is handling that are of broader public interest or are significant for the exercise of its function.

(2) The Public Prosecutor of the Republic of North Macedonia, the Higher Public Prosecutor, the Basic Public Prosecutor from the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption, and the Basic Public Prosecutor, or persons authorized by them shall provide the public and the media with access to information regarding the state of crime and other matters of general significance related to the operation of the Public Prosecutor's Office, under conditions stipulated by law.

(3) The Public Prosecutor of the Republic of North Macedonia or a person authorized by them may permit inspection of registers and files of the Public Prosecutor's Office that are archived, and the manner of inspection shall be regulated by a rulebook adopted by the Public Prosecutor of the Republic of North Macedonia.

(4) Inspection of archived registries and records containing classified information shall be performed in accordance with the law.

Article 9

(1) The Public Prosecutor's Office shall have a seal bearing the coat of arms and the name of the Republic of North Macedonia, the name of the Public Prosecutor's Office and its seat.

(2) The flag of the Republic of North Macedonia, the coat of arms and the name "Republic of North Macedonia", the name and the seat of the Public Prosecutor's Office shall be prominently displayed on the building where the Public Prosecutor's Office is located.

2. ORGANIZATION OF THE PUBLIC PROSECUTOR'S OFFICE

Article 10

The Public Prosecutor's Office of the Republic of North Macedonia is organized into a State Public Prosecutor's Office, Higher Public Prosecutor's Offices, the Basic Public Prosecutor's Office for Organized Crime and Corruption, and the Basic Public Prosecutor's Offices.

Article 11

(1) The Public Prosecutor's Office shall be established for a territory under the jurisdiction of a court of an appropriate instance before which it is competent to proceed.

- (2) The State Public Prosecutor's Office is established for the entire territory of the Republic of North Macedonia, with its seat in Skopje.
- (3) The Higher Public Prosecutor's Office is established for the territory under the jurisdiction of a Court of Appeal.
- (4) The Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption is established for the entire territory of the Republic of North Macedonia.
- (5) A Basic Public Prosecutor's Office is established for the territory under jurisdiction of one or more basic courts.

Article 12

In the Republic of North Macedonia, the following Basic Public Prosecutor's Offices shall be established:

1. Basic Public Prosecutor's Office in Berovo for the territory under the jurisdiction of the Basic Court in Berovo;
2. Basic Public Prosecutor's Office in Bitola for the territory under the jurisdiction of the Basic Court in Bitola;
3. Basic Public Prosecutor's Office in Veles for the territory under the jurisdiction of the Basic Court in Veles;
4. Basic Public Prosecutor's Office in Gevgelija for the territory under the jurisdiction of the Basic Court in Gevgelija;
5. Basic Public Prosecutor's Office in Gostivar for the territory under the jurisdiction of the Basic Court in Gostivar;
6. Basic Public Prosecutor's Office in Debar for the territory under the jurisdiction of the Basic Court in Debar;
7. Basic Public Prosecutor's Office in Delchevo for the territory under the jurisdiction of the Basic Court in Delchevo;
8. Basic Public Prosecutor's Office in Kavadarci for the territories of the Basic Courts in Kavadarci and Negotino;
9. Basic Public Prosecutor's Office in Kicevo for the territory under the jurisdiction of the Basic Court in Kicevo;
10. Basic Public Prosecutor's Office in Kriva Palanka for the territory under the jurisdiction of the Basic Court in Kriva Palanka;
11. Basic Public Prosecutor's Office in Kocani for the territories of the basic courts in Kocani and Vinica;
12. Basic Public Prosecutor's Office in Kumanovo for the territories of the Basic Courts in Kumanovo and Kratovo;
13. Basic Public Prosecutor's Office in Ohrid for the territory under the jurisdiction of the Basic Court in Ohrid;
14. Basic Public Prosecutor's Office in Prilep for the territories of the Basic Courts in Prilep and Krusevo;
15. Basic Public Prosecutor's Office in Radovis for the territory under the jurisdiction of the Basic Court in Radovis;
16. Basic Public Prosecutor's Office in Resen for the territory under the jurisdiction of the Basic Court in Resen;
17. Basic Public Prosecutor's Office in Sveti Nikole for the territory under the jurisdiction of the Basic Court in Sveti Nikole;
18. Basic Public Prosecutor's Office in Skopje for the territory under the jurisdiction of the Basic Criminal Court Skopje;
19. Basic Public Prosecutor's Office in Struga for the territory under the jurisdiction of the Basic Court in Struga;

20. Basic Public Prosecutor's Office in Strumica for the territory under the jurisdiction of the Basic Court in Strumica;
21. Basic Public Prosecutor's Office in Tetovo for the territory under the jurisdiction of the Basic Court in Tetovo, and
22. Basic Public Prosecutor's Office in Stip for the territory under the jurisdiction of the Basic Court in Stip.

Article 13

In the Republic of North Macedonia, the following Higher Public Prosecutor's Offices shall be established:

1. Higher Public Prosecutor's Office in Bitola for the territory under the jurisdiction of the Court of Appeal in Bitola;
2. Higher Public Prosecutor's Office in Gostivar for the territory under the jurisdiction of the Court of Appeal in Gostivar;
3. Higher Public Prosecutor's Office in Skopje for the territory under the jurisdiction of the Court of Appeal in Skopje, and
4. Higher Public Prosecutor's Office in Stip for the territory under the jurisdiction of the Court of Appeal in Stip.

Article 14

- (1) The Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption shall be established in the Republic of North Macedonia.
- (2) The Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption shall establish a Specialized Department for the prosecution of crimes committed by persons with police powers and members of the prison police.
- (3) The Specialized Department shall have a professional service and public prosecution investigators from the investigative centre in accordance with this Law.
- (4) The public prosecutors and the head of the specialized department shall be assigned by the Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption, from the ranks of the public prosecutors from that prosecutor's office, upon prior consent of the Public Prosecutor of the Republic of North Macedonia.

Article 15

- (1) In a Public Prosecutor's Office with a larger workload of similar cases, for the purpose of increased efficiency and specialization in the work of the prosecution office, departments may be established as internal organizational units.
- (2) The work of the department shall be managed by a public prosecutor assigned according to the annual work schedule of the Public Prosecutor's Office, based on the narrower specialization and expertise of the public prosecutor appointed as the head of the department, which is further regulated by a rulebook adopted by the Public Prosecutor of the Republic of North Macedonia.
- (3) For the territories under the jurisdiction of courts that have juvenile justice departments, the Basic Public Prosecutor's Offices shall also establish juvenile justice departments.

Article 16

- (1) Under conditions determined by law, an investigative centre shall be established within the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption.

(2) Under conditions defined by law, an investigative centre shall also be established within Basic Public Prosecutor's Offices that proceed before courts with extended jurisdiction.

3. PROFESSIONAL COLLEGIUM

Article 17

(1) The Professional Collegium (hereinafter: the Collegium) shall be a permanent professional and advisory body that supports the exercise of the function of the public prosecutor in public prosecutor's offices with at least three public prosecutors.

(2) The Collegium shall be composed of the public prosecutor heading the Public Prosecutor's Office and all other public prosecutors in the Public Prosecutor's Office.

(3) The Collegium shall conduct its work in sessions.

(4) Sessions are convened by the public prosecutor of the Public Prosecutor's Office, either on their own initiative or at the initiative of another public prosecutor.

Article 18

The Collegium may validly deliberate and provide proposals, opinions, comments, and suggestions on specific matters if more than half of the total number of public prosecutors are present.

Article 19

(1) The Collegium shall deliberate and provide proposals, opinions, remarks and suggestions to the public prosecutor on the following matters:

- the work program, annual work plan, and work schedule of public prosecutors,
- specific legal issues that have arisen during the operation, including opinions on draft laws or law proposals or other regulations,
- the plan and method for reviewing the work of the Public Prosecutor's Offices,
- general positions on matters concerning the uniform application of laws and other regulations,
- the policy of prosecution and punishment,
- issues arising from the study of social phenomena of relevance to the performance of the public prosecutor's function,
- cases in which the Public Prosecutor's Office initiates proceedings before the Constitutional Court of the Republic of North Macedonia,
- organizational and other matters related to the exercise of the prosecutorial function,
- other matters established by law.

(2) The Collegium shall elect a member to the commission responsible for establishing the responsibility of a public prosecutor in the exercise of their prosecutorial function, in accordance with a rulebook adopted by the Public Prosecutor of the Republic of North Macedonia.

Article 20

(1) The Public Prosecutor's Office of the Republic of North Macedonia may, when necessary, convene an extended collegium including higher public prosecutors, the Basic Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption, and the basic public prosecutors from other Public Prosecutor's Offices, to discuss matters related to the exercise of the prosecutorial function and other matters within the jurisdiction of the Public Prosecutor's Office.

(2) The Higher Public Prosecutor's Offices may, when necessary, convene an extended collegium with selected public prosecutors from Basic Public Prosecutor's Offices, if the discussion concerns matters related to the exercise of their prosecutorial function.

Article 21

Public prosecutorial advisors and associates may attend Collegium sessions where professional matters are discussed.

Article 22

(1) Proposals, opinions, remarks and suggestions of the collegium shall be considered adopted if accepted by the majority of the public prosecutors present.

(2) If the public prosecutor handling a specific case does not agree with the adopted proposals, opinions, remarks or suggestions of the Collegium, the case may be reassigned to another public prosecutor.

4. EXERCISE OF THE PUBLIC PROSECUTORIAL FUNCTION

Article 23

(1) The public prosecutorial function within the State Public Prosecutor's Office of the Republic of North Macedonia is exercised by the Public Prosecutor of the Republic of North Macedonia and the public prosecutors in that office.

(2) The public prosecutorial function within a Higher Public Prosecutor's Office is exercised by a Higher Public Prosecutor of the Higher Public Prosecutor's Office and the public prosecutors in that office.

(3) The public prosecutorial function within the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption is exercised by the Basic Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption and the public prosecutors in that office.

(4) The public prosecutorial function within a Basic Public Prosecutor's Office is exercised by the Basic Public Prosecutor of the Basic Public Prosecutor's Office and the public prosecutors in that office.

(5) The Public Prosecutor of the Republic of North Macedonia, at their own discretion or upon the request of a public prosecutor from another office, may authorize a public prosecutor from a different Public Prosecutor's Office to undertake specific actions for more expedient and more efficient execution of the actions.

Article 24

(1) A Public Prosecutor's Office shall be established and abolished by law.

(2) In the event of abolishment or reorganization of a Public Prosecutor's Office, the Council of Public Prosecutors of the Republic of North Macedonia shall reassign the public prosecutor from the affected Public Prosecutor's Office to another Public Prosecutor's Office of the same or lower instance, while retaining the same employment rights.

(3) The Public Prosecutor of the Republic of North Macedonia shall assign the employees from the abolished Public Prosecutor's Office to appropriate positions in other Public Prosecutor's Offices, retaining their same employment status.

(4) In the event of abolishment of a Public Prosecutor's Office, the orders and decisions for the engagement of investigators in that office shall cease to be valid, and the investigators shall return to the institution from which they were seconded to the Public Prosecutor's Office or be reassigned to another investigative centre.

(5) The financial assets, liabilities assumed, contracts and claims and all immovable and movable property of the abolished Public Prosecutor's Office shall be transferred to the State Public Prosecutor's Office of the Republic of North Macedonia.

Article 25

(1) The Public Prosecutor of the Republic of North Macedonia, the Higher Public Prosecutor of a Higher Public Prosecutor's Office, the Basic Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption, and the Basic Public Prosecutor of a Basic Public Prosecutor's Office shall represent the respective Public Prosecutor's Offices, manage their operations, exercise the rights and obligations defined by law, and adopt the annual work schedule no later than mid-December of the current year for the following calendar year.

(2) In the event of absence, the Public Prosecutor of the Republic of North Macedonia, the Higher Public Prosecutor of the Higher Public Prosecutor's Office, the Basic Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption, and the Basic Public Prosecutor of a Basic Public Prosecutor's Office shall be substituted by a public prosecutor from that office, as designated in the annual work schedule.

(3) If the term of office of a public prosecutor in a Public Prosecutor's Office has expired, their function has ended, they are removed from office or are dismissed, the Council of Public Prosecutors of the Republic of North Macedonia shall appoint by majority vote of the total number of members of the Council a public prosecutor from that office to carry out the duties until a new public prosecutor is elected, but for no longer than six months, provided they meet the criteria for a public prosecutor in that office.

(4) If the function of the Public Prosecutor of the Republic of North Macedonia has ended or they are dismissed, the Council of Public Prosecutors of the Republic of North Macedonia shall immediately, and no later than within three days, appoint a public prosecutor from the ranks of the State Public Prosecutor's Office of the Republic of North Macedonia to perform this function until the official appointment of a new Public Prosecutor of the Republic of North Macedonia, but for no longer than six months.

Article 26

(1) Due to an increased workload or to reduce the backlog of unresolved cases, the Public Prosecutor of the Republic of North Macedonia may temporarily second a public prosecutor to another Public Prosecutor's Office for a period not exceeding one year.

(2) A public prosecutor who is temporarily seconded to another Public Prosecutor's Office has the right to appeal within three days from receipt of the secondment decision to the Council of Public Prosecutors of the Republic of North Macedonia.

(3) The Council of Public Prosecutors shall decide on the appeal within three days of the receipt thereof, and its decision shall be final.

(4) A public prosecutor may not be temporarily seconded to another Public Prosecutor's Office without their consent more than once in a five-year period.

(5) During the temporary secondment to another Public Prosecutor's Office, the prosecutor's salary may not be reduced.

(6) The Basic Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption and the public prosecutors of the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption may not be seconded to another Public Prosecutor's Office.

Article 27

- (1) The Public Prosecutor of the Republic of North Macedonia is responsible for the overall state of affairs concerning the organization and execution of the functions of the Public Prosecutor's Office and is accountable for their own work and the work of the Public Prosecutor's Office before the Assembly of the Republic of North Macedonia.
- (2) Public prosecutors in the State Public Prosecutor's Office of the Republic of North Macedonia are accountable for their work to the Public Prosecutor of the Republic of North Macedonia and to the Council of Public Prosecutors.
- (3) The Higher Public Prosecutor is accountable for their work to the Public Prosecutor of the Republic of North Macedonia and to the Council of Public Prosecutors, while public prosecutors from the Higher Public Prosecutor's Offices are accountable to the Public Prosecutor of the Republic of North Macedonia, the Higher Public Prosecutor, and the Council of Public Prosecutors.
- (4) The Basic Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption is accountable for their work to the Public Prosecutor of the Republic of North Macedonia and the Council of Public Prosecutors, and the public prosecutors from the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption are accountable to the Public Prosecutor of the Republic of North Macedonia, the Public Prosecutor of that office, and to the Council of Public Prosecutors.
- (5) The Basic Public Prosecutor is accountable for their work to the Public Prosecutor of the Republic of North Macedonia, the Higher Public Prosecutor, and the Council of Public Prosecutors, while public prosecutors in the Basic Public Prosecutor's Offices are accountable to the Public Prosecutor of the Republic of North Macedonia, the Higher Public Prosecutor, the Basic Public Prosecutor, and the Council of Public Prosecutors.

Article 28

- (1) Oversight over the overall functioning of the Public Prosecutor's Office shall be conducted in accordance with an annual plan adopted by the Public Prosecutor of the Republic of North Macedonia.
- (2) The oversight of the overall operation of the Public Prosecutor's Office includes oversight of the lawful and timely execution of the prosecutorial function and the administrative operation of the office.
- (3) Oversight may be regular or extraordinary.
- (4) Regular oversight shall be conducted at least twice per year.
- (5) Extraordinary oversight shall be conducted when certain circumstances indicate unlawful or untimely actions.
- (6) Oversight of the Basic Public Prosecutor's Offices shall be conducted by the Higher Public Prosecutor's Offices and the State Public Prosecutor's Office of the Republic of North Macedonia.
- (7) Oversight of the Higher Public Prosecutor's Offices and the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption shall be conducted by the State Public Prosecutor's Office of the Republic of North Macedonia.
- (8) Oversight of the work of the State Public Prosecutor's Office of the Republic of North Macedonia shall be conducted by the Public Prosecutor of the Republic of North Macedonia.
- (9) A written report shall be prepared on the conducted oversight, containing findings on the overall operation of the Public Prosecutor's Office, specific case actions, and recommendations for improving work and procedure.
- (10) The method for conducting oversight shall be regulated by a rulebook adopted by the Council of Public Prosecutors of the Republic of North Macedonia upon the proposal of the Public Prosecutor of the Republic of North Macedonia.
- (11) The Council of Public Prosecutors shall monitor the implementation of the rulebook referred to in paragraph 10 of this Article.

Article 29

- (1) The internal organization and mode of operation of the Public Prosecutor's Offices, the organizational units within the Public Prosecutor's Office, the conduct of public prosecutors before competent courts, the maintenance of registries and auxiliary books, handling of case files, keeping of statistics and records, as well as other issues related to internal operations of the Public Prosecutor's Office, shall be regulated by bylaws governing internal operations.
- (2) The bylaws on the internal operations of the Public Prosecutor's Offices shall be adopted by the Public Prosecutor of the Republic of North Macedonia.
- (3) The bylaws referred to in paragraph 1 of this Article must not contain provisions that undermine the autonomy and responsibility of public prosecutors as defined in Article 3 of the Law on the Public Prosecutor's Office.

5. INITIATION OF CRIMINAL PROSECUTION

Article 30

- (1) The Public Prosecutor of the Republic of North Macedonia may initiate criminal prosecution and perform certain actions within the competence of a higher or basic public prosecutor, or may authorize them to conduct proceedings in specific cases or to perform certain tasks within the competence of another public prosecutor.
- (2) Without the consent of the Basic Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption, the Public Prosecutor of the Republic of North Macedonia may not initiate criminal prosecution or perform specific actions that are under the competence of the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption, nor may they authorize another Public Prosecutor's Office to conduct proceedings in certain cases or to perform specific actions that are under the competence of the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption, except where oversight pursuant to Article 28, paragraph (3) of this Law determines that the prosecutorial function is not exercised within the deadlines set forth in the Law on Criminal Procedure or is being exercised incompetently.
- (3) A Higher Public Prosecutor may initiate criminal prosecution or specific actions within the competence of a public prosecutor in a basic Public Prosecutor's Office on the territory under the jurisdiction of that Higher Public Prosecutor's Office, or authorize a public prosecutor from a basic Public Prosecutor's Office under the jurisdiction of that Higher Public Prosecutor's Office to conduct proceedings in certain cases or to perform specific actions within the competence of another Basic Public Prosecutor under the jurisdiction of that Higher Public Prosecutor's Office.
- (4) The actions under paragraphs (1) and (3) of this Article may be undertaken when a public prosecutor acts unprofessionally or incompetently, fails to take necessary actions to initiate or conduct criminal proceedings due to factual or legal obstacles, or performs the function unlawfully, untimely, or negligently, including cases of threats to the life or health of the public prosecutor or their family.
- (5) The Public Prosecutor of the Republic of North Macedonia i.e. the Higher Public Prosecutor shall issue a written decision with reasoning for the actions taken under paragraphs (1), (2), and (3) of this Article.

6. COMPETENCE OF THE PUBLIC PROSECUTOR'S OFFICE

Article 31

- (1) The Public Prosecutor's Office shall act within the limits of its subject-matter and territorial jurisdiction, unless otherwise provided by law.

- (2) The Basic Public Prosecutor's Office shall act before a basic court.
- (3) The Higher Public Prosecutor's Office shall act before a court of appeals.
- (4) The Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption shall act before the Basic Criminal Court Skopje.
- (5) The State Public Prosecutor's Office of the Republic of North Macedonia shall act before the Supreme Court of the Republic of North Macedonia.
- (6) The Public Prosecutor's Office shall also proceed before other bodies and legal entities within its jurisdiction, when authorized by law.
- (7) A public prosecutor may also act outside of their subject-matter and territorial jurisdiction for reasons of economy and efficiency, upon the decision of the immediately higher public prosecutor.

Article 32

The Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption is competent to proceed at first instance for criminal offences under the jurisdiction of the court responsible for adjudicating cases in the field of organized crime and corruption.

Article 33

- (1) The specialized department for prosecution of crimes committed by persons with police powers and members of the prison police is competent to act:
 - for criminal offences committed in the exercise of official duties and powers by persons who, at the time of committing the offense, were individuals with police powers or members of the prison police,
 - for criminal offences committed outside the scope of duty involving serious threat, force, or means of coercion resulting in death, grievous bodily harm, bodily harm, unlawful deprivation of liberty, torture, or other cruel, inhuman, or degrading treatment or punishment, where ex officio criminal prosecution is prescribed by law.
- (2) Within the meaning of paragraph (1) of this Article, a person with police powers shall mean a police officer, authorized officer of the security and counterintelligence services with police powers, members of the financial police and the forestry police, lawfully authorized customs officers engaged in detecting criminal offences, and authorized officials of the Ministry of Defence engaged in the detection and investigation of criminal offences.
- (3) The public prosecutor in the Specialized Department for the Prosecution of Criminal Offences Committed by Persons with Police Powers and Members of the Prison Police, outside the cases specified in paragraph (1) of this Article, shall ex officio initiate proceedings to assess the justification for the use of firearms, as well as for the use of force or means of coercion resulting in death or serious bodily injury by the persons referred to in paragraph (2) of this Article.
- (4) In the cases under paragraph (3) of this Article, the public prosecutor shall inform the head of the Specialized Department.
- (5) The organizational unit within the Ministry of Internal Affairs responsible for internal control and professional standards and other competent bodies, shall undertake actions to initiate disciplinary proceedings concerning the acts referred to in paragraph (1) of this Article, with the approval of the competent public prosecutor from the Specialized Department for the Prosecution of Criminal Offences Committed by Persons with Police Powers and Members of the Prison Police, in accordance with paragraph (2) of this Article.
- (6) The public prosecutor in the Specialized Department for the Prosecution of Criminal Offences Committed by Persons with Police Powers and Members of the Prison Police shall lead the preliminary procedure and shall undertake the actions either independently or through investigators.

Article 34

The Public Prosecutor's Office shall ensure the legality of measures and actions taken in the preliminary procedure and shall supervise compliance with human rights by the authorized officials referred to in Article 33, paragraph (2) of this Law.

7. EVALUATION OF THE PERFORMANCE OF PUBLIC PROSECUTORS

Article 35

The monitoring of the work of a public prosecutor shall be carried out through regular and extraordinary evaluations.

Article 36

(1) Regular evaluation of the performance of public prosecutors is conducted for a period of three reporting years, concluding by the end of June of the current year, and pertains to the work of the public prosecutor over the preceding three years.

(2) If the public prosecutor was absent for more than two years, no evaluation shall be conducted for that period.

(3) The evaluation period shall begin anew upon the public prosecutor's return to work.

(4) Extraordinary evaluation of a public prosecutor is conducted when the prosecutor is a candidate for appointment to a higher Public Prosecutor's Office, for the position of public prosecutor of a Public Prosecutor's Office, for the position of public prosecutor in the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption, or as a member of the Council of Public Prosecutors of the Republic of North Macedonia and must be completed within 15 days of receipt of the request submitted by the Council.

(5) Extraordinary evaluation of the performance of the public prosecutor shall also be conducted in the case of a negative evaluation, one year after the last evaluation.

(6) If a public prosecutor applies for election to a Higher Public Prosecutor's Office or for appointment as the head of a Public Prosecutor's Office and has already been evaluated in the year of application for the preceding year, no extraordinary evaluation shall be conducted in that case.

(5) The evaluation of the performance of public prosecutors in the State Public Prosecutor's Office of the Republic of North Macedonia, higher public prosecutors from the Higher Public Prosecutor's Offices and the Basic Public Prosecutor from the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption, and public prosecutors appointed, seconded, or exchanged in institutions, agencies, bodies, or offices of the European Union or other international organizations, institutions, bodies, missions, or projects, shall be conducted by the Public Prosecutor of the Republic of North Macedonia.

(6) Evaluation of the performance of public prosecutors in Higher Public Prosecutor's Offices and of the basic public prosecutors in the Basic Public Prosecutor's Offices shall be carried out by the higher public prosecutor of the respective prosecutor's office.

(7) Evaluation of the performance of public prosecutors in the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption shall be conducted by the basic public prosecutor of that office.

(8) Evaluation of the performance of public prosecutors in basic Public Prosecutor's Offices shall be conducted by the higher public prosecutor, based on a prior opinion obtained from the basic public prosecutor of that office, which must be taken into account in the evaluation process.

(9) The evaluation of the performance of a public prosecutor may be either positive or negative.

(10) As an exception to paragraph (8) of this Article, the higher public prosecutor of that office may designate another higher public prosecutor from the same office to carry out the evaluation process.

8. EVALUATION CRITERIA

Article 37

The criteria for evaluating the work of public prosecutors are as follows:

- expertise and quality in the decisions, legal remedies, and other written outputs;
- timeliness and efficiency;
- impartiality and conscientiousness;
- reputation and ethical conduct worthy of the function;
- cooperation and attitude toward parties and other employees within the prosecution office;
- professional development and acquisition of new knowledge;
- organizational abilities.

Article 38

Expertise and quality in decisions, legal remedies, and other written outputs means correct application of the Constitution and laws of the Republic of North Macedonia, international agreements ratified in accordance with the Constitution, the practice of the European Court of Human Rights, and other regulations; proper approach to drafting and adopting prosecutorial decisions, their representation, rhetorical skills, and the ability for legal reasoning and argumentation during proceedings before competent courts; and safeguarding confidentiality of any information the public prosecutor learns while exercising their function.

Article 39

Timeliness and efficiency in the work shall mean acting upon and deciding on criminal complaints within legally prescribed deadlines, efficient conducting of preliminary procedures, representation of prosecution, attending court sessions, and complying with statutory deadlines for submitting regular legal remedies.

Article 40

(1) Conscientiousness shall mean acting in accordance with the law, complying with the compulsory general written instructions, as well as respecting deadlines.

(2) Impartiality shall mean applying anti-discrimination regulations without bias, maintaining objectivity and personal integrity that is resistant to any form of influence or pressure that could affect case resolution, and refusing gifts or donations from individuals who could influence the outcome of a case or maintaining relationships with such individuals.

Article 41

Reputation and ethical conduct worthy of the function shall mean dignity and authority within the environment in which the public prosecutor works and lives, and adherence to the Code of Ethics for Public Prosecutors in the Republic of North Macedonia.

Article 42

Cooperation and attitude toward parties and other employees in the prosecution office shall mean maintaining a professional, precise, and dignified relationship with participants in proceedings, interactions within the Public Prosecutor's Office, and relations with all other bodies and organizations with which, in accordance with the law, the public prosecutor is authorized to communicate and cooperate, as well as supporting the professional development and advancement of colleagues.

Article 43

Professional development and acquisition of new knowledge shall mean participation in professional seminars and workshops organized by the Academy for Judges and Public Prosecutors and other organizations and associations; participation as an educator, mentor, or lecturer; involvement in activities of the Association of Public Prosecutors and personal commitment to enhancing one's own professional and intellectual capacity; publication of scientific and professional papers etc.

Article 44

Organizational abilities shall mean possessing skills to manage the Public Prosecutor's Office, its departments, and the judicial police, and fostering relationships that enable successful and efficient performance and improvement of overall work within the Public Prosecutor's Office.

9. EVALUATION PROCEDURE**Article 45**

The evaluation of the performance of public prosecutors shall be conducted through direct insight into the handling of cases, via monthly reports and direct interviews with the public prosecutor being evaluated, and in other ways.

Article 46

(1) The evaluation of the performance of public prosecutors shall be based on data for performance monitoring and data from the professional portfolio of the public prosecutor, and as criteria established by this Law, they are expressed through a scoring system defined by a rulebook.

(2) An integral part of the evaluation decision shall be a form that includes the applied criteria defined in this law and it is prescribed by the Public Prosecutor of the Republic of North Macedonia.

Article 47

Through direct insight into the case-related performance of public prosecutors the following shall be determined:

- the number of received criminal complaints, cases, and submissions;
- the number of resolved criminal complaints and cases within the legally prescribed deadline;
- the number of unresolved criminal complaints and cases, and the reasons for their non-resolution;
- the quality of the public prosecutor's case handling, prosecutorial decisions, adherence to legal terminology, ability for written expression, and clear and precise reasoning of decisions.

Article 48

The organizational abilities of public prosecutors in Public Prosecutor's Offices or heads of departments within Public Prosecutor's Offices, as well as their ability to build the reputation and authority of the Public Prosecutor's Office and establish and maintain proper interpersonal relations within it, shall be assessed through inspection of administrative registries, direct interviews with the public prosecutor or head of the department and other public prosecutors, review of oversight and control reports on the functioning of the public prosecutor's office they lead, annual reports on the efficiency in the exercise of prosecutorial functions, and in other ways.

Article 49

The evaluation of public prosecutors shall be conducted based on reports, whose form and content are prescribed by a rulebook adopted by the Public Prosecutor of the Republic of North Macedonia.

Article 50

The scoring method and the score values for each evaluation criterion in accordance with Article 46, paragraph (1) of this Law shall be regulated by a rulebook adopted by the Public Prosecutor of the Republic of North Macedonia.

10. RE-EVALUATION PROCEDURE

Article 51

A copy of the decision on the evaluation of a public prosecutor's work shall be submitted to the Council of Public Prosecutors, to the public prosecutor being evaluated, and to the Public Prosecutor of the Republic of North Macedonia.

Article 52

If a public prosecutor is dissatisfied with the evaluation received, they may file a written complaint to the Council of Public Prosecutors of the Republic of North Macedonia within eight days from the date of receipt of the decision.

Article 53

- (1) The Council of Public Prosecutors of the Republic of North Macedonia shall render a decision on the complaint within 30 days from the day of receipt of the complaint.
- (2) Before deciding, the Council of Public Prosecutors of the Republic of North Macedonia may inspect the work of the public prosecutor who filed the complaint, conduct an interview with them, or consult the public prosecutor who conducted the original evaluation.
- (3) If the Council of Public Prosecutors of the Republic of North Macedonia finds the complaint justified, it shall render a new decision evaluating the public prosecutor in accordance with the procedure and criteria established by this Law.
- (4) The decision of the Council of Public Prosecutors of the Republic of North Macedonia shall be final.
- (5) The decision issued upon the filed complaint may not be less favourable than the original evaluation.

11. PERFORMANCE REPORT

Article 54

- (1) Each Public Prosecutor's Office shall prepare an annual performance report in accordance with the rulebooks on its internal work.
- (2) The lower Public Prosecutor's Office shall submit the report referred to in paragraph (1) of this Article to the immediately higher Public Prosecutor's Office.
- (3) The Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption shall submit the report referred to in paragraph (1) of this Article to the State Public Prosecutor's Office of the Republic of North Macedonia.
- (4) The State Public Prosecutor's Office of the Republic of North Macedonia shall prepare a single annual report on the performance of all Public Prosecutor's Offices.

Article 55

(1) The Public Prosecutor of the Republic of North Macedonia shall submit the annual report on the performance of all Public Prosecutor's Offices as referred to in Article 54, paragraph (4) of this Law, along with a report on the state of crime in the Republic of North Macedonia, to the Assembly of the Republic of North Macedonia by the end of March of the current year for the preceding year.

(2) The report referred to in paragraph (1) of this Article shall also be submitted by the Public Prosecutor of the Republic of North Macedonia to the Council of Public Prosecutors of the Republic of North Macedonia for consideration and, for informational purposes, to the Government of the Republic of North Macedonia, the Supreme Court of the Republic of North Macedonia, and the Ministry of Justice.

(3) The Public Prosecutor of the Republic of North Macedonia shall submit an annual report on special investigative measures to the Assembly of the Republic of North Macedonia, in accordance with the content prescribed by law.

12. COMPULSORY GENERAL WRITTEN INSTRUCTIONS

Article 56

(1) The Public Prosecutor of the Republic of North Macedonia has the right to issue reasoned compulsory general written instructions to the Higher Public Prosecutor and the prosecutors in the Higher Public Prosecutor's Office, to the Basic Public Prosecutor and the prosecutors in the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption, and to the Basic Public Prosecutor and the prosecutors in the Basic Public Prosecutor's Offices.

(2) A higher public prosecutor has the right to issue reasoned compulsory general written instructions to the basic public prosecutors within their jurisdiction.

(3) The instructions referred to in paragraphs (1) and (2) of this Article pertain to the undertaking of certain measures and activities aimed at protecting fundamental rights and freedoms of individuals and citizens, safeguarding the public interest, enhancing the effectiveness of criminal investigations and prosecutions, pursuing legal remedies, and applying the law.

(4) The Public Prosecutor of the Republic of North Macedonia and higher public prosecutors cannot issue compulsory guidelines or instructions concerning the handling of specific cases by public prosecutors.

(5) When issuing the reasoned compulsory general written instructions referred to in paragraph (2) of this Article, the higher public prosecutor is obligated to notify the Public Prosecutor of the Republic of North Macedonia in writing.

13. ON-CALL SHIFTS

Article 57

(1) To ensure the uninterrupted exercise of functions, on-call shifts shall be organized within the Public Prosecutor's Offices for public prosecutors and staff.

(2) The schedule and duration of on-call shifts shall be determined by the public prosecutor of the respective Public Prosecutor's Office.

(3) The schedule and duration of on-call shifts within the Specialized Department for the Prosecution of Criminal Offences Committed by Persons with Police Powers and Members of the Prison Police shall be determined monthly by the head of the Specialised Department.

(4) The Public Prosecutor of the Republic of North Macedonia shall adopt a rulebook on the amount of remuneration for on-call shifts.

14. INTERNATIONAL COOPERATION

Article 58

(1) The Public Prosecutor's Office of the Republic of North Macedonia, within the framework of international agreements ratified in accordance with the Constitution and pursuant to the Law on International Cooperation in Criminal Matters, shall cooperate directly with Public Prosecutor's Offices and other competent authorities of foreign countries, particularly in the area of preventing and prosecuting organized crime and other serious forms of crime by means of direct exchange of data, direct cooperation, training, specialization of personnel and other forms of cooperation.

(2) The Basic Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption shall independently request international legal assistance and cooperation in matters under their jurisdiction, in accordance with the law and international agreements ratified pursuant to the Constitution.

(3) The manner of nomination, exchange and secondment of a public prosecutor to institutions, agencies, bodies or offices of the European Union or other international organizations, institutions, bodies, missions and projects shall be prescribed in a rulebook by the Public Prosecutor of the Republic of North Macedonia.

15. INITIATIVE FOR ASSESSMENT OF CONSTITUTIONALITY AND LEGALITY

Article 59

(1) The Public Prosecutor of the Republic of North Macedonia may submit an initiative before the Constitutional Court of the Republic of North Macedonia to initiate proceedings for assessing the conformity of a law with the Constitution, and of other regulations with the Constitution, and laws and international agreements ratified pursuant to law, if the issue of constitutionality and legality arises during the work of the Public Prosecutor's Office.

(2) The Basic Public Prosecutor's Offices, Higher Public Prosecutor's Offices, and the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption shall notify the State Public Prosecutor's Office of the Republic of North Macedonia of issues concerning the constitutionality and legality in their operation.

16. COMPETENCES IN OTHER PROCEEDINGS

Article 60

In civil and other judicial proceedings, as well as in administrative procedures, the public prosecutor shall undertake legal actions for which they are authorized by law.

17. APPOINTMENT AND ELECTION OF PUBLIC PROSECUTORS

Article 61

(1) A person may be appointed or elected as a public prosecutor if they meet the following general requirements:

- being a citizen of the Republic of North Macedonia;
- having active command of the Macedonian language;
- possessing legal capacity;
- law degree with 300 ECTS or VII/1 degree in the field of legal sciences, or a recognized foreign law degree equivalent to 300 ECTS credits; and
- passed bar exam in the Republic of North Macedonia.

(2) In the election of public prosecutors, the principle of equitable and fair representation of citizens belonging to all communities shall be applied.

Article 62

(1) In addition to the requirements specified in Article 61 of this Law, the following special requirements must be met for becoming the Public Prosecutor of the Republic of North Macedonia, a public prosecutor in the Public Prosecutor's Office of the Republic of North Macedonia, the Higher Public Prosecutor in a Higher Public Prosecutor's Office, a public prosecutor in a Higher Public Prosecutor's Office, the Basic Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organised Crime and Corruption, a basic public prosecutor in the Basic Public Prosecutor's Office for the Prosecution of Organised Crime and Corruption, the Basic Public Prosecutor of a Basic Public Prosecutor's Office, and a public prosecutor in a Basic Public Prosecutor's Office. A person may be appointed as:

- Public Prosecutor of the Republic of North Macedonia if they are a public prosecutor with continuous work experience of at least ten years, or a judge in the field of criminal law with continuous work experience of at least ten years.
- public prosecutor in the Public Prosecutor's Office of the Republic of North Macedonia if they are a public prosecutor with continuous work experience of at least seven years in a Higher Public Prosecutor's Office or in the Basic Public Prosecutor's Office for the Prosecution of Organised Crime and Corruption, and has received a positive performance evaluation in the last three years, or if they are a public prosecutor with continuous work experience of at least fifteen years in a Basic Public Prosecutor's Office with extended jurisdiction.
- Higher Public Prosecutor in a Higher Public Prosecutor's Office if they have continuous work experience as a public prosecutor of at least eight years by the time of application for appointment and have received a positive performance evaluation in the last three years.
- public prosecutor in a Higher Public Prosecutor's Office if they have continuous work experience as a public prosecutor of at least five years by the time of application for appointment and have received a positive performance evaluation in the last three years.
- Basic Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organised Crime and Corruption if they have continuous work experience of at least eight years as a public prosecutor by the time of application for appointment and have received a positive performance evaluation in the last three years.
- public prosecutor in the Basic Public Prosecutor's Office for the Prosecution of Organised Crime and Corruption if they have continuous work experience of at least four years as a public prosecutor in a Public Prosecutor's Office with extended jurisdiction or five years in a Public Prosecutor's Office with basic jurisdiction by the time of application for appointment and have received a positive performance evaluation in the last three years.
- Basic Public Prosecutor of a Basic Public Prosecutor's Office if they have continuous work experience of at least six years as a public prosecutor by the time of application for appointment and have received a positive performance evaluation in the last two years.
- public prosecutor in a Basic Public Prosecutor's Office if they have completed the training prescribed by the Law on the Academy for Judges and Public Prosecutors.

(2) By exception to the requirement set in item 8 of paragraph (1) of this Law, a person who is already serving as a public prosecutor or judge may be appointed as a public prosecutor in a Basic Public Prosecutor's Office.

(3) If a public prosecutor applies for election to a higher-level public prosecutor's office or for the position of a public prosecutor of a public prosecutor's office, and their function has been suspended, the last available performance evaluation shall be considered.

(4) The period of service of a public prosecutor elected as a member of the Council of Public Prosecutors, or appointed, seconded, or exchanged in institutions, agencies, bodies, or offices of

the European Union, or in other international organizations, institutions, bodies, missions, or projects in the capacity of public prosecutor, as well as the period during which they serve as director or deputy director of the Academy for Judges and Public Prosecutors, shall be considered as work experience within the meaning of paragraph (1) of this Article.

(5) A public prosecutor in a Basic Public Prosecutor's Office with prosecutorial experience of up to one year may act in the Basic Public Prosecutor's Office in which they have been appointed only in cases under jurisdiction of the Basic Courts with basic jurisdiction.

Article 63

(1) The Public Prosecutor of the Republic of North Macedonia shall be appointed by the Assembly of the Republic of North Macedonia, upon the proposal of the Government of the Republic of North Macedonia, for a term of six years, with the right to reappointment.

(2) Public prosecutors shall be elected by the Council of Public Prosecutors of the Republic of North Macedonia, without a term limit, under conditions and in a procedure set by law.

(3) The Council of Public Prosecutors of the Republic of North Macedonia shall provide an opinion on the proposal of the Government of the Republic of North Macedonia for the appointment or dismissal of the Public Prosecutor of the Republic of North Macedonia.

Article 64

(1) The Council of Public Prosecutors shall notify the Government of the Republic of North Macedonia of the expiration of the term of office of the Public Prosecutor of the Republic of North Macedonia no later than six months prior to its expiration, or within 8 days from the date the position becomes vacant.

(2) The Assembly of the Republic of North Macedonia, upon a proposal by the Government of the Republic of North Macedonia, shall announce a public call for applications for the position of Public Prosecutor of the Republic of North Macedonia in the "Official Gazette of the Republic of North Macedonia" and in at least two public newspapers, one of which shall be published in a language spoken by at least 20% of the citizens who speak an official language other than the Macedonian language, no later than four months prior to the expiration of the term, or immediately, and at the latest within three days from the date the position becomes vacant.

(3) The deadline for submission of applications shall be 15 days from the date of publication of the public call in the "Official Gazette of the Republic of North Macedonia," and the applications shall be submitted to the Council of Public Prosecutors.

(4) Applicants shall submit, along with the application, a work program and a curriculum vitae.

(5) The Council of Public Prosecutors of the Republic of North Macedonia shall, within 15 days from the expiration of the deadline referred to in paragraph (2) of this Article, organize a public session at which the applicants who meet the legal requirements shall present their programs.

(6) At least three days prior to the holding of the public session, the Council of Public Prosecutors shall publish the programs and curricula vitae of the applicants on its official website.

(7) Within no more than 15 days from the holding of the public session referred to in paragraph (5) of this Article, the Council of Public Prosecutors shall submit to the Government the complete documentation of the applicants and a reasoned positive opinion in written form for those applicants who meet the legal requirements and who, in the opinion of the Council, are deemed capable of successfully performing the function of Public Prosecutor of the Republic of North Macedonia, or a notification stating that it does not issue a positive opinion for any of the applicants.

(8) The Government of the Republic of North Macedonia shall submit to the Assembly of the Republic of North Macedonia a proposal for the appointment of the Public Prosecutor of the Republic of North Macedonia from among the applicants for whom the Council of Public

Prosecutors of the Republic of North Macedonia has issued a positive opinion. The proposal for the appointment of the Public Prosecutor of the Republic of North Macedonia by the Government shall be accompanied by the opinion of the Council of Public Prosecutors of the Republic of North Macedonia.

(9) If the Council of Public Prosecutors of the Republic of North Macedonia does not issue a positive opinion for any of the applicants, the Government of the Republic of North Macedonia may not submit a proposal for appointment of the Public Prosecutor of the Republic of North Macedonia and shall propose to the Assembly to repeat the public call referred to in paragraph (1) of this Article.

Article 65

(1) The Higher Public Prosecutors of the Higher Public Prosecutor's Offices and the Basic Public Prosecutors of the Basic Public Prosecutor's Offices shall be elected by the Council of Public Prosecutors of the Republic of North Macedonia for a term of four years, from the ranks of the elected public prosecutors, with the right to re-election.

(2) The public prosecutors in the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption shall be elected by the Council of Public Prosecutors of the Republic of North Macedonia from the ranks of the elected public prosecutors for a term of seven years, without the right to re-election.

(3) The procedure for the election of a higher public prosecutor of a Higher Public Prosecutor's Office, a basic public prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption, and the basic public prosecutor of a Basic Public Prosecutor's Office shall commence three months before the expiration of the term of office for which they were elected.

(4) The Council of Public Prosecutors of the Republic of North Macedonia shall determine, by decision, the number of public prosecutors in Public Prosecutor's Offices and shall conduct the procedure for election and dismissal of public prosecutors.

(5) The number of public prosecutors in the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption shall be determined by the Council of Public Prosecutors upon the proposal of the Basic Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption, depending on the needs, complexity, and volume of work.

(6) In the election of public prosecutors, discrimination based on race, skin colour, nationality, ethnic origin, religion or belief, physical disability, sex, gender identity, sexual orientation, political belief, or any other basis provided by law and ratified international agreements is prohibited.

(7) In the election of public prosecutors, without violating the legal criteria, the principle of equitable and fair representation of citizens belonging to all communities in the Republic of North Macedonia shall be applied.

(8) A person may not be elected as a public prosecutor if they are related to another public prosecutor in that office by consanguinity in a direct line or collaterally up to the fourth degree, or by affinity up to the second degree.

Article 66

(1) The Basic Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption shall be appointed by the Council of Public Prosecutors following a vote by all public prosecutors in the Republic of North Macedonia.

(2) The Council of Public Prosecutors shall appoint as Basic Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption the applicant who

receives the highest number of votes from the list of applicants who meet the requirements in accordance with this Law.

(3) The Basic Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organised Crime and Corruption shall be elected for a term of six years, from among the appointed public prosecutors, without the right to re-election.

Article 67

(1) For election of the Basic Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption, the Council of Public Prosecutors shall announce a public call, which shall be published in the "Official Gazette of the Republic of North Macedonia" and in at least two public media outlets, one of which must be in an official language other than Macedonian spoken by at least 20% of the citizens of the Republic of North Macedonia.

(2) After the conclusion of the announcement, the Council of Public Prosecutors shall prepare a list of applicants who meet the conditions provided by this Law.

(3) The Council of Public Prosecutors shall form a Commission to conduct the voting procedure for the election of the Basic Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption.

(4) The voting procedure for the election of the Basic Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption shall be conducted in accordance with the provisions of the law governing the work of the Council of Public Prosecutors.

(5) The elections shall be considered valid if more than half of the total number of public prosecutors participate.

(6) The applicant who receives the highest number of votes shall be deemed elected.

(7) The procedure for presenting the applicants shall be further regulated by a rulebook adopted by the Council of Public Prosecutors.

Article 68

(1) For the position of public prosecutor in the State Public Prosecutor's Office of the Republic of North Macedonia, in the Higher Public Prosecutor's Offices, and in the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption, the Council of Public Prosecutors shall elect a person with demonstrated results, ability to handle complex cases, organizational skills to do the job and ability to coordinate the work, who possesses expert and professional qualities and a reputation worthy of the function, based on the following criteria:

1) Professional knowledge, taking into account specialist and postgraduate studies, as well as participation in continuous training;

2) Attitude toward work and timeliness in the performance of duties as a public prosecutor;

3) Ability to competently resolve legal issues;

4) Assumption of additional responsibilities in the exercise of the function of public prosecutor, through participation in the drafting of regulations, mentoring, education, and similar activities;

5) Upholding and maintaining the reputation of the public prosecutor and the Public Prosecutor's Office, as determined by the manner of communication with parties and other institutions, independence, impartiality, and confidentiality in the performance of the prosecutorial function and outside of it.

Article 69

(1) The Higher Public Prosecutor of a Higher Public Prosecutor's Office, the Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organised Crime and Corruption, and a Basic Public Prosecutor of a Basic Public Prosecutor's Office shall be elected from the ranks of

the public prosecutors of the Republic of North Macedonia, following the same procedure and manner as for the election of a public prosecutor in the corresponding Public Prosecutor's Office.

(2) The Public Prosecutor of the Republic of North Macedonia who is not re-elected shall continue to perform the function of public prosecutor in the State Public Prosecutor's Office of the Republic of North Macedonia.

(3) The Higher Public Prosecutor of a Higher Public Prosecutor's Office who is not re-elected shall continue to perform the function of public prosecutor in the respective Higher Public Prosecutor's Office.

(4) The Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organised Crime and Corruption who is not re-elected shall be reassigned by the Council of Public Prosecutors of the Republic of North Macedonia to the Public Prosecutor's Office from which they were elected.

(5) The public prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organised Crime and Corruption who is not re-elected shall be reassigned by the Council of Public Prosecutors of the Republic of North Macedonia to the Public Prosecutor's Office from which they were elected.

(6) The Basic Public Prosecutor of a Basic Public Prosecutor's Office who is not re-elected shall be reassigned by the Council of Public Prosecutors to the Public Prosecutor's Office from which they were elected.

Article 70

(1) Before assuming office, a public prosecutor shall give a solemn declaration, which reads as follows:

"I declare and solemnly swear that in the exercise of the function of public prosecutor, I shall respect the Constitution of the Republic of North Macedonia, the laws and international agreements ratified in accordance with the Constitution, I shall perform my duties conscientiously, impartially, and responsibly, and I shall protect human rights and freedoms, the rights and freedoms of the citizens and the interests of other legal entities."

(2) When giving the solemn declaration, the public prosecutor shall wear a judicial robe.

(3) The Public Prosecutor of the Republic of North Macedonia shall give the declaration before the President of the Assembly of the Republic of North Macedonia, while all other public prosecutors shall give their declaration individually before the Council of Public Prosecutors of the Republic of North Macedonia.

(4) The solemn declaration shall be given in Macedonian language and signed in Macedonian language and its Cyrillic script.

(5) When a public prosecutor who is a member of a community that speaks an official language other than Macedonian (spoken by at least 20% of the citizens) gives and signs the solemn declaration, the provisions of the Law on the Use of Languages shall apply.

(6) A copy of the signed solemn declaration shall be delivered to the newly appointed or elected public prosecutor.

18. RIGHTS AND OBLIGATIONS OF PUBLIC PROSECUTORS

Article 71

(1) A public prosecutor may not be detained or held liable for any action taken, opinion expressed, or decision rendered, except where the public prosecutor committed a crime in the exercise of their function.

(2) No compensation procedure or other legal procedures may be brought against a public prosecutor by a participant in proceedings who is dissatisfied with the decision of the public prosecutor.

(3) The Republic of North Macedonia shall be held liable for any damage caused by a public prosecutor in the performance of their duties, to natural or legal persons through unlawful conduct.

(4) Where the damage referred to in paragraph (3) of this Article was caused intentionally or by conscious negligence, for which the public prosecutor has been dismissed, the Republic of North Macedonia may, through a lawsuit, seek reimbursement from the public prosecutor for the amount of the compensation paid under paragraph (3) of this Article, in an amount to be determined by the court.

Article 72

(1) A public prosecutor may serve as an educator or lecturer at the Academy for Judges and Public Prosecutors, teach at higher education institutions in the prosecutorial field, and participate in scientific and professional projects in that field.

(2) A public prosecutor may teach at higher education institutions in the prosecutorial field and participate in scientific and professional projects in the same field only with prior approval from the Public Prosecutor of the Republic of North Macedonia, whereas the Public Prosecutor of the Republic of North Macedonia must obtain prior approval from the Council of Public Prosecutors of the Republic of North Macedonia.

Article 73

(1) A public prosecutor who is appointed or elected as a member of the Council of Public Prosecutors of the Republic of North Macedonia, or a judge or prosecutor in an international judicial institution, a judge of the Constitutional Court of the Republic of North Macedonia, a director or deputy director of the Academy for Judges and Public Prosecutors, or a member of the State Commission for the Prevention of Corruption, shall have their public prosecutorial function suspended for the duration of the office to which they are appointed or elected.

(2) A decision to suspend the function of a public prosecutor in accordance with paragraph (1) of this Article shall be made by the Council of Public Prosecutors of the Republic of North Macedonia.

(3) Upon expiration of the term of office under paragraph (1) of this Article, the public prosecutor has the right to return to the prosecution office from which they were appointed within five days to resume their previous prosecutorial function under paragraph (1) of this Law.

Article 74

A public prosecutor shall enjoy all employment rights to which they are entitled under the law.

Article 75

(1) The amount of salary, the right to bonuses, and other allowances for a public prosecutor shall be regulated by law.

(2) The salary of a public prosecutor may not be reduced during their term of office, except in cases where a disciplinary measure is imposed in accordance with Article 98 paragraph (1) item 2, paragraph (2) item 1, and paragraph (3) item 1 of this Law.

(3) By law, the established parameters set for calculating prosecutors' salaries may not be altered in a manner that would result in a reduction of the nominal amount of public prosecutors' salaries.

Article 76

(1) When a public prosecutor is temporarily assigned to serve outside their place of residence for service-related purposes, they are entitled to compensation for increased housing costs or reimbursement of actual travel expenses when using a personal vehicle, not exceeding 15% of the price of the cheapest fuel per kilometre travelled.

(2) In such cases, the public prosecutor is also entitled to reimbursement for moving expenses in the case referred to in paragraph (1) of this Article, for themselves or their family when appointed or assigned to another prosecution office.

(3) The Public Prosecutor of the Republic of North Macedonia shall determine the amount and method of payment of the allowances referred to in paragraphs (1) and (2) of this Article.

Article 77

(1) A public prosecutor who does not own a private residence in the seat of the prosecution office is entitled to use suitable official housing.

(2) Until the right referred to in paragraph (1) of this Article is realized, the public prosecutor is entitled to compensation for increased housing costs or reimbursement of actual travel expenses in accordance with the provisions of Article 76.

Article 78

(1) A public prosecutor has the right and obligation to undergo continuous professional development during their term of office, in accordance with the law.

(2) Funds for the operation of the Public Prosecutor's Offices shall mandatorily include allocations for the professional development of public prosecutors.

(3) A public prosecutor who is enrolled in postgraduate or specialist legal studies in the country or abroad may be awarded a scholarship.

(4) Scholarship funds shall be provided from the budget of the State Public Prosecutor's Office of the Republic of North Macedonia.

(5) The manner of awarding scholarships shall be prescribed by the Public Prosecutor of the Republic of North Macedonia in a rulebook.

Article 79

(1) A public prosecutor shall hold an official identification card issued and revoked by the Council of Public Prosecutors of the Republic of North Macedonia.

(2) The Council of Public Prosecutors of the Republic of North Macedonia shall, by act, prescribe the form and content of the identification card, and the procedures for its issuance and revocation.

Article 80

(1) Special rights of public prosecutors in the exercise of their function include:

- Access to classified information upon prior receipt of a security clearance for access and use of classified information;
- The right to obtain a permit to carry a weapon and to acquire suitable ammunition;
- Special protection of the prosecutor, their family and property, upon request by the supervising public prosecutor to the police in the place of residence, whenever there are serious grounds concerning the prosecutor's safety;
- Possession of an official travel document.

(2) If a public prosecutor or their family is subjected to violence or threats of violence, harassment, persecution, intimidation, or coercion of any kind, or subjected to any form of improper surveillance, they are guaranteed and provided with:

- Measures to prevent the recurrence of such incidents and, where appropriate, the filing of criminal charges;
- Compensation for death or injury to the prosecutor or their family resulting from an attack by a person motivated by the prosecutor's official actions.

(3) Further regulations concerning the special rights under paragraph (1), items 2 and 4 of this Article shall be adopted by the Public Prosecutor of the Republic of North Macedonia.

(4) The special rights under paragraph (1), item 3 of this Article shall also apply to retired public prosecutors.

Article 81

Public prosecutors may establish an association for the purpose of exercising and protecting their interests and promoting their professional status.

Article 82

(1) A public prosecutor shall be suspended from exercising their prosecutorial function while being held in detention.

(2) A public prosecutor may be suspended from their function during the pendency of criminal proceedings against them or when disciplinary proceedings have been initiated.

(3) A decision to suspend the prosecutorial function in the cases referred to in paragraphs (1) and (2) of this Article shall be issued by the Public Prosecutor of the Republic of North Macedonia and must include a justification of the grounds for suspension.

(4) The public prosecutor has the right to appeal the decision referred to in paragraph (3) to the Council of Public Prosecutors of the Republic of North Macedonia within eight days of receiving the decision.

(5) The Council of Public Prosecutors shall render a final decision on the appeal within eight days of its receipt.

(6) The suspension decision shall be reviewed by the Council of Public Prosecutors every three months.

Article 83

(1) A public prosecutor is obligated to uphold the reputation of their office.

(2) Public prosecutors and staff members of the prosecutorial service are required to maintain as confidential all information obtained from parties regarding their legal and factual relations in the course of performing their duties. They must also ensure the confidentiality of personal data not accessible to the public and irrelevant to the performance of their duties.

(3) Classified information shall be handled in accordance with applicable law.

(4) The Public Prosecutor of the Republic of North Macedonia shall adopt a rulebook on handling classified information.

Article 84

(1) The function of public prosecutor is incompatible with the office of Member of Parliament, member of a municipal council or the City of Skopje council, positions in state authorities, municipalities, or the City of Skopje, and with other functions as determined by law.

(2) A public prosecutor may not serve as a member of the management or supervisory board of a commercial company or any other profit-oriented legal entity.

Article 85

(1) In connection with the performance of their duties, a public prosecutor shall not accept gifts, promises of gifts, or other advantages or benefits, except for protocol-related gifts as provided by law.

(2) In connection with the work of the public prosecutor, their spouse, other family members, relatives, and persons residing with them shall likewise not accept gifts, promises of gifts, or other benefits.

Article 86

The public prosecutor shall appear before the courts wearing a judicial robe, the appearance and manner of which shall be prescribed by the Public Prosecutor of the Republic of North Macedonia.

19. TERMINATION OF OFFICE AND DISMISSAL OF PUBLIC PROSECUTORS

Article 87

(1) The term of office of the Public Prosecutor of the Republic of North Macedonia shall be terminated in the following events:

- upon personal request;
- if they lose the citizenship of the Republic of North Macedonia;
- if they permanently lose the ability to perform the duties of a public prosecutor;
- upon fulfilling the conditions for old-age retirement, with the right to extension in accordance with the Law on Labor Relations;
- if elected or appointed to another public office;
- if convicted by a final court decision to a prison sentence of at least six months;
- if convicted by a final court judgment for a criminal offense against official duty;
- if dismissed from the position of Public Prosecutor of the Republic of North Macedonia.

(2) In the events referred to in paragraph (1), items 1–7 of this Article, the termination of the term of office shall be confirmed by the Assembly of the Republic of North Macedonia.

Article 88

(1) The term of office of a public prosecutor shall be terminates in the following events:

- Upon personal request;
- If they lose the citizenship of the Republic of North Macedonia;
- If they permanently lose the ability to perform the duties of a public prosecutor;
- Upon fulfilling the conditions for old-age retirement, with the right to extension in accordance with the Law on Labor Relations;
- If, at their own request and with their consent, they are elected or appointed to another public office, unless the public prosecutor's function is suspended under the conditions provided by this Law;
- If convicted by a final court decision to a prison sentence of at least six months;
If convicted by a final court judgment for a criminal offense against official duty.
- If dismissed from the position of public prosecutor.

(2) In the events referred to in paragraph (1), items 1–7 of this Article, the termination of the term of office shall be confirmed by the Council of Public Prosecutors of the Republic of North Macedonia.

Article 89

(1) The Public Prosecutor of the Republic of North Macedonia may be dismissed from office before the expiration of their term of office:

- if they violate public order, behave inappropriately, or otherwise act in a manner that damages the reputation of the Public Prosecutor's Office;
- if they fail to undertake measures within their competence necessary for the effective functioning of the Public Prosecutor's Office, particularly in relation to organizing and performing the prosecutorial function; or
- if they become a member of a political party.

(2) The Government of the Republic of North Macedonia, upon a prior opinion of the Council of Public Prosecutors of the Republic of North Macedonia, shall submit a proposal to the Assembly of the Republic of North Macedonia for the dismissal of the Public Prosecutor of the Republic of North Macedonia.

- (3) An initiative for dismissal of the Public Prosecutor of the Republic of North Macedonia may also be submitted to the Council of Public Prosecutors by at least two of its members, including the reasons, circumstances, and facts justifying the initiative.
- (4) The Government of the Republic of North Macedonia shall submit the proposal for dismissal from paragraph (2) of this Article to the Council of Public Prosecutors, which must provide a written, reasoned opinion—positive or negative—within 30 days of receipt of the proposal.
- (5) Upon receiving the proposal from paragraph (2), or the initiative from paragraph (3), the Council shall, within no more than 15 days, organize a public session to deliberate on the proposal or initiative.
- (6) The proposal or initiative must be forwarded to the Public Prosecutor of the Republic of North Macedonia within 3 days of receipt. The Public Prosecutor shall have the right to respond in writing within 5 days of receiving the proposal.
- (7) The proponent of the proposal or initiative shall appoint a representative to present the case during the public session. The Public Prosecutor of the Republic of North Macedonia shall be invited and shall have the right to respond during the session.
- (8) After the session, the Council must prepare and submit its opinion on the proposal from paragraph (2) to the Government within 7 days.
- (9) If the public session was held based on the initiative under paragraph (3), the Council must, within 7 days of the session, i whether to accept or reject the initiative.
- (10) The initiative is considered accepted if at least five Council members vote in favour. The initiators shall not participate in the vote.
- (11) If the initiative from paragraph (3) is accepted, the Council shall submit a reasoned proposal for dismissal of the Public Prosecutor to the Assembly.
- (12) The procedure for dismissal before the Council shall be further regulated by a rulebook adopted by the Council.
- (13) The Government of the Republic of North Macedonia must submit to the Assembly both the proposal for dismissal and the opinion from paragraph (8) of this Article.
- (14) The Public Prosecutor of the Republic of North Macedonia has the right to attend the session of the Assembly and respond to the Government's or Council's proposal for dismissal.
- (15) A Public Prosecutor of the Republic of North Macedonia who is dismissed from office shall resume the prosecutorial function that had been suspended.

Article 90

- (1) A public prosecutor shall be dismissed from duties if:
- they commit a most severe disciplinary violation under Article 94 of this Law,
 - they commit three or more major or most severe disciplinary violations over the last five years;
- or
- they become a member of a political party.
- (2) A public prosecutor shall likewise be dismissed on the grounds set out in Article 94 of this Law if the disciplinary violation has caused severe consequences.
- (3) The proposal to initiate the procedure for establishing liability as referred to in paragraph (1) of this Article shall be submitted within three months of the discovery and not later than two years from the day the violation was committed.
- (4) On the day the dismissal decision of the Council of Public Prosecutors becomes final, the public prosecutor's function and entitlement to salary shall cease.
- (5) Public prosecutors shall be dismissed with the majority of votes of the total number of members of the Council of Public Prosecutors of the Republic of North Macedonia, on a session attended by at least two-thirds of the total number of members.
- (6) The Basic Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organised Crime and Corruption and public prosecutors in the Basic Public Prosecutor's Office

for the Prosecution of Organised Crime and Corruption shall be dismissed by a two-thirds majority of the total number of members of the Council of Public Prosecutors of the Republic of North Macedonia.

20. DISCIPLINARY VIOLATIONS

Article 91

Disciplinary violations committed by a public prosecutor are classified at the following levels:

- Minor disciplinary violation;
- Major disciplinary violation; and
- Most severe disciplinary violation.

Article 92

Minor disciplinary violations include:

- Violation of the rules governing absence from work;
- Non-compliance with Article 72(2) of this Law;
- Failure to attend mandatory training prescribed by the Law on the Academy for Judges and Public Prosecutors; and
- Breach of the Code of Ethics for Public Prosecutors for which the competent public prosecutor must submit a proposal to initiate disciplinary proceedings.

Article 93

Major disciplinary violations include:

- Violation of the rights of parties or the commission of a serious professional error due to manifest negligence, whereby differing interpretations of law and fact shall not constitute grounds for establishing liability of the public prosecutor;
- Minor breaches of public order or other minor forms of inappropriate conduct that impair the reputation of the Public Prosecutor's Office and the public prosecutor;
- Failure to fulfil mentoring duties in accordance with the Law on the Academy for Judges and Public Prosecutors;
- Unjustified failure of the public prosecutor to appear at a court hearing, resulting in consequences for the specific case;
- Failure to comply with rules on exemption in situations where the public prosecutor knew or ought to have known of the existence of grounds for exemption as provided by law;
- Disclosure of information or data relating to cases, thereby breaching the obligation to protect the confidentiality of proceedings as prescribed by law, including in instances where the public has been excluded in accordance with the law;
- Providing false information or failing to submit relevant data when the public prosecutor requests any kind of authorization for themselves or seeks reimbursement of expenses, salary supplements, or similar benefits;
- Unjustified failure to initiate proceedings or to act within a prescribed deadline following a criminal complaint;
- Abuse of prosecutorial status in order to obtain benefits or privileges unrelated to a specific case; and
- Unjustified failure to process cases in the order in which they were received.

Article 94

Most severe disciplinary violations include:

- Major breach of public order or other more serious forms of improper conduct that damage the reputation of the Public Prosecutor's Office and the public prosecutor;
- Refusal to submit a declaration of assets and interests in accordance with the law, or if the information contained in the declaration is substantially false;
- Unauthorized disclosure of classified information;
- Violation of the rights of parties or the intentional commission of a grave professional error, whereby differing interpretations of law and fact shall not constitute grounds for establishing liability of the public prosecutor;
- Obstruction of oversight of the work of a public prosecutor by the higher public prosecutor;
- Failure to act on cases within legally prescribed deadlines without justified reasons, resulting in significant delay of proceedings, statute of limitations for prosecution, or other serious consequences in the specific case;
- Receiving two consecutive negative performance evaluations, in accordance with the procedure established by law;
- Failure to comply with mandatory rules on exemption in situations where the public prosecutor knew or should have known of the existence of grounds for exemption as prescribed by law;
- Actions by a public prosecutor that interfere with the independence of another public prosecutor or a judge;
- Failure to comply with binding general written instructions issued by the higher public prosecutor in accordance with this law;
- Actions taken by the higher public prosecutor that infringe upon the independence of a public prosecutor handling a specific case which is guaranteed by this Law;
- Failure to provide information or facts relevant to a disciplinary procedure; and
- Unauthorized access to the electronic or paper file of a specific ongoing case assigned to another public prosecutor.

21. DISCIPLINARY PROCEDURE

Article 95

(1) A procedure for establishing the responsibility of public prosecutors for a committed disciplinary violation shall be initiated ex officio, upon receiving information of a committed violation or on the initiative of the Council of Public Prosecutors of the Republic of North Macedonia, as follows:

- with a reasoned proposal from the Public Prosecutor of the Republic of North Macedonia for all public prosecutors; or
- with a reasoned proposal from a Higher Public Prosecutor of a Higher Public Prosecutor's Office for public prosecutors in that office, for a Basic Public Prosecutor of a Basic Public Prosecutor's Office, and for public prosecutors in the Basic Public Prosecutor's Office.

(2) Upon receiving the initiative from the Council of Public Prosecutors, the competent public prosecutor referred to in paragraph (1), indent 1 or 2 of this Article, shall be obliged to decide within three months whether to submit a proposal for initiating a disciplinary procedure or to reject the initiative and notify the Council thereof.

(3) Along with the proposal for initiating a disciplinary procedure under paragraph (1) of this Article, the submitter of the proposal shall also submit evidence of the disciplinary violation.

(4) A procedure for establishing responsibility of public prosecutors for committing a disciplinary violation shall be initiated within three months from the date of learning of the violation, but no later than two years from the date of the violation.

(5) The procedure for establishing responsibility of the public prosecutor in the execution of the prosecutorial function shall be conducted by a commission composed of five members or their

deputies, one from each Higher Public Prosecutor's Office or their territorial jurisdiction and one member from the State Public Prosecutor's Office of the Republic of North Macedonia, elected by the collegiums of the State Public Prosecutor's Office of the Republic of North Macedonia and the Higher Public Prosecutor's Offices.

(6) The Public Prosecutor of the Republic of North Macedonia, a public prosecutor of the Higher Public Prosecutor's Office, and a prosecutor of the Basic Public Prosecutor's Office, as well as their deputies, may not serve as members of the disciplinary commission.

(7) The term of office of the commission members and their deputies shall be 4 years.

(8) The term of office of a commission member or deputy member shall be terminated early if a disciplinary procedure is initiated against them under the provisions of this Law or if their prosecutorial function is terminated.

(9) The term of office of a commission member or deputy member may also end for other justified reasons at their request, upon decision by the collegium of the Public Prosecutor's Office that elected them.

(10) A member or deputy member of the Commission must recuse themselves if they are the proposal submitters.

(11) Before initiating the procedure, the Commission, upon receiving the case and no later than ten days thereafter, shall request the public prosecutor against whom the proposal for initiating the procedure was submitted, to submit a written statement regarding the allegations set out in the proposal within five days of receiving the notification.

(12) If the Commission finds no reasonable suspicion of a disciplinary violation, within 30 days from the public prosecutor's written response or the expiry of the response deadline for a public prosecutor who has not responded, it shall issue a decision to terminate the procedure, stating that the procedure will not be initiated. The proposal submitter may appeal this decision to the Council of Public Prosecutors within 8 days of receipt of the decision.

(13) The Council of Public Prosecutors must decide on the appeal within 30 days and may confirm or revoke the decision and return the case to the Commission.

(14) If the Commission finds the proposal well-founded, within 30 days from the public prosecutor's written response or the expiry of the response deadline for a public prosecutor who has not responded, it shall issue a decision to initiate a disciplinary procedure.

(15) A representative from the Association of Public Prosecutors shall be invited to the hearing before the disciplinary commission.

(16) The Commission shall conclude the disciplinary procedure within six months, and by exception, in more complex cases, within nine months from the day the procedure was initiated.

(17) In any case, a public prosecutor may not be held accountable for a disciplinary violation after the expiry of four years from the date of commission of the disciplinary violation.

(18) The public prosecutor subject to the disciplinary procedure shall have the right to be heard by the Commission in the presence of a defence counsel and to present evidence in their defence.

(19) If the Commission determines, by majority vote of all members, that a disciplinary violation was committed, it shall issue a decision and impose one or more of the prescribed disciplinary measures corresponding to the disciplinary violation category under this Law.

(20) In voting on the type of disciplinary measure, Commission members shall vote starting from the more severe to the less severe disciplinary measures.

(21) Upon adoption of a decision imposing a disciplinary measure, the voting shall end.

(22) If after the voting on each of the disciplinary measures no decision is adopted by majority vote of the total number of members of the Commission, voting is not repeated and the mildest disciplinary measure for the relevant disciplinary violation category shall be imposed.

(23) The public prosecutor subject to the procedure may appeal the decision establishing the disciplinary violation within eight days of receiving the decision.

(24) If the term of office of the public prosecutor subject to the disciplinary procedure is terminated at their request, the procedure shall be completed with a decision on their responsibility, without imposing a disciplinary measure.

Article 96

(1) The Commission shall impose one or more disciplinary measures under Article 98, in accordance with the category of the disciplinary violation provided by this law.

(2) The public prosecutor subject to the procedure shall have the right to appeal the Commission's decision to the Council of Public Prosecutors of the Republic of North Macedonia within eight days of receiving the decision establishing liability for the committed disciplinary violation and imposing a disciplinary measure.

(3) The Council of Public Prosecutors shall decide on the appeal within three months of receipt of the case and may annul, modify, or confirm the Commission's decision.

(4) The Rulebook on the manner for selecting members of the disciplinary commission and conducting the disciplinary procedure for determining disciplinary responsibility of the public prosecutor shall be adopted by the Council of Public Prosecutors of the Republic of North Macedonia, upon proposal by the Public Prosecutor of the Republic of North Macedonia.

Article 97

(1) If the majority of the members of the Commission determine that a most severe disciplinary violation has been committed which has caused harmful consequences in accordance with Article 94 paragraph (2) of this Law, the Commission shall issue a decision confirming the disciplinary violation and shall propose to the Council of Public Prosecutors of the Republic of North Macedonia dismissal of the public prosecutor.

(2) The decision for the established disciplinary violation, along with the proposal for dismissal, shall be submitted to the Council, the submitter and the public prosecutor against whom the proceedings are conducted.

(3) If the Council confirms the decision establishing disciplinary liability but rejects the proposal for dismissal, it shall impose on the prosecutor a disciplinary measure for the corresponding category of disciplinary violation.

(4) The public prosecutor has the right to initiate an administrative dispute against the decision of the Council of Public Prosecutors of the Republic of North Macedonia by which they are dismissed from office.

22. DISCIPLINARY MEASURES

Article 98

(1) For an established minor disciplinary violation by a public prosecutor, one or more of the following disciplinary measures may be imposed:

- written warning;
- salary reduction of up to 10% of the prosecutor's monthly salary for a period of one to six months;
- prohibition from performing mentoring activities for a period of up to six months;
- prohibition from serving as an educator or delivering lectures at the Academy for Judges and Public Prosecutors for a period of up to six months.

(2) For an established major disciplinary violation by a public prosecutor, one or more of the following disciplinary measures may be imposed:

- salary reduction from 10% to 20% of the prosecutor's monthly salary for a period of one to six months;

- prohibition from promotion for a period of one to three years;
- prohibition from performing mentoring activities for a period of up to one year;
- prohibition from serving as an educator or delivering lectures at the Academy for Judges and Public Prosecutors for a period of up to one year.

(3) For an established most severe disciplinary offence by a public prosecutor, one or more of the following disciplinary measures may be imposed:

- salary reduction from 20% to 30% of the prosecutor's monthly salary for a period of one to six months;
- prohibition from promotion for a period of three to five years;
- prohibition from performing mentoring activities for a period of up to two years;
- prohibition from serving as an educator or delivering lectures at the Academy for Judges and Public Prosecutors for a period of up to two years.

Article 99

(1) The Public Prosecutor's Office of the Republic of North Macedonia shall maintain a record of the disciplinary measures imposed under Article 98 of this Law.

(2) The imposed disciplinary measure shall be deleted from the record:

- if, within one year from the day of expiry of the duration of the disciplinary measure for a minor disciplinary violation, no new disciplinary measure has been imposed;
- if, within two years from the day of expiry of the duration of the disciplinary measure for a major disciplinary violation, no new disciplinary measure has been imposed; and
- if, within three years from the day of expiry of the duration of the disciplinary measure for a most severe disciplinary offence, no new disciplinary measure has been imposed.

(3) The Public Prosecutor's Office of the Republic of North Macedonia shall regulate by Rulebook the content, form and manner of deleting records of imposed disciplinary measures.

23. PROSECUTORIAL ADVISORS AND ASSOCIATES

Article 100

1) For the purposes of performing professional tasks related to the exercise of the public prosecutor's function, the Public Prosecutor's Office shall employ independent prosecutorial advisors, senior prosecutorial advisors, prosecutorial advisors, senior professional prosecutorial associates, professional prosecutorial associates, and junior prosecutorial associates with at least 300 ECTS credits or completed a VII/1 level degree in legal sciences and meet the general requirements prescribed by law for establishing an employment relationship.

(2) The evaluation of their performance is conducted by the public prosecutor of the Public Prosecutor's Office where they have established an employment relationship.

(3) At the Public Prosecutor's Office of the Republic of North Macedonia, there are independent prosecutorial advisors who, in addition to the general requirements from paragraph (1) of this Article, must have at least eight years of legal work experience after passing the bar exam; senior prosecutorial advisors who, in addition to the general requirements from paragraph (1) of this Article, must have at least six years of legal work experience after passing the bar exam; prosecutorial advisors, who, in addition to the general requirements from paragraph (1) of this Article, must have at least four years of legal work experience after passing the bar exam; and senior professional prosecutorial associates, who must have at least two years of legal work experience after passing the bar exam.

(4) At the Higher Public Prosecutor's Offices and the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption, there are independent prosecutorial advisors who, in addition to the general requirements from paragraph (1) of this Article, must have at least eight years of legal work experience after passing the bar exam; senior prosecutorial advisors who,

in addition to the general requirements from paragraph (1) of this Article, must have at least six years of legal work experience after passing the bar exam; prosecutorial advisors who, in addition to the general requirements from paragraph (1) of this Article, must have at least four years of legal work experience after passing the bar exam; senior professional prosecutorial associates who, in addition to the general requirements from paragraph (1) of this Article, must have at least two years of legal work experience after passing the bar exam; and professional prosecutorial associates who, in addition to the general requirements from paragraph (1) of this Article, must have passed the bar exam.

(5) At the Basic Public Prosecutor's Offices, there are senior prosecutorial advisors, who, in addition to the general requirements from paragraph (1) of this Article, must have at least five years of legal work experience after passing the bar exam; prosecutorial advisors who, in addition to the general requirements from paragraph (1) of this Article, must have at least four years of legal work experience after passing the bar exam; senior professional prosecutorial associates who, in addition to the general requirements from paragraph (1) of this Article, must have at least two years of legal work experience after passing the bar exam; professional prosecutorial associates who, in addition to the general requirements from paragraph (1) of this Article, must have passed the bar exam; and junior prosecutorial associates.

Article 101

(1) The Rulebook on the systematization of job positions for prosecutorial advisors and associates, as well as the decision on their number, shall be adopted by the Public Prosecutor of the Republic of North Macedonia, except in the cases referred to in paragraph (2) of this Article.

(2) The Rulebook on the systematization of job positions and the decision on their number at the Basic Public Prosecutor's Office for the Prosecution of Organised Crime and Corruption shall be adopted by the Basic Public Prosecutor of the Basic Public Prosecutor's Office for the Prosecution of Organised Crime and Corruption.

24. PROSECUTORIAL OFFICERS

Article 102

The rights, duties, and responsibilities, as well as the system of salaries and allowances for prosecutorial officers shall be regulated by law.

Article 103

(1) The Rulebook on Systematisation of Job Positions for the prosecutorial officers, as well as a decision regarding their number shall be enacted by the Public Prosecutor of the Republic of North Macedonia.

(2) The Rulebook on Systematisation of Job Positions for the prosecutorial officers, as well as a decision regarding their number in the Basic Public Prosecutor's Office for prosecution of organized crime and corruption shall be enacted by the Public Prosecutor of the Republic of North Macedonia upon proposal of the Basic Public Prosecutor of the Basic Public Prosecutor's Office for prosecution of organized crime and corruption.

25. FUNDS FOR OPERATION

Article 104

(1) The necessary funds for the operation of the Public Prosecutor's Office shall be provided from the State Budget of the Republic of North Macedonia.

- (2) The necessary funds for the operation of the Public Prosecutor's Offices shall be provided from the State Budget of the Republic of North Macedonia via the budgetary user – the Public Prosecutor's Office of the Republic of North Macedonia.
- (3) The necessary funds for the operation of the Basic Public Prosecutor's Office for prosecution of organized crime and corruption shall be provided from the State Budget of the Republic of Macedonia via the budgetary user - the Public Prosecutor's Office of the Republic of Macedonia.
- (4) The Public Prosecutor's Office may secure funds from other sources of financing, in accordance with the law.

Article 105

- (1) The Public Prosecutor's Office of the Republic of North Macedonia independently determines and manages the budget and decides on the use, allocation, purpose, and reallocation of the funds.
- (2) Based on the fiscal policy and main categories of estimated revenues and expenditures, the amount of the funds for the operations of the public prosecutor's office shall be at least 0.5% of the Budget of the Republic of North Macedonia for the current year.
- (3) The amount of funds for the operations of the public prosecutor's office as referred to in Article 104 of this Law shall be established based on the proposal of the Public Prosecutor of the Republic of North Macedonia submitted to the Ministry of Finance.
- (4) The funds as referred to in this paragraph shall be established based on the fiscal policy and main categories of estimated revenues and expenditures and budget circular determined by the Government of the Republic of North Macedonia for the following budget year and internal criteria and methodology determined by the Public Prosecutor of the Republic of North Macedonia.
- (5) The proposal for providing funds as referred to in Article 104 of this Law shall contain an estimate of the regular and extraordinary operations performed by the Public Prosecutor's Office, the required number of public prosecutors and prosecutorial officers, as well as other indicators necessary to draft the proposal for the establishment of the amount of funds required for the operations of the Public Prosecutor's Office.
- (6) If the proposal referred to in paragraph (3) of this Article is at an amount higher than the one determined in paragraph (2) of this Article, the Minister of Finance shall obligatory harmonize this part on the funding of the Public Prosecutor's Office with the Public Prosecutor of the Republic of North Macedonia.
- (7) If no agreement is reached, the Ministry of Finance shall prepare a report and deliver it to the Government of the Republic of North Macedonia and to the Public Prosecutor's Office of the Republic of North Macedonia.
- (8) The Public Prosecutor's Office has the right to express its opinion on the report and shall submit its response to the Ministry of Finance and the Government.
- (9) The Public Prosecutor of the Republic of North Macedonia shall participate in the session of the Government of the Republic of North Macedonia when the Draft Budget of the Republic of North Macedonia is adopted, as well as before the working bodies and at the session of the Assembly of the Republic of North Macedonia when the Budget of the Republic of North Macedonia is enacted.

Article 106

- (1) The amount of funds required for the operations of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be established upon the proposal of the Basic Public Prosecutor of the Basic Public Prosecutor's Office for prosecution of organized crime and corruption and it shall be submitted to the Public Prosecutor of the Republic of North Macedonia.

(2) The Basic Public Prosecutor of the Republic of North Macedonia, upon the proposal of the Basic Public Prosecutor of the Basic Public Prosecutor's Office for prosecution of organized crime and corruption, may submit additional requests for financing the increased workload.

(3) The salary of the Basic Public Prosecutor of the Basic Public Prosecutor's Office for prosecution of organized crime and corruption shall be 5% lower than the salary of the Public Prosecutor of the Republic of North Macedonia.

(4) The salary of the public prosecutors in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be determined in the amount of the salary of a public prosecutor in a higher prosecutor's office.

Article 107

(1) The salaries and other allowances of the public prosecutors shall be regulated by law.

(2) An investigator in the investigative centre shall be entitled to an allowance to the salary referred to in paragraph (1) of this Article.

(3) The allowance referred to in paragraph (2) of this Article, based on a proposal of the public prosecutor in charge of the investigative centre, shall be paid from the budget of the judicial police authority responsible for the investigator's salary.

Article 108

The Public Prosecutor's Office of the Republic of North Macedonia shall allocate the funds approved to the budget user – Public Prosecutor's Office of the Republic of North Macedonia by Public Prosecutor's Offices, annually and monthly, on the basis of certain standards and criteria.

Article 109

The salaries and other allowances of the prosecutorial officers and other employees in the Public Prosecution Administrative Office shall be regulated by law and collective agreement.

Article 110

(1) The spatial conditions, material means, equipment and other working conditions of the public prosecutors shall be provided obligatorily by the Government of the Republic of North Macedonia.

(2) The Public Prosecutor of the Republic of North Macedonia, along with the draft Budget, shall also submit an Annual Plan for construction, reconstruction, maintenance of the buildings and equipment for the Public Prosecutor's Offices for the following year, with financial implications included.

(3) The funds for the realization of the Annual Plan referred to in paragraph (2) of this Article shall be provided by the Government and they shall not be an integral part of the annual budget under Article 105 paragraph (2).

(4) The State Public Prosecutor's Office of the Republic of North Macedonia shall be responsible for the realization of the Annual Plan referred to in paragraph (2) of this Article, upon approval of the funds under paragraph (3) of this Article.

Article 111

(1) An IT system shall be established within the public prosecutor's offices as a part of the single IT centre with a database for the judicial and prosecutorial bodies in the Republic of North Macedonia.

(2) The Public Prosecutor's Office of the Republic of North Macedonia shall be in charge of the maintenance of the unique methodological and technological layout of the IT system for the Public Prosecutor's Offices.

- (3) The allocation of cases in the Public Prosecutor's Office shall be performed through the system for electronic allocation of cases.
- (4) The manner of allocation of cases shall be regulated by a bylaw enacted by the Public Prosecutor of the Republic of North Macedonia.

26. TRANSITIONAL AND FINAL PROVISIONS

Article 112

- (1) Public Prosecutors of the public prosecutor's offices and public prosecutors in the public prosecutor's offices shall continue with their duties until the expiry of their term of office for which they have been elected.
- (2) Proceedings started prior to the entry into force of this Law shall continue in accordance with the provisions of the Law on the Public Prosecutor's Office ("Official Gazette of the Republic of North Macedonia" no. 42/20).

Article 113

- (1) The Public Prosecutor of the Republic of North Macedonia shall adopt the bylaws stipulated by this Law within 90 days from the day of entry into force of this law.
- (2) The Council of Public Prosecutors of the Republic of North Macedonia shall adopt the bylaws stipulated by this Law within 90 days from the day of entry into force of this law.
- (3) The bylaws enacted before the entry into force of this Law has entered into force shall apply until the entry into force of the bylaws referred to in paragraphs (1) and (2) of this Article.

Article 114

With the date of entry into force of this Law, the Law on the Public Prosecutor's Office ("Official Gazette of the Republic of North Macedonia" no. 42/20) shall cease to apply.

Article 115

This Law shall enter into force on the eighth day from the date of its publication in the "Official Gazette of the Republic of North Macedonia" and shall begin to apply from ----- [year].