



STABILITY PACT FOR
SOUTH EASTERN EUROPE

ANTI-CORRUPTION INITIATIVE
(SPA)



MEMORANDUM OF UNDERSTANDING

CONCERNING

COOPERATION IN FIGHTING CORRUPTION THROUGH
THE SOUTH EASTERN EUROPEAN ANTI-CORRUPTION INITIATIVE

Zagreb, April 13, 2007

The Governments of the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the Republic of Macedonia¹, the Republic of Montenegro, the Republic of Moldova, Romania, and the Republic of Serbia

Hereafter referred to as the „Parties”,

Reaffirming that regional cooperation is a prerequisite for promoting stability, security and social and economic development in South Eastern Europe, including through cross-border anti-corruption activities,

Recognizing that acquiring European Union membership will require increased national and regional efforts within the field of fighting corruption by all countries concerned,

Recalling the 2000 Compact and Action Plan of the Stability Pact Anti-corruption Initiative (SPAI), the 2002 London Declaration on fighting organized crime and corruption, the 2003 EU – Western Balkans Thessaloniki declaration, and the 2004 SEECP Joint JHA Declaration,

Recognizing the progress made by participating countries in implementing anti-corruption measures, agreed to in the 2005 SPAI Ministerial Declaration on 10 Joint Measures to Curb Corruption in South Eastern Europe,

Acknowledging that establishing the SPAI Regional Secretariat Liaison Office (SPAI RSLO) in October 2003 represents a concrete and visible demonstration of the commitment of the regional states to cooperate and coordinate their fight against corruption in South Eastern Europe,

¹ EU refers to this country as “the former Yugoslav Republic of Macedonia”

Recalling the Conclusions of the Regional Table and Working Table III Meetings held in 2006 in Belgrade and Bucharest, as well as the Decisions of the 10th SPAI Steering Group, Belgrade, May 30, 2006 related to the financing of the SPAI,

Have agreed as follows:

Article 1 – Governance of the SPAI

Parties agree to accept joint responsibility for the SPAI and to ensure the financial sustainability of the activities of SPAI RSLO.

The Regional Steering Group is the decision making body of the SPAI deciding on the annual program and budget, and meeting once a year and whenever necessary. The Regional Steering Group members may decide to invite partner countries and organisations as observers to their meetings.

Every year a Chair-in-Office for the SPAI will be appointed from the region by the Regional Steering Group. The first Chair-in-Office will be appointed as soon as possible following the entry into force of the present Memorandum. The Chair-in-office will chair the Regional Steering Group meetings, will ensure overall coordination and supervision of SPAI RSLO's activities on behalf of the Regional Steering Group and will report to the Regional Table meetings of the Stability Pact.

After the concluding of the Stability Pact and the establishment of the Regional Cooperation Council the Chair-in-Office will report to the meetings of the Council.

Parties reaffirm, in accordance with the 2005 SPAI Ministerial Declaration on 10 Joint Measures to Curb Corruption in South Eastern Europe, their commitment to support and consolidate the SPAI RSLO's capacity to act as the South Eastern European Anti-corruption Resource Centre and to serve as focal point for regional anti-corruption

cooperation through the facilitation of best practices and the dissemination of lessons learned.

Parties also reaffirm, in accordance with the 2005 SPAI Ministerial Declaration on 10 Joint Measures to Curb Corruption in South Eastern Europe, their commitment to strengthen the role of the Senior Representatives as national anti-corruption coordinators and focal points for international partners by means of providing them with political support and with adequate human and financial resources.

Article 2 – Financing the operational and programmatic budget of the SPAI

Parties agree to contribute annually, starting with 2007, a minimum amount of 24.000 Euro to the operational and programmatic budget of the SPAI, thereby also ensuring the financial sustainability of the SPAI RSLO.

The first financial contribution will be transferred to the SPAI RSLO bank account, mentioned below, as soon as possible within three months after signing this Memorandum of Understanding. Subsequently, annual financial contributions will be transferred within the first quarter of each year.

BENEFICIARY: SPAI RSLO 2

EUR ACCOUNT: 503022 136623

BENEFICIARY'S BANK: VOLKSBANK BH DD SARAJEVO

SWIFT Code: VBSABA22

IBAN CODE: BA39-140101007777737

INTERMEDIARY BANK: DEUTSCHE BANK

EUR ACCOUNT: 936 537 000

SWIFT Code: DEUTDEFF

SPAI RSLO will immediately notify the Parties of any changes with regard to the payment procedures.

Parties agree that in case contributions allocated for one fiscal year have not been entirely spent, the balance shall be automatically included in the SPAI RSLO budget for the following fiscal year, without prior official agreement.

In addition to the annual contributions by the Parties, SPAI will continue to seek donor support for specific programmatic activities within the SPAI program.

Art. 3 – Financial reports and audit

SPAI RSLO will provide the Regional Steering Group annually with reports describing programme implementation and all budgetary expenditures involved.

SPAI RSLO will commission, annually, an independent financial audit. The results and recommendations of the audit are to be presented to the Regional Steering Group for review, and to any other parties having made financial contributions to the SPAI budget.

Article 4 – Duration, termination and deposit of the Memorandum

This Memorandum of Understanding, approved by the Parties in accordance with their internal legal procedures, shall enter into force the first day following the month on which the last Party has notified to the Depositary the completion of the procedures necessary for that purpose.

If its internal legal requirements permit, any Party may apply this Memorandum of Understanding provisionally from the date of its signature. Provisional application under this paragraph shall be notified to the Depositary.

Republic of Croatia will serve as the Depositary State.

This Memorandum remains in force for three years and will be extended automatically for another three-year period unless agreed otherwise between the Parties.

Any Party may denounce this Memorandum by giving a written notification to the Depositary state. The Depositary state has the obligation to inform all Parties about the receipt of such notification, within 15 days. The denunciation shall take effect three months after the date of the receipt of the notification.

Any dispute between the Parties on interpretation or implementation of this Memorandum, including its validity or termination shall be settled by negotiation between the Parties.

Notwithstanding the termination of this Memorandum, its provisions shall continue to apply to the extent necessary to permit the completion of specific activities already undertaken pursuant to the Memorandum.

The original of this Memorandum in a single copy in the English language shall be deposited with Republic of Croatia, as depositary state, which shall transmit a certified copy to each party.

Signed on April 13, 2007 in Zagreb, Republic of Croatia

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Memorandum of Understanding.



Ilir Rusmali
Minister of Justice



Bariša Čolak
Minister of Justice



Georgi Petkanov
Minister of Justice



Ana Lovrin
Minister of Justice





Miraš Radović
Minister of Justice



Valentin Mejinschii
Director General of Center for
Combating Economic Crime
and Corruption



Ion Codeșcu
Secretary of State
Ministry of Justice



17 May 2010



Република Македонија
МИНИСТЕРСТВО ЗА ПРАВДА

Бр. 05-5769/3 16.10.2008

С К О П Ј Е

Почитувани,

Изјавувам дека Владата на Република Македонија се согласува со одредбите на Меморандумот за разбирање кој се однесува на соработката во борбата против корупцијата во рамки на Анти-корупциската иницијатива на државите на ЈИЕ (13.04.2007, Загреб)

Со ова писмо се смета дека Република Македонија станува држава потписничка на Меморандумот за разбирање кој се однесува на соработката во борбата против корупцијата во рамки на Анти-корупциската иницијатива на државите на ЈИЕ.

Но, изјавувам дека Република Македонија не ја прифаќа деноминацијата употребена за мојата земја во гореспоменатиот Меморандум, имајќи предвид дека уставно име на мојата земја е Република Македонија.

Ве молам, да ги примите изразите на моето највисоко почитување.



МИНИСТЕР ЗА ПРАВДА,
Михајло МАНЕВСКИ

Министерство за надворешни работи и
европска интеграција на Република Хрватска

Загреб



REPUBLIC OF MACEDONIA
MINISTRY OF JUSTICE

16.10.2008 No. 07-7760/3

SKOPJE

Courtesy translation

Hereby I declare that the Government of the Republic of Macedonia agrees with the provisions of the Memorandum of Understanding concerning cooperation in fighting corruption trough the South Eastern Anti – corruption Initiative (13.04.2007, Zagreb).

In this regard, it considered that with this letter the Republic of Macedonia becomes a signatory State of the Memorandum of Understanding concerning cooperation in fighting corruption trough the South Eastern Anti – corruption Initiative.

However, I declare that the Republic of Macedonia does not accept the denomination used for my country in the above mentioned Memorandum having in view that the constitutional name of my country is the Republic of Macedonia.

Please accept, the assurances of my highest consideration.

Minister of Justice,
Mihajlo Manevski

Ministry of Foreign Affairs and European
Integration of the Republic of Croatia

Zagreb