

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

I. This instruction is intended to help MPs in the application of the Code of Ethics for MPs in the Assembly of the Republic of Macedonia (hereinafter: the Code), to prevent and overcome situations that the MP may be faced with when performing his/her function and to raise the MP's awareness of consistent respect for ethical principles and rules of conduct.

II. The MP is obliged to respect the basic ethical principles established in the Code: objectivity (impartiality), publicity, and responsibility, mutual respect and respect for the personal integrity of others, when performing the function both the Assembly and outside of its premises, and to accept them as values in his/her everyday behaviour.

Taking these principles into account, the MP performs his/her function in accordance with the principles of equality and prevention and protection against discrimination. In the performance of his/her function, the MP respects the prohibition of any kind of discrimination in terms of race, skin colour, birth, nationality and ethnicity, sex, gender, sexual orientation, gender identity, belonging to a marginalized group, language, citizenship, social background, education, religion or belief, political beliefs, other beliefs, disability, age, family or married state, health, personality and social status or any other basis. This principle in essence requires that personal views and interests do not affect the execution of the function performed by the Member of Parliament of the Assembly of the Republic of North Macedonia (hereinafter: the Assembly) as chair or member of a commission and to respect the procedures established in the Rules of Procedure of the Assembly of the Republic of Macedonia (hereinafter: the Rules of Procedure).

III. The Code establishes rules of conduct for MPs that are in use in many countries, in some extensive and detailed, whereas in most very general and brief. In that manner, the Code sets out: the basic principles of conduct, prevention of conflict of interests, ban of corruption, ban for receiving gifts, budgetary and financial discipline and regard for items used in the Assembly. The MP is obliged to respect these rules when performing his competence in and out of the Assembly.

1. Basic rules of conduct

a) An MP shall respect the basic rules of conduct from the Code and therewith provide undisturbed course of parliamentary sessions and sessions of working bodies of the Assembly, with quality exchange of ideas. During parliamentary sessions and sessions of working bodies of the Assembly the MP shall not use words or expressions that may harm or humiliate other persons, human dignity and provoke hatred, intolerance and violence; he/she shall not interrupt the speaker, speak without being called, or in any other way disturb the session. This basic rule of conduct is stated in the Rules of Procedure as well, in the part regarding the maintenance of

order at sessions of the Assembly, where it is established that the President of the Assembly is in charge of maintaining order at the session, and that the President of the Assembly may warn and deprive an MP of his/her right to speak for reason of violating the order at the Session.

b) So as not to harm his/her reputation and the dignity of the Assembly, the MP is obliged to respect the dress code and is obliged to follow the dress code at all public events as representative of the Assembly, both in the Assembly and outside of its premises, and during his/her everyday activities not related to the MP function.

2. Conflict of interests

Rules related to prevention of conflict of public and private interests are defined in the Code and in the Law on Prevention of Corruption and other laws that regulate relevant areas. However, certain dilemmas may arise in the performance of the MP function. This is particularly due to the professional performance of the MP function and the manner in which the incompatibility of the office of MP has been regulated in the Electoral Code and the Law on Members of Parliament. A question may be raised on whether, for example, an MP who is a doctor may perform medical activity or whether an MP who is a professor may lecture at universities and other issues related to professions of MPs. On these and similar issues and dilemmas, the MP may ask for an opinion by the State Commission for Prevention of Corruption or the Committee on Rules of Procedure, and Mandatory-Immunity Issues.

3. Ban of corruption

In the performance of his/her function, the MP is obliged to respect the rules related to the ban of corruption and to avoid any type of behaviour that may be qualified as corruptive or as deviation from the rules of the Code, in accordance with the domestic and international legislation.

Furthermore, the MP is obliged to avoid any type of behaviour that might in any way raise suspicion that he/she is abusing the function. For example:

- if the MP is accompanied by his/her spouse or a third person on an official trip, the travel and accommodation costs for this person shall be covered by the MP;
- the MP shall not influence employment or promotion procedures;
- the MP shall not influence procedures for awarding public procurement contracts.

4. Ban for receiving gifts

The rules that pertain to the ban for receiving gifts are included in the Code and refer to protocol gifts, and the MP is obliged to act in accordance with them. The ban for receiving gifts is established in the Law on Prevention of Corruption and Conflict of Interest, the Criminal Code, the Law on use and disposal of state-owned and municipality-owned items, and other laws related to MPs.

However, the reputation of the MP may also be brought into question if the MP receives a gift with very small monetary value (pens, book, and similar objects given on a particular occasion) or accepts hospitality (invitation for coffee or small lunch) even by people close to him. This is particularly the case if such occurrences are frequent regardless of the small monetary value. On the other hand, the MP needs to assess whether the constant rejection of such gifts will offend the person, which will also reflect badly on the MP.

In terms of this rule, a question may be asked about whether this ban refers to cases when the MP is invited on several occasions to a workshop, tribune or a seminar organised by scientific institutions, organisations or associations related to his profession. The organiser covers all costs and the MP is faced with the dilemma whether to accept invites that may be beneficial for his/her profession or to reject invites so as not to bring his/her integrity into disrepute.

5. Budgetary and financial discipline

An MP, while performing his/her function, shall respect the budgetary and financial discipline, with the aim of proper management of public funds and shall not undertake any actions for inappropriate spending of public funds. Respecting this rule means that the MP shall not abuse Assembly funds for personal purposes (high landline and business mobile phone bills, use of printer and paper for personal purposes, use of business lap-top for private purposes).

6. Regard for items used in the Assembly

The MP shall act with due care towards the items used in the Assembly and shall undertake measures to prevent their disappearance, loss or damage, whereas upon termination of his/her mandate, he/she shall return the assets to the relevant service of the Assembly. Respect of this rule implies that the MP shall act towards items given to him as a good host (not allow other people to use his business phone or lap-top, report defects in offices in the Assembly building in a timely manner etc.).

IV. In order to familiarize the MP with documents which are essential for work of the Assembly, at the beginning of the term of the Assembly, the MP shall be presented with the:

- Constitution of the Republic of North Macedonia,
- Rules of Procedure of the Assembly,
- Law on the Assembly of the Republic of Macedonia,
- Law on Members of Parliament,
- Law on Prevention of Corruption and Conflict of Interests,
- Law on Lobbying,
- Law on Prevention and Protection against Discrimination,
- Code of Ethics and other documents and templates that result from the Code,
- Guide for Members of Parliament, and

- other materials and notices required for establishing employment of the Member of Parliament in the Assembly.

At the start of the term, and during the term, the Assembly shall organise trainings for MPs, which provide basic information regarding procedures determined by the Rules of Procedure, rights and obligations of MPs, Code commitments and other issues of importance for MPs.

Trainings are organised by the Secretary General of the Assembly together with the Parliamentary Institute, and are realised by employees of the Assembly Staff. Representatives of institutions, organisations and experts may be invited to the trainings, who will contribute to introducing MPs to the functioning of the Assembly and their further work.

V. This Instruction shall be published on the website of the Assembly of the Republic of North Macedonia.

No _____

S k o p j e

DEPUTY CHAIR OF THE COMMITTEE ON
RULES OF PROCEDURE, AND
MANDATORY-IMMUNITY ISSUES

Snezhana Kaleska-Vancheva